

**CITY OF BELLEVUE
JOINT ENVIRONMENTAL SERVICES COMMISSION (HOST)
And
PLANNING COMMISSION
MEETING MINUTES**

Thursday, December 6, 2007
6:30 P.M. Special Joint Commissions Meeting

Bellevue City Hall
450 110th Ave. NE
Conference Room 1E-112

PRESENT ESC: Carter, Kavoor, Larrivee, Mahon, Roberts, Rogers

ABSENT: Helland

PRESENT PC: Douglas Mathews, Pat Sheffels, Hal Ferris, Jennifer Robertson, James Bach, Vicki Orrico.

ESC STAFF: Nav Otal, Phyllis Varner

OTHERS: Councilmember Davidson, Paul Inghram, Planning and Community Development Department, Steve Anderson, Damon Diessner, and Virginia Garcia, transcriber

1. CALL TO ORDER

Chair Rogers called the meeting to order at 6:33 PM.

2. ORAL COMMUNICATIONS – None

3. APPROVAL OF AGENDA

Commissioner Orrico moved approval of the agenda. Commissioner Ferris seconded. Motion passed unanimously.

Chair Rogers noted that Commissioner Helland recused himself from tonight's meeting to avoid a conflict of interest because of his employment. Chair Rogers also disclosed that he is a consultant and that someone at his work is one of the parties informing on the issue of the NPDES appeal, but Chair Rogers does not work with him. He said that commissioners should be clear about conflicts of or perceived conflicts of interest.

4. NPDES PHASE II MUNICIPAL STORMWATER PERMIT

Nav Otal, introduced the NPDES Permit Project Team Manager, Phyllis Varner. Ms. Varner then introduced the other team members: Steve Anderson, Project Manager for Brown and Caldwell, and Damon Diessner, a Brown and Caldwell

sub-contractor (dba Environmental Strategies Inc) and former Utilities Department employee.

Ms. Varner and the project team gave a PowerPoint presentation on the Phase II Municipal Stormwater Permit, a National Pollutant Discharge Elimination System Permit requirement of the Federal Clean Water Act.

Damon Diessner stated the purpose of the presentation was to provide background on the NPDES permit and to provide everyone with a similar knowledge base, which will be useful as recommendations are developed. He said there is good news for the City of Bellevue with respect to the permit. Bellevue is compliant with the initial requirements of the permit. However, as additional requirements are imposed over the five-year permit term, the City has to address them. The presentation will also prepare commissioners for next month's public hearing on the Stormwater Management Program, (SWMP) a document that the City is required to submit to the Department of Ecology in 2008.

Mr. Diessner stated that the presentation would address what the permit is and the Commissions' roles, which is to make recommendations on policy issues to City Council, while avoiding matters under litigation. The ESC is hosting this meeting and will also host next month's public hearing. The Planning Commission will be able to provide comments through the ESC to the Council. He said that tonight the team would also provide an update on what staff has been doing, and prepare commissioners for future actions.

Ms. Varner provided background on the Permit. She said that it is a federally mandated municipal stormwater permit from the Clean Water Act. The permit allows municipalities to discharge stormwater runoff from their public stormwater system into the nation's waterways.

The permit authority has been delegated from the Environmental Protection Agency to the Washington State Department of Ecology. (Ecology)

The goal of the Clean Water Act is to maintain and protect fishable, swimmable waters. This is accomplished through various programs in the Act. One of the programs is the National Pollutant Discharge Elimination System (NPDES) Permit Program. There are four different types of permits, but the focus for the City is the Municipal permit. The compliance standard for this permit is based on the unique nature of municipal discharges. There are numerous diffuse pollutant sources that enter the waterways through the stormwater system. The goal of the permit is to reduce the discharge of these pollutants to the "Maximum Extent Practicable," by implementing "Best Management Practices." This also protects quality and satisfies the water quality requirements of the Clean Water Act.

The basic component of the permit is a Stormwater Management Program. In the permit, Ecology identifies best management practices that municipalities are required to implement.

The EPA established minimum permit conditions, which include:

- public education and outreach,
- public participation and involvement,
- illicit discharge detection and elimination,
- construction site runoff control,
- post-construction runoff control,
- pollution prevention/good housekeeping, and
- annual compliance report documentation.

Mr. Diessner stated that Ecology included additional requirements:

- Stormwater development requirements
- Water quality monitoring and
- Total Maximum Daily Loads, (a.k.a. Water Quality Cleanup Plans).

Compliance on behalf of the City is certified by the City Manager. The permit term is five years. Enforcement of the permit can result in \$10,000 per day fines and jail.

Steve Anderson discussed what the project staff has been working on and where the City is headed. Mr. Anderson explained that the Phase II permit was issued by Ecology to all the jurisdictions that fell in this category. It was issued in January 2007 and became effective February 16, 2007. Requirements of the permit ramp up over the five year permit term. He noted that there are numerous appeals underway, but there are no stays.

2007 Permit legal requirements include:

- Continuing existing City-wide stormwater programs,
- Making construction/industrial NPDES permits available, which the City already does, and
- Continuing to keep records.

The goal for this year has been to continue doing what the City is already doing well and lay the foundation for subsequent years.

Mr. Anderson discussed current actions:

1. Preparing the 2008 Stormwater Management Program and Annual Compliance Report for the City Manager's certification and submittal to Ecology by March 31, 2008 deadline.
2. Identifying 2008 SWMP Implementation actions, and

3. Preparing to address 2009 Permit requirements and beyond through the budget process the budget process.

In preparation for future budget discussions, staff is preparing a work plan that addresses:

- Future legal requirements
- Business process and operational impacts
- Information management impacts
- Human Resource Requirements and
- Facilities Needs

Ms. Varner explained the next steps. She said staff will make the draft 2008 Stormwater Management Program available to the public on December 15, 2007. On January 9, 2008, the ESC will host a Public Hearing on the 2008 SWMP before the ESC and Planning Commissions. Budget discussions will begin in the spring or summer of 2008. Staff will provide updates as developments warrant.

Commissioner Robertson asked if the litigation included tribal mitigation of the day-lighting of salmon streams. Mr. Diessner replied not directly.

Commissioner Sheffels asked whether the plan had to address a 100-year flood. Mr. Diessner indicated that there are elements in the permit that addresses flood control.

Commissioner Robertson indicated that it is her understanding that I-90 does not have a pollution runoff filtering system and asked if part of the City's permit would address that and if the State would be working with the City. Mr. Diessner replied that Ecology issued the Department of Transportation its own NPDES permit that it must address.

Commissioner Ferris asked how the permit affects the Comprehensive Plan and Land Use Code. Mr. Diessner said this is getting into some of the requirements that are part of the appeal, but in general, land use decisions affect stormwater runoff.

Commissioner Rogers replied that in terms of the health of Puget Sound, according to what the Governor's Puget Sound Partnership and a recent report issued by Ecology, the major source of the pollutants in the Sound is stormwater runoff. The more impervious surface on developed land, the more contaminants that runoff into water bodies. As a general issue, the permit is trying to address this. The issue in relation to land use code is that the existing impervious and developed land is contributing to the state of the sound and the state of our streams from a water quality standpoint. This is what the permit is meant to address. This is the interchange that the Planning Commission will be having with the ESC.

Commissioner Sheffels indicated that she remembered that Bellevue was recognized for its natural stormwater drainage system for a city of its size. She asked if the City was still a leader and whether its efforts are still successful. Mr.

Diessner stated that Bellevue's environmental policy has not changed in a long time, but the Stormwater Program and the permit is going to add to what Bellevue is doing. However, what Bellevue has done is still working.

Commissioner Rogers noted that the City does an admirable job on this issue. When the system was first established, it was about flood control. As the City has grown that is no longer the only end result the City is trying to achieve. He said going forward, if the City had more money it could do more in terms of stormwater management, which is part of the issue. However, other communities have nothing to start with, in comparison to Bellevue. It is a steep and expensive climb for these other jurisdictions to comply with permit conditions.

Commissioner Ferris asked if the federal legislation that initiated the permit was the 1974 Clean Water Act. Mr. Diessner said yes and amendments of that Act.

Commissioner Roberts asked about the nature of the appeals. Mr. Diessner said that they are broad. He said there are dozens of issues under appeal by municipalities alone and many other stakeholders that are also involved.

- 5. CONTINUED ORAL COMMUNICATION**
- 6. CONVENE REGULAR COMMISSION MEETING**
- 7. ADJOURNMENT**

Commissioner Roberts moved to adjourn the meeting at 7:10 PM. Commissioner Robertson seconded. Motion passed unanimously.