

Proposal from the City of Seattle, City of Everett, Washington Environmental Council and Futurewise for clarifying amendments to 197-11-800(23)

Excerpted from WEC email dated November 2, 2015:

A group of us worked offline to see if we could reach agreement on stormwater language for roads/infrastructure. The rationale and proposed language we agreed to is below (highlighted in turquoise).

First, we started by looking at the existing utilities exemption, and we agreed that the language is outdated (see yellow).

- 23) *Utilities*. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.
- (b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.

This exemption appears to include all stormwater facilities that have a line or pipe that is no larger than 12 inches.

The most recent Municipal Stormwater Permit includes a definition of stormwater facilities that includes BMPs and more details:

“Stormwater Treatment and Flow Control BMPs/Facilities” means detention facilities, treatment BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help meet minimum requirement #6 (treatment), #7 (flow control), or both.

PROPOSED LANGUAGE CHANGE: Instead of relying on the minor road improvements section and getting in the weeds on retrofits v. new/re-development, we went back to the idea of updating/clarifying the utilities exemption with the following language:

- (23) *Utilities*. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

~~(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.~~

(b) All stormwater treatment and flow control best management practices or facilities with no lines over 12 inches in diameter, and

(c) All water and sewer facilities, lines, equipment, hookups, or appurtenances with no lines over 12 inches in diameter.