

# Agenda

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## ENVIRONMENTAL SERVICES COMMISSION MEETING

450 - 110th Avenue NE (City Hall)  
Conference Room 1E-113  
Thursday 6:30PM  
December 19, 2013  
Regular Meeting

	<u>Page No.</u>	<u>Action</u>
1. Call to Order – Brad Helland, Chair		
2. Oral Communications Note: Three-minute limit per person, maximum of three persons for each side of topic. Additional comments may be heard at Agenda Item 8.		
3. Approval of Agenda *	1	X
4. Approval of Minutes * • November 21, 2013 Regular Meeting Minutes	2 - 11	X
5. Reports & Summaries • ESC Calendar/Council Calendar * • Downtown Livability Project Briefing * • Transmittal of the Draft 2014 NPDES Annual Report #	12 – 15 16 – 19 20 – 27	
6. New Business		
7. Director's Office Report		
8. Continued Oral Communications		
9. Adjournment		

\* Materials included in packet

# Materials separate from packet

Wheelchair accessible. American Sign Language (ASL) interpretation available upon request by calling (425) 452-6466 (v) at least 48 hours in advance. Assistance for the hearing-impaired: Dial 711.

**CITY OF BELLEVUE  
ENVIRONMENTAL SERVICES COMMISSION  
MEETING MINUTES**

Thursday  
November 21, 2013  
6:30 p.m.

Conference Room 1E-113  
Bellevue City Hall  
Bellevue, Washington

**COMMISSIONERS PRESENT:** Chair Helland, Vice Chair Swenson; Commissioners Cowan, Howe, Mach, Morin, and Wang

**COMMISSIONERS ABSENT:**

**OTHERS PRESENT:** Lucy Liu, Pam Maloney, Susan Fife-Ferris, Councilmember John Stokes, Elaine Borgeson, Doug Lane

**MINUTES TAKER:** Laurie Hugdahl

**1. CALL TO ORDER:**

The meeting was called to order by Vice Chair Swenson at 6:30 p.m.

**2. WELCOME NEW COMMISSIONER – ANNE HOWE**

Vice Chair Swenson welcomed Anne Howe as the newest member of the Environmental Services Commission. Councilmember Stokes also welcomed Ms. Howe. He commented that Ms. Howe is an engineer who works in Mercer Island and who was involved in their lake line replacement project. Chair Helland said he was looking forward to working with Ms. Howe.

**3. ORAL COMMUNICATIONS - None**

**4. APPROVAL OF AGENDA**

**Motion made by Commissioner Wang, seconded by Commissioner Mach, to approve the agenda. Motion passed unanimously (4-0).**

**5. APPROVAL OF MINUTES**

October 17, 2013 Regular Meeting Minutes

Commissioner Wang commented that it would be good to identify the position titles of staff people in the minutes.

**Motion made by Commissioner Mach, seconded by Councilmember Wang, to approve the minutes. Motion passed unanimously (4-0).**

## 6. FOLLOW-UP QUESTIONS/ANSWERS

Communications and Environmental Outreach Manager Susan Fife-Ferris commented that one of the questions raised by the ESC at the last meeting was about the requirement to paint trucks or vehicles a consistent color/design. With respect to the new contract, she included the specific requirements in the packet along with a longer response to the question including what kind of damages might be assessed if the contractor didn't comply. Councilmember Wang thanked Ms. Fife-Ferris for doing such a thorough job with the follow up.<sup>1</sup>

Ms. Fife Ferris then commented that the other question was about the requirement to have new vehicles on the road. She explained that there were two options that the contractor could take. One would be new vehicles; the other was an average age with compliance to the 2014 Federal Clean Air Standards. Those provisions were also included in the packet.

## 7. REPORTS AND SUMMARIES

- ESC Calendar/Council Calendar

Lucy Liu, Asst. Director for Resource Management and Customer Service Division, reviewed the ESC calendar for December, January, and February.

Chair Helland noted that several of the commissioners had attended a joint board commission meeting where several environmental issues were discussed. He wondered what the next steps following that meeting would be. Ms. Maloney, Water Resources Planning Manager, summarized for the ESC members who did not attend that the joint board commission meeting was held on Tuesday night. Four of the seven ESC members attended; there were 13 attendees overall from all the various boards and commissions. The purpose was to take input on some environmental issues that are being championed under the City Manager's Environmental Stewardship Initiative such as tree canopy and greenhouse gases. Staff will be using the information gained from the meeting as guidance for preparing draft policy language. There will be another cross-board and commission forum sometime in January or February on cultural diversity and housing issues.

Commissioner Wang commented that the way the questions were worded at the meeting did not provide an opportunity to truly offer any comments or discussion. Vice Chair Swenson agreed that there was more opportunity for comments at the first joint board session than at this one. Commissioner Wang acknowledged that from a time perspective using the 'clickers' to vote this was a very efficient way to do it. Vice Chair Swenson said he would be curious in seeing a summary of the notes and votes on the different items. Chair Helland commented that stream corridors and waste management were

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<sup>1</sup> Commissioner Morin and Chair Brad Helland arrived at 6:35 p.m.

the two issues most closely aligned with the ESC responsibilities, and he would like the ESC to have more opportunity for policy guidance for those. He liked the method of voting, but agreed that the questions were designed to have limited answers. Ms. Maloney stated that a written summary report would be provided to the Commission. Commissioner Mach said he didn't recall seeing results from the last time the boards and commissions met jointly. Chair Helland commented that there might be information of interest to this commission from the Downtown Livability Committee. Ms. Maloney commented she could request a staff briefing to the Commission about Downtown Livability project, possibly in December.

#### Council Calendar:

Chair Helland asked about the Department of Ecology (DOE) grant reimbursement item on the December agenda. Elaine Borgeson, Solid Waste Program Administrator, explained that it is a Coordinated Prevention Grant that the City has gotten every year for the last 20 years or so. The grant covers pollution prevention, hazardous waste reduction, and waste reduction. The City manages the projects for the grants and is reimbursed quarterly by the DOE. She reviewed the projects that are currently being funded by this grant such as reducing Styrofoam trays in schools, used oil recycling/household hazardous waste reduction, and two other school projects.

- Wastewater System Plan Discussion

Doug Lane, Water and Wastewater Systems Senior Engineer, followed up on the Wastewater System Plan. At the last meeting, an Executive Summary was presented along with hard copies for the ESC's review. Mr. Lane then solicited comments from the ESC.

Commissioner Wang asked about the cities included in the service area. He recommended that the first sentence be revised to state that that it serves the City of Bellevue *and a portion of* the City of Issaquah.

Mr. Lane reviewed the current status of the Plan. Staff anticipates that all comments will be received by the end of the year. SEPA review is also out for public comment right now. Notices have been sent out to neighborhood organizations and a press release was done. An open house was held tonight.

Vice Chair Swenson asked if the other communities have been involved in the review process. Mr. Lane confirmed that neighboring communities have been invited to review the Plan. He added that Redmond has been involved in negotiating a new interlocal agreement for years. Staff met with Kirkland last week to discuss modifying some of their interlocal agreements. The City of Kirkland has been very responsive in providing comments. In general, the neighboring jurisdictions have always been very involved.

Commissioner Wang referred to page 7 of the Executive Summary and pointed out that the graph shows that single family population is essentially flat. He asked how that could be true. Mr. Lane explained that the data came straight from the Puget Sound Regional Council and Bellevue's Planning Department. Mr. Lane explained that the main drivers for the population growth are downtown and the Bel-Red corridor, so it's mostly new, multifamily units coming up. The single-family residential neighborhoods are fairly built out. Commissioner Wang referred to Belvedere which contains several hundred new units. Ms. Maloney explained that over 90% of new housing will be coming from multi-family development. Commissioner Wang countered that he sees many new houses every day. He does not think it's accurate to show the growth as flat for single family. Ms. Maloney noted that there are a few hundred new single-family housing units, but there are tens of thousands of new multi-family residences.

Vice Chair Swenson discussed the difference between the number of single-family units and the number of people in those buildings. The average number of people in the household is going down. So even if there are more units, it doesn't necessarily mean the population is going up. Ms. Maloney noted that the Planning and Community Development Department also indicates that larger families will be moving into multi-family housing than has historically happened. Councilmember Stokes commented that the biggest growth is expected to occur in multifamily in the downtown and in urban corridors. Mr. Lane also confirmed Planning and Community Development Department data indicates that the typical single family household size (people per house) has declined while multi-family household size has increased.

Chair Helland referred to the summary budget and graph related to the lake line valuation and replacement on page 6 of the Executive Summary and asked about the sharp peaks. Mr. Lane replied that the lake line peak in the early 2020's is related to the AC asbestos cement lake lines. The peak around 2030 is related to the cast iron lines in Lake Washington. Since that graph was developed staff has learned that the cast iron pipes are actually a little better than expected so the second peak will be pushed out 10 or 15 years. The other peak a little further out in 2060-70 is the newer ductile iron pipes, mostly in Lake Sammamish. The peaks represent the assumptions of when these pipes will need to be replaced and will continue to be refined. Chair Helland asked how staff predicted when the ductile iron pipes would need to be replaced then. Mr. Lane explained that it was done by using industry assumptions, including the fact that those are fairly new pipes.

Chair Helland asked how long it would take to do the I&I work. Mr. Lane explained that the I&I investigations are done to try to avoid the capital expenditures and will be proposed in the next biennial budget update as a new budget proposal. The timing of the work has not been decided yet.

Commissioner Mach referred to page 21 of the packet and recommended clarifying the language regarding adding a new asset class for AC force mains. Mr. Lane agreed that it should be re-worded to indicate a new CIP Program, not a new “asset management program”.

Mr. Lane explained the anticipated schedule from this point on. Staff hopes to receive comments from stakeholders by the end of the year and will come back with a final draft plan for the ESC to consider sometime early next year.

- 2013 Solid Waste Contract Performance Review

Solid Waste Program Administrator Elaine Borgeson explained that the City currently contracts with Republic Services for solid waste collection. The current contract runs June 2004 through June 2014. The Annual Performance Review has two parts, which include an audit and a survey. A compliance audit was done by Bell and Associates in August 2013. The Customer Satisfaction Survey was conducted by Elway Research, Inc. in September 2013. The review period is for the previous 12 months. The audit found the contractor out of compliance with two requirements. Customer satisfaction is generally very high in the commercial survey. Customer satisfaction fell significantly in the single-family survey.

The contract compliance audit reviewed compliance with 37 contract requirements. The audit included on-site visits, interviews, and review of records. The contractor was out of compliance with two requirements. The switchable placards that indicate the service the vehicle is providing was missing from 26 out of 40 trucks. The switchable nameplates with the driver's name visible were missing from the same 26 trucks. Republic Services was out of compliance with the same two requirements in 2012, but notified the City in January 2013 that the deficiencies had been corrected.

Staff followed up with the contractor after the report was received. The contractor indicated they had initiated a new process where the drivers were using magnetic signs and it was the driver's responsibility to put the sign on the door at the beginning of the shift and remove it at the end of the shift. Staff did field observations for a month between October and November. Out of the 13 vehicles observed there was only one in compliance with the requirement. Republic's final response was that they are in the process of installing permanent vinyl letters on the trucks that list the material the truck is collecting along with the driver's name. The letters will be large enough to be visible from 30 feet away. The magnetic signs will only be used on temporary vehicles.

There were two customer satisfaction surveys performed. One was done on 400 single-family residential customers, and a second survey was done on 200 multifamily and commercial customers. The same specific questions are asked

each year to allow year-to-year comparison, but the City modified its approach in 2013. This was done at the suggestion of the consultant in an attempt to eliminate order bias by reading choice options in reverse order to half the sample. This was also the first year in which 32% of the single-family respondents were reached via their cell phones. The cell phone respondents resulted in a younger and less affluent sample pool. Staff was surprised to find that the single-family customer satisfaction levels fell quite a bit. This was the first year that satisfaction rate fell below the acceptable threshold to 70%. Ms. Borgeson reviewed responses by question discussing overall trends.

Staff found that the decrease in satisfaction had a lot to do with the order in which the responses were read which was a change in methodology from the previous years to be consistent with industry practice. Ms. Borgeson explained that staff will have a truer sense of what is really going on in the next survey.

Vice Chair Swenson asked if there was a substantial difference in the way the cell phone respondents replied. Ms. Borgeson said it was similar with the land line versus the cell phone respondents. The main difference was the order in which the responses were read.

Chair Helland asked how the compliance threshold levels were selected. Susan Fife-Ferris, Communications and Environmental Outreach Manager, explained that the metrics were developed in 2003 when the contract was adopted. Chair Helland suggested that the City needs to look at the methodology in the future. Ms. Fife-Ferris commented that it is important that the City follows industry standards for a survey regarding the way the questions are asked. Staff learned that industry standards were not being followed in previous years. This is the first year that this has been done. Ms. Fife-Ferris commented that staff plans to look at the methodology afresh with the new contract anyway. Vice Chair Swenson commented that he found it hard to imagine the service would have dropped off that much in just a year. It appeared to him that the decrease in satisfaction ratings had to do more with the order of the responses.

Councilmember Stokes commented that it would be interesting to compare methods with other cities to see if this anomaly has occurred in other places. It might be beneficial to take this up as a policy issue for surveys with Council. If surveys are a valuable tool the City needs to make sure that the information provided by them is meaningful. Chair Helland suggested that the ESC look at the performance metrics for the new solid waste contract. Ms. Fife-Ferris stated that staff was happy to come back and share with the ESC what those metrics are. She acknowledged that this is not a static situation; it's an evolving process, and the survey is just one tool to measure performance. Chair Helland asked, for example, if there is a metric for keeping track of the number of misses. Ms. Fife-Ferris said there is one in the new contract. Ms. Liu suggested staff could work with the ESC with the new contract to see how

the survey could be improved. Additionally, under the new contract staff will be taking a more proactive approach for long-term compliance. The vendor will be proactively communicating with the City on performance metrics such as missed pickups and average time to answer phone calls. She thinks the City will get better information that way. Under the new contract there is flexibility for staff to work with the vendor to modify the metrics where it makes sense in order to provide meaningful information.

Commissioner Wang asked if the timing of the survey is the same every year. Ms. Borgeson replied that the survey has been done in September the majority of the years, but last year it was done in December. Commissioner Wang wondered if that could have been a factor. Ms. Fife-Ferris offered to bring Mr. Elway in to discuss the survey in order to get some guidance from the ESC.

Commissioner Wang asked Councilmember Stokes if the Council would have made the same decision with the contract with these satisfaction survey results. Councilmember Stokes was confident the decision would be the same. He commented that these results need to be seen as an anomaly at this point. He agreed that it is important to look at the implications of surveys overall.

Commissioner Morin said he was curious if the City is tied to Elway. He also wondered about doing an online survey. Ms. Fife-Ferris commented that Elway is very well-respected in this area. She noted that there is no perfect survey, and online surveys have their own issues. She offered to bring Stuart Elway in to discuss methods. The new contract will provide an opportunity to look at methods and trends.

Commissioner Howe commented on her experience in responding to phone surveys. She commented that the validity of what people share in phone surveys may not be as relevant as the City thinks it is. She suggested looking at several different ways of gathering information. Ms. Fife-Ferris acknowledged that there are different ways to gather information and different validity to different methods.

Councilmember Stokes commented that this could be a topic for the Council to address on a citywide basis. Ms. Liu said staff would come back in early 2014 to work with the commission to develop a more meaningful survey for the future.

Ms. Borgeson continued to explain the results from the multifamily and commercial survey results. There was a 95% satisfaction rate, but she noted that there was not a reversal of responses with this group. There was a constantly strong overall satisfaction level. All of trends were stable or rising for multifamily/commercial service.

Vice Chair Swenson suggested reverting back to the old system in order to be able to compare. Councilmember Stokes thought that new system of working with the contractor along the way will be an improvement.

Ms. Borgeson explained that the contractor was notified of the results in order to develop and implement an action plan with scheduled milestones to raise the score above the compliance threshold. The failure of the contractor to score a minimum customer satisfaction level during the next survey will result in liquidated damages of \$50,000 as set forth in the contract. The contractor responded by requesting the raw data, which was provided for a third-party analyst to review. Once that is complete, the contractor will develop and provide an action plan to improve customer satisfaction target levels after review of the detailed data. In the meantime, the contractor hired two new customer service representatives in the month of October. The surveys and the audits will be performed again in the spring of 2014. The results of the surveys and audits will be provided every year to both the ESC and Council.

Commissioner Morin referred to number 29 on Attachment 1 and asked what the monitoring program would look like. Ms. Liu explained that this refers to the fact that the contractor is also monitoring their performance themselves. As an example, Ms. Fife-Ferris noted that when a customer service rep is called there is often a follow-up question regarding satisfaction about customer service.

Councilmember Stokes commented on the selection process for the solid waste contract. He explained that there was misinformation as to the way the contract was to be done. It was a request for a proposal, not a bid. He emphasized that it was always clear that the final decision making on the contract would be done by the Council even though the Council also worked with staff to get recommendations and advice. He stated that the price was important, but it was never the sole deciding criteria. The qualitative criteria were discussed at length, but it was very subjective. When it came down to it, the Council felt a responsibility to provide good service to the citizens at a reasonable rate. Even though it was a bump up in rates it still was a very good contract for the rate payers. He noted that both companies were very good, but one was established and has a long history of engagement with the City. There were some questions of capacity with a new company. Overall, the Council felt the City would be best served by Republic.

Chair Helland requested that comments about this issue be framed in terms of process improvement suggestions. He suggested that there might be some input from the ESC that could be useful in the future. Councilmember Stokes concurred. He stated that it was unfortunate that there was a misunderstanding about the ESC's role in this process. He said he would be open to asking for advice from the commission since they are set up to be an advisory

commission. He summarized that the Council made a unanimous decision and was very comfortable with their decision.

Commissioner Mach commented that typically you don't see a unanimous vote opposite from staff recommendation. He thought that it was very odd. If the Council had a different opinion of the valuation criteria, it should be discussed early on so that all competing contractors have the same opportunity to address those areas and understand how to submit their proposal. He stated that the City should be very fair to anyone looking at a city contract, and not eliminate a candidate just because that contractor hasn't worked for the City. He wants to see something that is fair to all contractors.

Councilmember Stokes did not think the process was unfair. He explained that there are legal constraints as to what the Council can say or do. He commented that the Council did not have direct contact and involvement with the providers, but that could have been useful. He explained that this is always a difficult situation. Staff made it very clear to the Council that both contractors could perform the contract well. He pointed out that if the decision was made on the price and the scoring alone, then Council really wouldn't have had a role. When it came down to it, the Council had the ultimate responsibility to choose who would provide the best service for Bellevue which is what happened. He emphasized that the vote was unanimous.

Vice Chair Swenson clarified that the Council didn't go against what staff recommended because staff said that both candidates were qualified. Councilmember Stokes concurred.

Ms. Liu stated that the RFP evaluations criteria was set up with 80% of the weight based on price and 20% was comprised of the qualitative elements. Staff tried hard to spell out the qualitative factors to provide the applicants with a sense of what the City was looking for. The RFP never split out the valuation of those elements. When it came time for staff to provide a scoring recommendation staff struggled with how to divvy up and weigh those qualitative factors. The team did the best they could from their perspective. When Council looked at the 20% they had to decide if they agreed with staff's weighting of those same qualitative elements. That's where the difference in scoring came from.

Vice Chair Swenson commented that the Council, as the elected representatives of the people, has the responsibility to make its own decision. Councilmember Stokes concurred.

Commissioner Morin suggested attaching some sort of weight to the qualitative aspects in the future. Councilmember Stokes was not sure. He commented that Council has limitations with regard to legal considerations in

what can be discussed in these situations. He noted that the Council and staff would look at this for the future to see if there is a better way to do it.

Chair Helland commented that if the scoring mechanics are not spelled out ahead of time it tends to be more subjective. Regardless of how the scoring mechanics goes, he stated that the decision makers need to have involvement in the interview process. Another item that might be helpful is to have the proposal items be spelled out in terms of cost. Ms. Fife-Ferris pointed out that that was included as part of the process. Councilmember Stokes commended staff for their work to get the contract in place.

Commissioner Howe asked how long the contract was. Ms. Liu explained that it was a seven year contract with an option for a seven-year extension. Ms. Fife-Ferris explained that the reason the contract was done as a 7/7 was because the Council opted not to sign on to an extension of the Interlocal Agreement with King County which ends in 2028. At some point Bellevue will have to decide how to handle its waste outside the King County system. That will involve significant work by the ESC in advising staff and the Council on options.

Councilmember Stokes commented that this is a big topic that the ESC will be involved with. He recommended that options regarding transfer stations and related topics be brought to the ESC over the next year.

Ms. Liu noted that per the Commission's current charter, regional issues are not within the Commission's purview unless specifically assigned to the Commission by the City Council.

**8. NEW BUSINESS - None**

**9. DIRECTOR'S OFFICE REPORT**

Ms. Liu reported that staff is still in the process of searching for a new Deputy Director. Paul Bucich will be staffing the next meeting if there is not a new Deputy Director.

**10. CONTINUED ORAL COMMUNICATIONS**

**11. ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

# 2013 -2014

## Tentative Environmental Services Commission Calendar

December 13						
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### December

- 19** Downtown Livability Project Briefing (Emil King PCD)  
Draft NPDES 2014 Stormwater Mgmt. Program Plan (Paul/Phyllis)

June 14						
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### January

- 16** Phantom/Larsen Lake Drainage Update (Paul)  
Public Meeting 2014 NPDES Stormwater Mgmt. Program Plan (Paul/Phyllis)  
Waste Water System Plan - ESC Recommendation to Council for Adoption of Draft Plan (Pam/Doug)

July 14						
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### February

- 20** Discussion & Recommendation 2014 NPDES Stormwater Mgmt. Program Plan (Paul/Phyllis)

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**Pending – ESC:**

Status Reports on the following issue will be made when there are significant development:

- Water Rate Design (Lucy)
- Water System Plan Update – Introduce Policies (Pam/Doug)

**Katie/2013 Calendars/Pending ESC Calendar**

**Updated 10/29/13**

# 2014

## Tentative Council Calendar

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### January

**6** Consent: Motion to Award AutoCAD to GIS Migration Contract (Margaret)

**21** Consent: Res author exec of Prof Svcs Agmt with RH2 for PRV improve 2014 (Paul)

Consent: Resol author Prof Svcs Agmt for Horizon View No 3 Wtr PS Rehab (Paul)

June 14						
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Key:

Agenda item description – **Consent:** Waste Reduction & Recycling Grant  
**Assistant Director's Name or designated staff** that will  
be available to attend Mayor's meeting  
**Staff Name** – material content expert

**2013 Pending Council**

Bellevue/Redmond Consolidation of Sewer Agreements  
Prof Svcs Agrmt Wagner Architects for Eastgate Yard Maintenance (Regan)

Katie/2013Calendars/Pending Council Calendar

Updated 11/25/13

# Downtown Livability

**Date:** December 9, 2013

**To:** Chair Helland and members of the Bellevue Environmental Services Commission

**From:** Emil King AICP, Strategic Planning Manager (425-452-7223, [eaking@bellevuewa.gov](mailto:eaking@bellevuewa.gov))  
Department of Planning and Community Development

**Subject:** Update on Downtown Livability Initiative

The Downtown Livability Initiative is a targeted review of specific regulations that guide development and land use activity in Downtown Bellevue. The stated objectives of this project are to: achieve the vision for Downtown as a vibrant, mixed-use center; enhance the pedestrian environment; improve the area as a residential setting; enhance the identity and character of Downtown neighborhoods; and incorporate elements from the Downtown Transportation Plan Update and East Link design work.

Downtown Bellevue is important to the entire City. It is where a majority of our planned growth is expected to occur from a residential and jobs standpoint. It is where we have a growing number of restaurants, retail uses, and others attractions that add to the quality of life for Bellevue residents. Downtown Bellevue is also a major component of our tax base; and helps contribute to the services we have throughout the City.

In recent years, Downtown Bellevue has seen significant growth in new jobs and housing. There are currently 43,300 jobs in Downtown with a projected 70,300 jobs by 2030. From a residential standpoint, Downtown is by-far the City fastest growing neighborhood and now has over 10,500 residents (up from 2,588 in 2000) and is projected to reach 19,000 by 2030.

On December 19, City staff would like to take the opportunity to update the Environmental Services Commission on the progress of the Downtown Livability Initiative that is currently underway. The work is being guided by a Council-appointed Advisory Committee that includes representation from all City boards/commissions and other community stakeholder groups. The Committee is co-chaired by Aaron Laing (Planning Commission) and Ernie Simas (Transportation Commission). Committee meetings are held monthly and are open to the public, with packet materials posted ahead of time on the project web site ([www.bellevuewa.gov/downtown-livability.htm](http://www.bellevuewa.gov/downtown-livability.htm)).

The Advisory Committee and staff are working from the Project Scope and Principles adopted by Council in early 2013 (see attachment). The scope focuses on key elements of the Downtown Land Use Code (such as building height and form, public open space, design guidelines, and the density incentive system), which have guided Downtown development since its adoption in 1981. Many of the elements are out-of-date or otherwise warrant revisiting at this time.

The Advisory Committee began their orientation to the project in May 2013 and are currently finishing their review of the existing Land Use Code. A series of "Code Audits" are being used to describe existing Code provisions, relevant Comprehensive Plan policies, implementation results on the ground, observations about what's working well, and where there is room for improvement or new opportunities. This is an important foundational piece to help ensure that we maintain Code elements

that are working well, and focus changes on areas needing improvement and new opportunities that did not exist decades ago when the Code was adopted.

The Downtown Livability Initiative is now approaching the “Alternatives Development” phase (planned to occur in early 2014). Future steps include detailed staff and consultant analysis and public comment on the range of alternatives, alternatives refinement and Committee recommendations, and ultimately Planning Commission review and City Council consideration during the adoption process.

Public engagement is a key part of the Downtown Livability project, and we are using a range of approaches to inform and involve interests from Downtown and throughout the City. This includes getting the word out through the City’s Web site, Neighborhood News, It’s Your City, Bellevue Reporter, Bellevue Patch, and the project’s own interested parties list which now numbers over 575 parties. We have engaged in dialogue through Downtown walking tours, meetings with business groups and resident groups, one-on-one meetings, and two series of focus groups—one at the beginning of the process and a second round following production of the Code Audits.

Additional open houses, focus groups, meetings, and other events will occur as the project proceeds. Our goal is to have a broadly inclusive public process, providing meaningful opportunities for the full spectrum of stakeholders and interested members of the public – from Downtown and throughout the City – to be involved throughout the project.

Staff will provide a short presentation to the Environmental Services Commission on December 19 and be available to answer questions and collect any other feedback at that time.

# Downtown Livability

## Scope and Council Principles

Approved January 22, 2013

The over-arching purpose of this Initiative is to **advance implementation of the Downtown Subarea Plan**, in particular the Plan's central theme of making Downtown more **Viable, Livable, and Memorable**. The project will be guided by the existing vision set forth in the Downtown Subarea Plan, and work to more effectively implement the Plan. The focus is on the specific elements of the Land Use Code and related codes as laid out in the Project Scope approved by Council in September 2012, which includes strong coordination with the companion Downtown Transportation Plan update occurring in this same timeframe. However, if other related issues arise, the Council desires to hear about these and have the opportunity to refer them to this or another venue, such as the Major Comprehensive Plan Update.

### The Project Scope includes the following:

- Amenity incentive system
- Building form and height
- Design guidelines
- NE 6th Street Pedestrian Corridor
- Light rail interface
- Downtown parking
- Vision for Downtown OLB district
- Downtown signage
- Sidewalk widths and landscaping
- Vacant sites and buildings
- Mechanical equipment screening
- Recycling and solid waste
- Vendor carts
- Range of permitted uses
- Green, energy efficient, and sustainable development forms
- The Land Use Code interface with the mobility work underway through the Downtown Transportation Plan

This is the most extensive Code update since the adoption of the original Downtown Land Use Code in 1981. In the intervening decades, Downtown Bellevue has evolved dramatically, from a bedroom suburb to a dynamic regional employment center, as well as the City's fastest growing residential neighborhood. This project should place particular emphasis on the following changes that have led to and accompanied Downtown's evolution.

### Change

### Principle

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|---|---|
| • After several development cycles since the original Code adoption, it has become increasingly clear what is working and not working with development incentives.  | <b>1. Refine the incentive system to develop the appropriate balance between private return on investment and public benefit.</b>   |
| • Downtown Bellevue has experienced a massive influx of new residents. This has helped create long hoped-for urban qualities, but also led to increased frictions that occur in a dense, mixed use environment. | <b>2. Promote elements that make Downtown a great urban environment while also softening undesirable side effects on Downtown residents.</b>  |
| • Downtown has seen a significant increase in pedestrians and street-level activity.  | <b>3. Increase Downtown's liveliness, street presence, and the overall quality of the pedestrian environment.</b>   |
| • Through new development, Downtown has an opportunity to create more memorable places, as well as a distinctive skyline.   | <b>4. Promote a distinctive and memorable skyline that sets Downtown apart from other cities, and likewise create more memorable streets, public spaces, and opportunities for activities and events.</b> |

Continued on back

## Change

## Principle

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|--|--|
| <ul style="list-style-type: none"> <li>● Environmental rules and strategies have evolved over the past decades since the Downtown Code was adopted.</li> </ul>   | <ul style="list-style-type: none"> <li><b>5. Encourage sustainability and green building innovation in Downtown development. Enable design that promotes water, resource, and energy conservation, and that advances ecological function and integrity.</b></li> </ul>                       |
| <ul style="list-style-type: none"> <li>● Downtown is attracting a younger and more diverse demographic mix, of workers, visitors, and residents.</li> </ul>  | <ul style="list-style-type: none"> <li><b>6. Respond to Downtown’s changing demographics by meeting the needs of a wide range of ages and backgrounds for an enlivening, safe and supportive environment.</b></li> </ul>   |
| <ul style="list-style-type: none"> <li>● As Downtown has become a more mature urban center, it is experiencing an increase in visitors and more interest in tourism.</li> </ul>  | <ul style="list-style-type: none"> <li><b>7. Promote elements that will create a great visitor experience and a more vital tourism sector for Downtown.</b></li> </ul>   |
| <ul style="list-style-type: none"> <li>● We live in an increasingly global economy, with flows of goods and services, capital and people transcending state and national boundaries.</li> </ul>  | <ul style="list-style-type: none"> <li><b>8. Strengthen Downtown’s competitive position in the global and regional economy, while reinforcing local roots and local approaches.</b></li> </ul>   |
| <ul style="list-style-type: none"> <li>● Downtown’s relationship with adjacent residential neighborhoods has evolved. It remains important to achieve a transition in building form and intensity between Downtown and adjacent residents, but nearby neighborhoods are also seeking the attractions that the city center brings.</li> </ul> | <ul style="list-style-type: none"> <li><b>9. Maintain graceful transitions with adjoining residential neighborhoods, while integrating these neighborhoods through linkages to Downtown attractions.</b></li> </ul>  |
| <ul style="list-style-type: none"> <li>● The development arena is becoming increasingly competitive, as Downtown continues to seek quality investments that implement the Subarea Plan vision.</li> </ul>  | <ul style="list-style-type: none"> <li><b>10. Refine the Code to provide a good balance between predictability and flexibility, in the continuing effort to attract high quality development that is economically feasible and enhances value for all users.</b></li> </ul>                  |
| <ul style="list-style-type: none"> <li>● As Downtown has matured and filled in, opportunities for quality development are becoming limited, and expectations have grown as to how each development contributes to the greater whole.</li> </ul>  | <ul style="list-style-type: none"> <li><b>11. Promote through each development an environment that is aesthetically beautiful and of high quality in design, form and materials; and that reinforces the identity and sense of place for Downtown and for distinct districts.</b></li> </ul> |
| <ul style="list-style-type: none"> <li>● Bellevue’s park and open space system has dramatically evolved, for example with acquisition and planning for Meydenbauer Bay Park, development of the Downtown Park, and the nearby Botanical Garden on Wilburton Hill.</li> </ul>   | <ul style="list-style-type: none"> <li><b>12. Advance the theme of “City in a Park” for Downtown, creating more green features, public open space, trees and landscaping; and promoting connections to the rest of the park and open space system.</b></li> </ul>                            |

\_\_\_ Action  
X Information  
\_\_\_ Discussion

Date: December 19, 2013  
To: Environmental Services Commission  
From: Phyllis Varner, NPDES Permit Manager, Utilities  
Paul Bucich, Engineering Assistant Director, Utilities

**Subject: Transmittal of Draft 2014 NPDES Annual Report and Public Review Schedule**

Transmittal

Bellevue's draft 2014 NPDES<sup>1</sup> Annual Report will be provided to you in your desk packet at this meeting. The NPDES Western Washington Phase II Municipal Stormwater Permit requires permittees to submit a report to the state Department of Ecology by March 31 of each year of the permit term. The NPDES Annual Report generally consists of a Compliance Report, which documents the City's Permit compliance activities for the preceding calendar year, and a Stormwater Management Program (SWMP) Plan, which summarizes the actions to be implemented by the City in the coming year to assure continued compliance with the Permit.

Ecology is not requiring permittees to submit a (2013) Compliance Report with the 2014 Annual Report because 2013 was a transition year between the first and second Phase II permits. Therefore, the report contains only the 23-page 2014 SWMP Plan. Copies of the report are available to the general public on the City website at: <http://www.bellevuewa.gov/stormwater-runoff-management.htm>.

A copy of a briefing provided to City Council on the new NPDES Permit is attached to this transmittal for background information.

Public Review Schedule

The public review schedule for the draft 2014 NPDES Annual Report is:

January 16	ESC	Presentation, public meeting, and discussion of the Report
February 20	ESC	Commission takes action by transmitting to City Council the public meeting comments, if any, and Commission comments and recommendation for submittal of the Report to Ecology.
Early March	City Council	Council will review the 2014 NPDES Annual Report and the Commission's transmittal and recommendation and be asked to pass a resolution authorizing the City Manager to sign and submit the report by the March 31, 2014 permit deadline.

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<sup>1</sup> NPDES = National Pollutant Discharge Elimination System

## CITY COUNCIL STUDY SESSION ITEM

### SUBJECT

New NPDES Western Washington Phase II Municipal Stormwater Permit  
(NPDES = National Pollutant Discharge Elimination System)

### STAFF CONTACT

Nav Ota, Director, 452-2041  
Paul Bucich, SSW Technical and Policy Advisor, 452-4596  
Phyllis Varner, NPDES Permit Manager, 452-7683  
*Utilities Department*

Chris Salomone, Director, 452-6191  
*Planning and Community Development Department*

Mike Brennan, Director, 425-4113  
*Development Services Department*

### POLICY ISSUES

The Washington State Department of Ecology (Ecology) issued a new National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit, effective August 1, 2013. Bellevue, along with over 80 other Western Washington municipalities, is required to comply with the new 5-year (2013-2018) Permit conditions. Provisions of the new permit will require Bellevue to modify existing regulations and practices.

### DIRECTION NEEDED FROM COUNCIL

Action  
 Discussion  
 Information

This briefing provides information on the new Permit. No action is required of Council.

### BACKGROUND/ANALYSIS

#### Overview and Background

The National Pollutant Discharge Elimination System (NPDES) municipal stormwater permits are federal Clean Water Act permits. The goal of the federal Clean Water Act (CWA) is to protect water quality and restore waters of the nation for "fishable, swimmable" uses. The permit requirements are intended to reduce pollutants discharged from municipal storm drainage systems to help achieve this goal.

NPDES Permit requirements are phased in over the 5-year permit term and apply to functions across municipal organizations. Within Bellevue government, departments take the lead for implementing

permit conditions that apply to their programs and, for permit conditions which apply to multiple department functions, a lead department will manage implementation of the condition through cross-departmental coordination or teams. Overall permit management is provided by the Utilities Department with oversight from a citywide Steering Committee reporting to the City Manager's Office. Enforcement provisions for the CWA permit include fines, imprisonment and 3<sup>rd</sup> party lawsuits.

Attachment 1 contains further background information on the NPDES permit.

### **Permit Status**

In August 2012, Ecology:

- Extended the existing (2007-2012) Permit to July 31, 2013 with no new permit conditions;
- Issued a new 5-year Permit (2013-2018) effective August 1, 2013; and
- Issued a new 2012 Ecology Stormwater Manual containing significantly revised low impact development (LID) stormwater facility requirements (e.g., rain gardens, bioretention facilities, pervious pavement) for new development and redevelopment projects.

Although a Coalition of Phase II municipalities (including Bellevue) appealed certain conditions in the new Permit, there is no stay on permit conditions. For 2013, Bellevue has continued implementation of the remainder of the one year Permit conditions and began processes to implement the new 2013-2018 NPDES Permit conditions by the permit-specified deadlines. There are no new Permit conditions for 2013. Bellevue remains in compliance with current Permit requirements as documented in the March 2013 submittal of the 6<sup>th</sup> NPDES Annual Report to Ecology.

### **New 2013-2018 Permit**

The new permit, effective August 1, 2013, retains the first permit's Stormwater Management Program structure and phased implementation approach. It continues and builds upon the first permit's Program requirements by:

1. Increasing permit requirements for the illicit discharge detection and elimination (IDDE) and municipal storm drainage system operation and maintenance (O&M) programs. Specifically, the:
  - Old Permit required field assessing storm drainage outfalls in three waterbodies for illicit discharges per a prescribed methodology, then tracking pollutants back to the source and taking steps with property owners to eliminate sources in a 4-year time period;

New Permit requires developing a methodology to field assess 40% of the city-owned storm drainage system for illicit discharges, and then tracking pollutants back to the source and taking steps with property owners to eliminate sources in a 4 year, 5 month time period.

Ecology is expected to issue guidance on implementing this new Permit requirement. If the guidance allows municipalities to utilize existing programs and the outfall approach from the first permit to meet the 40% requirement, then cost and resource impacts will be reduced.

- Old Permit requires inspecting municipal storm drainage catch basins (over 23,000) once within the 5-year term;

**New Permit** requires inspecting municipal storm drainage catch basins in 4-years (by August 1, 2017) and, thereafter, inspecting them on a 2-year frequency.

Ecology subsequently issued guidance to clarify options and alternatives to meet the increased catch basin inspection frequency that may help mitigate resource and cost impacts for this new requirement. Utilities' surface water operations and maintenance staff will be evaluating Bellevue's options to comply with the requirement, protect water resources and minimize program resource and cost impacts.

2. Adding a new monitoring requirement;

- **Old Permit** required Phase II municipalities to prepare to implement a stormwater monitoring program in the next (new) permit.
- **New Permit** adds a 3-part monitoring program requirement and provides permittees with the option of either:
  - Paying to participate in a regional stormwater monitoring program (RSMP) to meet the new requirement (fee option)
  - or
  - Conducting an independent monitoring program to meet the new monitoring program requirement (independent option).

The 3-part monitoring program is intended to provide information on the:

- Status and trends of water quality in urban and rural small streams and the marine nearshore (“Are our streams and marine shorelines getting better or worse?”)
- Effectiveness of stormwater activities required by the permit, (“Is this activity making stormwater cleaner?”)
- Improving protocols and sharing information about removing sources of pollution (“Is there someone I can ask about solving this type of pollution problem?”).

The regional program fee option will provide better data and cost Bellevue approximately \$85,000 annually compared to the approximately \$800,000 to \$1 million annual cost for the independent program. For this permit requirement, Council approved the 2014 Utilities budget which includes the annual \$85,000 funding for the RSMP fee option.

3. Adding two significant new development requirements and project vesting requirements;

- **Old Permit** required adoption of the development stormwater standards in the 2005 Ecology Stormwater Manual for Western Washington which included allowing low impact development techniques.
- **New Permit** requires adoption of two new low impact development (LID) requirements by December 31, 2016. The intent of the new requirements is that municipalities “shall make low impact development the preferred and commonly used approach to site development.”
  - *The first requirement* is to amend codes and standards to require LID stormwater facilities for on-site stormwater management unless infeasible and to do so by adopting the new 2012 Ecology Stormwater Management Manual or an equivalent Phase I

Manual. The 2012 Ecology Manual requires all property owners developing or redeveloping property to do a site assessment and implement certain LID stormwater BMPs unless infeasible. The LID stormwater facilities include rain gardens, bioretention facilities, and pervious pavement.

Permit compliance will require amending three City codes, revising standards, and modifying development services programs and processes and documentation. There will also be post-development impacts for on-going inspection and maintenance of these dispersed new facilities to consider. A multi-department project team lead by Utilities will implement this permit requirement.

- *The second requirement* is to conduct a review and revision process of citywide land use policies, codes and standards with the intent of minimizing impervious surfaces and native vegetation loss. No metric is provided for impervious surfaces or native vegetation and each jurisdiction is given the flexibility of determining what is sufficient to that locale. Ecology requires a good faith effort be conducted that includes business and community members.

Examples of land use code revisions provided by Ecology to meet this requirement include:

- Site assessment, pre-application and review process
- Reduce street lane widths
- Eliminate curb and gutter requirements
- Provide setback and height flexibility
- Impervious surface limits
- Native vegetation percent area requirements
- LID stormwater facilities as part of open space/landscaping/rights-of-ways
- LID design standards (streets, parking lots, driveways, sidewalks)
- Allowance for clustered housing and efficient roads.

The first step to implementing this requirement is to conduct an opportunity analysis of existing policies, codes and standards to help define the scope of the review and revision process. After this analysis is completed, the multi-departmental project team will develop a recommended project plan and public and/or stakeholder process for City Council direction. Policies, codes, and standards that Ecology requires municipalities to review include:

- Comprehensive Plan
- Subdivision and PUC development codes
- Critical areas and shoreline management regulations
- Zoning code
- Open Space code
- Fire Code
- Bulk and dimensional consideration
- Impervious surface limits
- Landscaping/native vegetation/street landscaping standards

- Parking
  - Design standard and guidelines for building and site design elements
  - Street standards.
- *Vesting* - the new Permit also specifies vesting requirements for development projects. The requirements are generally consistent with the City's vesting regulations with the exception of a one-year window for subdivisions.

### **Next Steps**

The first NPDES Annual Report under the new Permit is required to be submitted by March 31, 2014. Ecology has waived submittal of a compliance report for the 2013 transition year which means the first Annual Report under the new Permit will only contain the 2014 Stormwater Management Program Plan (SWMPP). The SWMPP describes the actions the City will take in 2014 to implement the new permit requirements. The City is currently in the process of performing a gap analysis between the old and the new permit conditions and developing a citywide 5-year work plan for the new permit. The 2014 SWMPP will be based on this work plan.

Multi-department project teams have begun work on the two new LID permit requirements and Utilities' staff has begun assessing options to meet the increased program requirements for the illicit discharge detection and elimination (IDDE) and municipal storm drainage O&M programs.

The budgetary impacts of the new Permit are being assessed and will be brought forward through the 2015-2016 budget process.

Staff will keep City Council informed and seek Council direction as the new Permit is implemented.

**ALTERNATIVES:** N/A

**RECOMMENDATION:** N/A

### **ATTACHMENT**

Attachment 1: NPDES Permit Background Information.

### **AVAILABLE IN COUNCIL OFFICE FOR REVIEW**

New 2013-2018 NPDES Western Washington Phase II Municipal Stormwater Permit

## Attachment 1

### Background Information on the NPDES Western Washington Phase II Municipal Stormwater Permit

The National Pollutant Discharge Elimination System (NPDES) municipal stormwater permits are federal Clean Water Act permits. The goal of the federal Clean Water Act (CWA) is to protect water quality and restore waters of the nation for “fishable, swimmable” uses. The permit requirements are intended to reduce pollutants discharged from municipal storm drainage systems to help achieve this goal.

The permit affects local governments and property owners. The CWA created a Phase I permit for large cities and counties<sup>1</sup> and a Phase II permit for medium and small cities and counties<sup>2</sup>. Bellevue is a Phase II permittee. The federal Environmental Protection Agency specified minimum permit requirements and delegated permit authority to state environmental agencies. State agencies can add additional requirements. In Washington, the permit authority is the state Department of Ecology.

In 2007, Ecology issued the first Western Washington Phase II municipal stormwater permit. The permit was issued to over 80 Phase II municipalities, including Bellevue, for a 5-year term, 2007-2012. A Coalition of Phase II municipalities (including Bellevue) appealed certain conditions in the Permit. Ecology modified the permit in 2009 in response to appeal rulings by the Washington State Pollution Control Hearings Board (PCHB).

The Permit requires municipalities to implement a Stormwater Management Program (Program) consisting of over 100 permit-specified “best management practices” (BMPs). The Program is intended to meet the federal compliance standard to protect water quality and reduce the discharge of pollutants to the “maximum extent practicable” (MEP) and meet state AKART (all known, available, and reasonable methods of prevention, control and treatment) waste discharge requirements.

The Program’s best management practices are grouped under the following categories:

- Public Education and Outreach;
- Public Involvement and Participation;
- Illicit Discharge Detection and Elimination (IDDE);
- Controlling Runoff from New Development, Redevelopment and Construction Sites; and
- Pollution Prevention and Operations and Maintenance for municipal operations

In addition, the Permit requires:

- Water Quality Monitoring;
- Reporting (e.g., permit compliance documentation); and
- Implementation of waterbody-specific clean-up plans developed by Ecology, if applicable. To date, Ecology has not developed such plans for Bellevue waterbodies.

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<sup>1</sup> Phase I municipalities are those which had 100,000 or more in population in the 1990 census, includes Seattle, Tacoma; King, Snohomish, Pierce, Clark counties and WA Department of Transportation(WSDOT).

<sup>2</sup> Phase II municipalities are those which had between 10,000 and 100,000 in population in the 1990 census.

## **Attachment 1**

### **Background Information on the NPDES Western Washington Phase II Municipal Stormwater Permit**

NPDES Permit requirements are phased in over the 5-year permit term and apply to functions across municipal organizations. Within Bellevue government, departments take the lead for implementing permit conditions that apply to their programs and, for permit conditions which apply to multiple department functions, a lead department will manage implementation of the condition through cross-departmental coordination or teams. Overall permit management is provided by the Utilities Department with oversight from a citywide Steering Committee reporting to the City Manager's Office. Enforcement provisions for the CWA permit include fines, imprisonment and 3<sup>rd</sup> party lawsuits.