

Port of Benton Stormwater Management Program



Port of Benton
3250 Port of Benton Blvd.
Richland, WA 99354

2015

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Background

Introduction

The 2007 issued *National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Separate Storm Sewers in Eastern Washington*, hereinafter referred to as the Phase II Permit, outlines stormwater activities and implementation milestones Permittees must follow to comply with the federal Clean Water Act. All Phase II communities are expected to develop a Stormwater Management Program (SWMP) that includes the required activities, implement those activities with the required timeframes of the life of the permit (2007-2012) and submit annual reports to Ecology by March 31st of each year to document progress toward complete program implementation. The Phase II Permit was issued by the Washington State Department of Ecology (Ecology) on January 17, 2007 and became effective February 16, 2007. The Permit covers a five year period that expires on February 15, 2012. The 2011 Washington State Legislative session extended the Permit period to July 31, 2013. In 2012 the Legislature extended the Permit period again to July 31, 2014.

The City's new permit began in August 2014 but for consistency in reporting the reporting requirements of this Plan cover a calendar year from January 1 to December 31st.

The Phase II Permit automatically applies to cities and counties with populations of less than 100,000 located within or partially located within a federally designated urbanized area and that operate a municipal separate storm sewer system (MS4) which discharges to a "water of the state" (river, stream, wetland, etc.). Urbanized areas are defined as population centers with 50,000 people and densities of at least 1,000 people per square mile and are based on the 2000 census.

Secondary Permittees are operators of regulated small MS4's that are not a city, town or county. They include special districts such as ports. The Port of Benton at the time of issuance of the Permit managed a small MS4 within their Port properties within the Richland city limits. In 2007, they approached the City and requested they become a Co-Permittee with the City of Richland. An interlocal agreement (Appendix A) was developed giving the City the authority to maintain their MS4. The City would maintain the infrastructure with street sweeping on Port owned streets, the Port would give the City right of entry to Port owned public streets to clean and do maintenance on the conveyance system. Capital improvements needed would be submitted to the Port for approval and funded by the City's Stormwater Utility fund.

The Port will implement their SWMP in accordance with the City of Richland as allowed by S6.A.4 as long as they have a written agreement. The agreement was submitted to Ecology.

The Port of Benton is located in Benton County and was created by a referendum vote of the people in 1958. Its creation coincided with the formation of the City of Richland and release of lands by the US Army as it vacated the area consolidated for the operations at the Hanford Nuclear Reservation. The Port was chartered to "promote industrial development and transportation, including general aviation, in Benton County". Contained within the Port district is the entire Hanford Nuclear Reservation, three quarters of the City of Richland, all of Benton City and Prosser and other smaller communities. The interlocal agreement for stormwater only covers that portion of the Port that lies within the Richland city limits minus the airport lands and activities.

The Port's primary activities are to develop locally grown businesses, recruit industrial and commercial companies and maintain multi-modal transportation operations, including a barge facility, two airports and a short line railroad.

Stormwater Management Program Components

The Phase II Permit is comprised of six elements and the implementation and enforcement of the six elements is collectively referred to as a Permittees SWMP. The six elements are:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management for New Development and Redevelopment
6. Pollution Prevention and Good Housekeeping for Municipal Operations

In addition to these six minimum elements, Ecology required three additional elements:

1. Compliance with stormwater provisions of approved Total Maximum Daily Loads (TMDLs)
2. Monitoring and assessment which would include developing 12-15 permit effectiveness questions for study.

The SWMP is designed to reduce the discharge of pollutants from municipalizes to the maximum extent practicable to satisfy the state requirement to apply "All Known Available and Reasonable Methods of Prevention, Control and Treatment" (AKART) prior to discharge and to protect water quality. The Phase II Permit and subsequent Permits, requires that specified activities from Permit elements be completed each year in order to achieve full compliance by the end of the each Permit term.

Stormwater Program Planning

As the City addresses the requirements and deadlines of the NPDES Phase II Permit, it is important tools be available to help the City know what elements of the permit are due each year and to track the status of what is being successfully implemented. The City continues to track the cost of development and implementation of each element of their Phase II Permit. A matrix of required annual Permit activities has been developed and included in this Plan.

Public Education and Outreach – S5.B.1

Regulatory Requirements

The City must develop and implement a formal Public Education and Outreach Program (Education) aimed at distributing educational material to the community about the impacts of stormwater discharges to water bodies and the steps that can be taken to reduce the pollutants in stormwater. The City's outreach and educational efforts should include a multimedia approach and must be targeted and presented to

specific audiences within the community, including the general public, businesses, design professional, contractors, developers and City staff.

Existing Activities

Phase II Permit 2014-2019

Permit Year One - The City and adjacent Phase II Cities sponsored a regional stormwater workshop directed to contractors, design professionals, builders, developers, local agency personnel and the public; The City distributed a stormwater flyer with a monthly billing; The City and adjacent Cities contracted with the Franklin Conservation District to distribute stormwater material within the schools during the course of their water conservation seminars; The City and adjacent Phase II Cities distributed educational materials at the local regional Home/Garden show; The City distributed stormwater educational materials to the community at the Benton-Franklin County Fair; The City participated in Salmon Week handing out educational stormwater materials to school age children.

Program Planning

Permit Year 2015 – The City will distribute a stormwater educational flyer insert with their monthly utility billing; The City and adjacent Cities will continue their contract with the Franklin Conservation District to distribute stormwater educational material within the schools during the course of their water conservation seminars; The City and adjacent Phase II Cities will distribute educational materials at the local regional Home/Garden show and the Benton Franklin County Fair; The City will participate in Salmon Week with a booth providing stormwater educational materials to school age children.

Public Involvement and Participation – S5.B.2

Regulatory Requirements

The City must adopt a program or policy directive to create opportunities for the public to participate in the decision making process involving the development, implementation and update of the City's SWMP. The Public Involvement and Participation Program implemented by the City must comply with applicable state and local public notice requirements and shall provide opportunities for the public to participate in the decision making process.

Existing Activities

Phase II Permit 2014-209

Permit Year One- Updated SWMP was posted on the City's website; The City and adjacent Phase II Cities distributed educational materials and took questions and comments at the local regional Home/Garden show and Benton Franklin County Fair.

Program Planning

Permit Year 2015 – The City has created a webpage allowing the public to make comments on applicable BMPs on current and proposed stormwater retrofit projects. The location and development of the webpage was sent out by postcard to target groups located adjacent to the proposed projects; the City

will develop a webpage showing existing and future projects and their process during construction. The public will have the opportunity to make comments and suggestions on this webpage.

Illicit Discharge Detection and Elimination – S5.B.3

Regulatory Requirements

The City must develop, implement and enforce a program to detect and eliminate illicit discharges into its MS4.

Existing Activities

Phase II Permit 2014-2019

Permit Year One - The City and adjacent Phase II Cities sponsored a regional stormwater workshop directed to contractors, design professionals, builders, developers instructing them of the current IDDE ordinances; The City developed a spreadsheet and electronic documentation of illicit discharges reported or discovered during the year; Staff assessed five (5) outfalls to the Columbia River: Sprout Street, Saint Street, Park Street, Ferry Road and Richardson Road at the Port of Benton; Hot line is active and receiving calls.

Program Planning

Permit Year 2015 – The City will assess current software available for use as recording and documenting IDDE calls; the City has hired a consultant to assess the City's stormwater program and make recommendations for improvement. The City's IDDE program is part of the assessment and the City will review the recommendations and make changes as funding becomes available; the City will develop brochures for target audiences and distribute them; Staff will provide training to each of the City's divisions and Port staff on how to detect and report IDDE 's.

Construction Site Stormwater Runoff Control – S5.B4

Regulatory Requirements

The City must develop, implement and enforce a program to reduce pollutants in stormwater runoff to its MS4 from construction activities, including private and public projects.

Status of Existing Activities

Phase II Permit 2014-2019

Permit Year One - Construction ordinances requiring soil and erosion control plans and enforcement actions are in effect and being enforced by city staff; Staff continues to review soil and erosion plans as part of plan reviews; Staff inspects all stormwater BMPs installed during construction; The City and adjacent Phase II Cities sponsored a regional stormwater workshop directed to contractors, design professionals, builders, developers, Port personnel and reviewed the construction ordinances in place at each city.

Program Planning

Permit Year 2015 – The City has hired a consultant to assess the City’s stormwater program and make recommendations for improvement. The City’s construction program is part of the assessment and the City will review the recommendations and make changes as funding becomes available; The City will continue to provide training to their construction inspection and Port staff as training is developed and becomes available.

Post-Construction Stormwater Management for New Development and Redevelopment – S5.B5

Regulatory Requirements

The City must develop, implement and enforce a program to post-construction stormwater runoff to its MS4 from both private and public new development and redevelopment projects. This element of the SWMP requires that the City:

Status of Existing Activities

Phase II Permit 2014-2019

Permit Year One – Post-construction ordinances requiring site inspection and enforcement actions are in effect and being enforced by city staff; Soil and erosion plans are reviewed as part of plan reviews; Port projects are included in this review; Projects are inspected on a daily basis.

Program Planning

Permit Year 2015 – The City has hired a consultant to assess the City’s stormwater program and make recommendations for improvement. The City’s post construction program is part of the assessment and the City will review the recommendations and make changes as funding becomes available;

Pollution Prevention and Good Housekeeping for Municipal Operations – S5.B6

Regulatory Requirements

The City must develop and implement an Operation and Maintenance Program (O&M Plan) aimed at preventing or reducing pollutant runoff from municipal facilities and/or activities. The O&M Plan shall include appropriate pollution prevention/good housekeeping practices for various municipal operations (storm system maintenance, municipal building maintenance, equipment maintenance, etc.) and shall include a schedule of inspections and record keeping requirements. The City must also develop and implement a formal training program for all staff whose job functions may impact stormwater quality.

Status of Existing Activities

Phase II Permit 2014-2019

Permit Year One – City staff inspected and cleaned approximately 539 stormwater catch basins and manholes; Inspected 44,757 LF of stormwater pipe which included jetting and TV inspection.

Program Planning

Permit Year 2015 – The City has hired a consultant to assess the City’s stormwater program and make recommendations for improvement. Since the Port exists within the City Limits and the City provides the Port’s maintenance, the Port will be included in the final assessment; Staff will continue with training and including Port staff.

Compliance with Total Maximum Daily Load Allocations

Regulatory Requirements

Ecology conducted a review of all TMDLs approved by EPA at the time of the final permit issuance (January 17, 2007) to determine whether stormwater, including municipal stormwater sources were identified in any of the TMDLs. Ecology did not identify any TMDLs with established load or waste load allocation for municipal stormwater discharges covered under the Permit. Since Ecology has not identified any TMDLs with more specific requirements than those found in the NPDES Phase II Permit, compliance with the Permit constitutes compliance with applicable TMDLs.

Phase II Permit 2014-2019

Permit Year One – Not applicable

Monitoring Assessment – S8

Regulatory Requirements –S8.A

All Permittees including Secondary Permittees shall provide, in each annual report, a description of any stormwater monitoring or stormwater-related studies conducted by the Permittee during the reporting period. If other stormwater monitoring or stormwater-related studies were conducted on behalf of the Permittee during the reporting period, or if stormwater-related investigations conducted by other entities were reported to the Permittee during the reporting period, a brief description of the type of information gathered or received shall be included in the annual report.

Status of Existing Activities

Phase II Permit 2014-2019

Permit Year One – The City hired a consultant to review a technical memorandum that was developed in 2011 by HDR and revised in 2014 by URS, reviewing all City stormwater outfalls and recommending those outfalls for retrofit or removal. The review has recommended specific outfalls and drainage basins for retrofit projects for submission during Ecology’s grant program.

Program Planning

Permit Year 2015 – The City will further develop the recommended projects into final design for submission to Ecology's grant program in August.

Regulatory Requirements –S8.B

Stormwater Management Program Effectiveness Studies. Each city and county Permittee listed in S1.D.2.a.i and S1.D.2.a.ii shall collaborate with other Permittees to select, propose, develop, and conduct Ecology-approved studies to assess, on a regional or sub-regional basis, effectiveness of permit-required stormwater management program activities and best management practices.

Status of Existing Activities

Phase II Permit 2014-2019

Permit Year One – The City is a member of the Eastern Washington Stormwater Group. In 2014 a member of the group, Spokane Valley, took lead in applying for and obtaining a GROSS grant to begin Phase I of developing 12-15 effectiveness questions for submission to Ecology for approval.

Program Planning

Permit Year 2015 – As a member of the Eastern Washington Stormwater Group, the City will participate in Phase II of further development of the required study effectiveness questions defining which eastern Washington agency will take lead on which study. At this time it appears the City of Ellensburg will take lead in Phase II.

APPENDIX A

Richland / Port of Benton Interlocal Agreement

INTERLOCAL AGREEMENT

This AGREEMENT, made and entered into this 26th day of April 2007, between the City of Richland, a Washington Municipal Corporation (hereafter called the "City"), and the Port of Benton, a Washington Municipal Corporation (hereinafter called the "Port"), collectively hereinafter referred to as the "PARTIES".

WHEREAS, the City created a stormwater utility in March 1998 to fund operations, maintenance, capital improvements and administration of its stormwater conveyance and treatment facilities. Operations and maintenance activities include street sweeping, inlet structure and pipeline cleaning, erosion control, etc.; and

WHEREAS, the City established stormwater rates for residential properties in 1998 and commercial properties in 2001; and

WHEREAS, the Port, as owner of commercial properties within the City limits, has been a customer of the City's stormwater utility since 2001; and

WHEREAS, the Port owns and maintains public streets and stormwater conveyance facilities within the City limits; and

WHEREAS, the United States Environmental Protection Agency (EPA) issued Phase II Stormwater regulations under the authority of the Clean Water Act and published in the Federal Register in December 1999; and

WHEREAS, the EPA's regulations name the City of Richland's municipal separate storm sewer system as subject to the Phase II regulations; and

WHEREAS, the Washington State Department of Ecology administers the Phase II regulations in Washington State and has prepared an Eastern Washington Phase II General Stormwater National Pollution Discharge Elimination System (NPDES) Permit that will enforce the Federal Phase II requirements and state water quality regulations on the City's municipal separate storm sewer system; and

WHEREAS, the Washington State Department of Ecology's Phase II NPDES General Permit requires compliance by the Port as a secondary Permittee; and

WHEREAS, the Port desires to contract for stormwater services required to comply with the EPA and Ecology regulations; and

WHEREAS, the City has used funding supplied by its stormwater utility to prepare for compliance with the EPA and Ecology regulations; and

WHEREAS, the City can cost-effectively oversee regulatory compliance for the Port-owned stormwater facilities; and

WHEREAS, RCW 39.34 authorizes interlocal agreements between Washington municipalities

City of Richland - Port of Benton Stormwater Agreement

NOW THEREFORE, in consideration for the mutual covenants, conditions, and terms contained herein, the said PARTIES hereby enter into this agreement as follows:

- 1. The City will provide, under funding from its stormwater utility, street sweeping services on Port-owned public streets to the same standards and frequency as to City-owned public streets. The Port grants the City a right of entry to Port-owned public streets to allow completion of this service.**
- 2. The City will provide, under funding from its stormwater utility, stormwater conveyance system cleaning and maintenance to the same standards and frequency as to City-owned conveyance system facilities. The Port grants the City a right of entry to its stormwater conveyance facilities to allow completion of this service.**
- 3. The City will repair damage to Port-owned streets and stormwater conveyance facilities caused by its implementation of No.'s 1 and 2 above.**
- 4. The Port will provide the City with current data on its leased properties and assist the City in developing billing practices for collecting stormwater utility revenues from Port-owned facilities.**
- 5. The City will correct stormwater utility billings for Port-owned facilities by March 1, 2007 in accordance with parcel data provided by the Port and reviewed by the City.**
- 6. The City will exempt Port-owned public streets and airport facilities utilized primarily by aircraft from the City's stormwater rates.**
- 7. The Port will fund City stormwater activities through payment of the City's stormwater utility rates as adopted by City Council. In establishing stormwater utility rates the City shall treat Port facilities the same as other properties of similar land use within the City. The Port will make payment no later than March 30, 2007 so that all City stormwater utility accounts for Port-owned properties shall be current and without delinquent charges. The City will waive any pending late payment charges on stormwater accounts for Port-owned facilities.**
- 8. Within 180 days of the date of this agreement the Port will provide the City with its most current stormwater facility mapping data for inclusion into the City's stormwater facilities geographical information system (GIS) maps. After the City inputs the Port facilities into its GIS maps the Port will review the maps for accuracy and direct the City to any required corrections.**
- 9. Within 180 days of execution of this agreement the City shall inspect Port-owned stormwater conveyance facilities. The City shall notify the Port of all detected defects. The Port shall be responsible for correction of all identified defects. Once Port repairs are accepted by the City, the City will perform ongoing maintenance and repairs of Port-owned conveyance facilities.**

Since the scope and cost of the defects are unknown at the date of this agreement the City and Port agree that they will evaluate the list of defects after they are identified by the City. The City and Port may elect to negotiate a schedule for completion of repairs or to terminate this agreement if:

- a. The Port determines that the investment required to repair its system defects is too high to justify the benefits provided by the City's stormwater services.**
 - b. The City determines that the cost of ongoing maintenance of Port facilities is too high to justify extending stormwater services to the Port.**
- 10. The Port shall indemnify and hold the City harmless from and against all claims, damages, losses and expenses including attorney fees and court costs, for injury to persons or damage to property which results from or is caused by the negligent or willful act or omission of the Port, its agents or employees.**

City of Richland - Port of Benton Stormwater Agreement

The City shall indemnify and hold the Port, its employees and agents harmless from and against all claims, damages, losses and expenses including attorney fees and court costs, for injury to persons or damage to property which results from or is caused by the negligent or willful act or omission of the City, its subcontractors, agents or employees.

In the event it is determined that the injury to persons or damage to property is caused in part by the negligent act or omission of both the Port and City, then each party shall be liable only to the extent of its percentage of fault. Each party shall contribute to the payment of damages, attorney fees and costs in the same percentage as its percentage of fault in causing the injuries or damages.

- 11. The City will, through funding from its stormwater utility, apply its NPDES Phase II General Stormwater Permit compliance programs to Port-owned stormwater conveyance system facilities. The City agrees to create and administer programs to achieve compliance with Section S6 of the NPDES Phase II permit for Port-owned facilities. The City will prepare program documents and reports as required by the NPDES Phase II permit for Port owned facilities. The Port will cooperate by supplying the City information about its operations and facilities necessary for preparation of compliance documents.**
- 12. The Port will supply the City with all data necessary to achieve compliance with the Washington State Department of Ecology Underground Injection Control Rule for Port-owned stormwater drywells and stormwater injection facilities.**
- 13. The City will include Port-owned stormwater conveyance facilities in any updates to its City-wide Stormwater Management Plan. The City's first Stormwater Management Plan was completed in 2005. There is no scheduled update as of the date of this agreement. The City shall submit any updates to its Stormwater Management Plan for Port review and approval. Port approval of a City Stormwater Management Plan shall not be unreasonably withheld.**
- 14. The City will fund and complete capital improvements to Port-owned stormwater conveyance facilities required by EPA and Ecology regulations or included in a Council adopted Stormwater Management Plan. The City shall submit proposed capital improvements to Port-owned facilities to the Port for review and approval. Port approval of a capital improvement to Port-owned facilities shall not be unreasonably withheld.**
- 15. The Port shall grant the City, without cost to the City, easements and rights-of-way required to implement stormwater construction and maintenance activities.**
- 16. The Port may terminate this agreement by giving the City ninety (90) days written notice of termination. Upon termination, the City shall be relieved of the obligation to provide the services specified in this agreement and the Port shall be responsible for compliance with all stormwater regulations affecting the Port property and facilities.**

This agreement shall not be deemed or construed to be an agreement by the Port as to the validity or enforceability of the Stormwater ordinances adopted by the City or as a waiver of any rights of the Port or its tenants or lessees to contest or challenge the City's Stormwater ordinances.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT as of the day and year above written.

CITY OF RICHLAND

By:



**John C. Darrington,
City Manager**

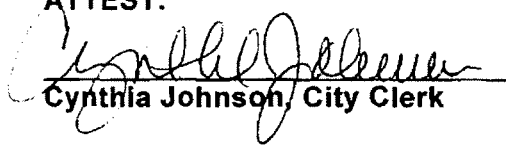
PORT OF BENTON

By:



**Scott D. Keller,
Executive Director**

ATTEST:



Cynthia Johnson, City Clerk

APPROVED AS TO FORM:



Thomas O. Lampson, City Attorney