



**CITY OF BLACK DIAMOND**  
**April 21, 2011 REVISED Meeting Agenda**  
25510 Lawson St., Black Diamond, Washington

**7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL**

**PUBLIC COMMENTS:** Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-2560. Thank you for attending this evening.

**PUBLIC HEARINGS:**

- 1) **AB11- 026** – 2011 Draft Stormwater Management Program Mr. Boettcher

**APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- 2) **AB11- 027** – Resolution Authorizing Water Quality Sampling Contract Mr. Nix

**DEPARTMENT REPORTS:**

**MAYOR’S REPORT:**

**COUNCIL REPORTS:**

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**CONSENT AGENDA:**

- 3) **AB11-029** – Resolution Authorizing Amendment to Coordinated Grant Agreement (G1000441) – Mr. Nix  
4) **Claim Checks** – April 21, 2011, No. 36852 through No. 36909 in the amount of \$116,677.28  
5) **Payroll** – March 31, 2011, No. 17394 through No. 17415 (voided No. 17399) and ACH Pay in the total amount of \$277,743.90  
6) **Minutes** – Council Meeting of April 7, 2011 and Council Workstudy Notes of April 14, 2011

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION			
<b>SUBJECT:</b> <b>PUBLIC HEARING-</b> <b>2011 Stormwater Management Plan</b>	<b>Agenda Date: April 21, 2011</b>		<b>AB11-026</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney –Chris Bacha		
	City Clerk – Brenda L. Martinez		<b>X</b>
	Finance – May Miller		
	Public Works – Seth Boettcher	<b>X</b>	
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact: as per budget	Court – Stephanie Metcalf		
Fund Source: Stormwater Utility	Comm. Dev. – Steve Pilcher		
Timeline: April 2011			
<b>Attachments: 2011 Draft Stormwater Management Program</b>			
<p><b>SUMMARY STATEMENT:</b></p> <p>The City updates the Stormwater Management Program annually to identify how the City will meet various stormwater permit requirements.</p> <p>The Council will hear public comment related to the proposed 2011 Stormwater Management Program.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>			
<b>RECOMMENDED ACTION: Public hearing only; no action will follow.</b>			
<b>RECORD OF COUNCIL ACTION</b>			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
April 21, 2011			

**CITY OF BLACK DIAMOND**  
**STORMWATER MANAGEMENT PROGRAM**  
**(SWMP)**  
**2011 ANNUAL UPDATE**



**PREPARED BY**  
*Public Works Department*  
**CITY OF BLACK DIAMOND**  
**PO BOX 599**  
**BLACK DIAMOND, WA 98010**  
**(360) 886-2560**

# TABLE OF CONTENTS

---

<b>SECTION 1 – INTRODUCTION .....</b>	<b>4</b>
1.1 INTRODUCTION .....	4
<b>SECTION 2 –MONITORING AND REPORTING.....</b>	<b>5</b>
2.1 PERMIT REQUIREMENTS AND DATES .....	5
2.2 CURRENT ACTIVITIES.....	5
2.3 PLANNED ACTIVITIES .....	5
<b>SECTION 3 –PUBLIC EDUCATION AND OUTREACH .....</b>	<b>7</b>
3.1 PERMIT REQUIREMENTS AND DATES .....	7
3.2 CURRENT ACTIVITIES.....	7
3.3 PLANNED ACTIVITIES .....	7
<b>SECTION 4 – PUBLIC INVOLVEMENT AND PARTICIPATION .....</b>	<b>8</b>
4.1 PERMIT REQUIREMENTS AND DATES .....	8
4.2 CURRENT ACTIVITIES.....	8
4.3 PLANNED ACTIVITIES .....	8
<b>SECTION 5 – ILLICIT DISCHARGE DETECTION AND ELIMINATION .....</b>	<b>9</b>
5.1 PERMIT REQUIREMENTS AND DATES .....	9
5.2 CURRENT ACTIVITIES.....	10
5.3 PLANNED ACTIVITIES .....	10
<b>SECTION 6 – CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT AND CONSTRUCTION SITES .....</b>	<b>11</b>
6.1 PERMIT REQUIREMENTS AND DATES .....	11
6.2 CURRENT ACTIVITIES.....	12
6.3 PLANNED ACTIVITIES .....	13
<b>SECTION 7 – POLLUTION PREVENTION AND OPERATION AND MAINTENANCE FOR MUNICIPAL OPERATIONS .....</b>	<b>14</b>
7.1 PERMIT REQUIREMENTS AND DATES .....	14
7.2 CURRENT ACTIVITIES.....	14
7.3 PLANNED ACTIVITIES .....	15

## LIST OF ACRONYMS AND ABBREVIATIONS

---

AKART	All Known and Reasonable Treatment
BMP	Best Management Practices
CESCL	Certified Erosion and Sediment Control Lead
LID	Low Impact Development
O&M	Operations and Maintenance
SWMM	Stormwater Maintenance Manual
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Program
TMDL	Total Maximum Daily Load

DRAFT

*THIS PLAN IS BASED ON THE REQUIREMENTS OUTLINED IN THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT. MUCH OF THE LANGUAGE INCLUDED IN THIS DOCUMENT DESCRIBING PERMIT REQUIREMENTS HAS BEEN TAKEN DIRECTLY FROM THIS PERMIT AND HAS BEEN SUMMARIZED FOR EASE OF THE READER.*

*FOR COMPLETE REQUIREMENTS AND DETAILS, PLEASE REFER TO SECTION S5.C OF THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT FROM THE DEPARTMENT OF ECOLOGY.*

## **SECTION 1 – INTRODUCTION**

---

### **1.1 INTRODUCTION**

This document constitutes the City of Black Diamond's Stormwater Management Program (SWMP) as required under Condition S5 of the Western Washington Phase II Municipal Stormwater Permit (the Permit). In addition to the City's permit, this SWMP includes the Total Maximum Daily Load (TMDL) requirements on Lake Sawyer as published in the TMDL document 09-10-053.

The purpose of SWMP is to detail actions that the City of Black Diamond has taken and will take to maintain compliance with conditions in the permit. This SWMP will be an attachment to the *Annual Report Form for Cities, Towns, and Counties* which is required to be submitted to the Department of Ecology by March 31<sup>st</sup> each year.

The City's SWMP is intended to reduce the discharge of pollutants from the City's Municipal Separate Storm Sewer System to the maximum extent practicable, meet Washington State's All Known and Reasonable Treatment (AKART) requirements, and protect water quality. This goal is accomplished by the inclusion of all Permit SWMP components, minimum measures, and implementation schedules into the City's SWMP.

In compliance with Permit requirements, where the City is already implementing actions or activities called for in this document, the City will continue those actions or activities regardless of the schedule called for in this document.

The City now is active in 5 areas of permit activity including:

- Educating the public with a focus on homeowner activities
- Involving the public in stormwater management programming
- Building an Illicit Discharge Detection and Elimination Program
- Establishing a permitting, inspection program to enforce the Department of Ecology 2005 Stormwater Management Manual (SWMM) for Western Washington
- Reviewing all municipal operations and facilities and implementing new operation and maintenance practices to prevent and reduce stormwater pollutant runoff from municipal operations.

## **SECTION 2 –MONITORING AND REPORTING**

---

### **2.1 PERMIT REQUIREMENTS AND DATES**

Section S5.A, S8, and S9 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop, monitor, and report the City's SWMP. The SWMP shall be designed to reduce the discharge of pollutants from the City stormwater system to the maximum extent practicable and to protect water quality. The monitoring and reporting requirement helps keep the city on track with BMPs to reduce the discharge of pollutants to stormwater.

### **2.2 CURRENT ACTIVITIES**

The current city activities associated with Monitoring and reporting include:

- Submit the *Annual Report Form for Cities, Towns, and Counties* which is intended to summarize the City's compliance with the conditions of the Permit. The annual report shall be submitted by March 31 of each calendar year covering the previous calendar year.
- Prepare written documentation of the SWMP and update at least annually for submittal with the City's annual reports to the Department of Ecology.
- Include with the annual report, notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the City's geographic area of permit coverage during the reporting period and the implications for the SWMP.
- Track the number of inspections, official enforcement actions and types of public education activities for inclusion in the City's annual reports to the Department of Ecology.
- Provide a description of any stormwater monitoring or studies conducted by the City during the reporting period for inclusion in the City's annual reports to the Department of Ecology.
- Track the estimated cost of development and implementation of the SWMP.

### **2.3 PLANNED ACTIVITIES**

Actions recommended for continued Permit compliance include:

- Survey a random select group from Black Diamond on any changes in behavior related to education efforts.

- Collect base line water quality information in the natural drainage system as surface water drains into, through and out of Black Diamond.
- Coordinate, as necessary, with other entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas.
- Complete annual update to the City's SWMP.
- Summarize annual activities for the Annual Compliance Report.

DRAFT



## **SECTION 3 –PUBLIC EDUCATION AND OUTREACH**

---

### **3.1 PERMIT REQUIREMENTS AND DATES**

Section S5.C.1 of the Western Washington Phase II Municipal Stormwater Permit requires the City to include an education program to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts beginning in 2009.

### **3.2 CURRENT ACTIVITIES**

The City currently has been educating the public in Black Diamond by direct mailing stormwater articles in the city newsletter, posting educational materials on the stormwater website, handing out materials at City sponsored events, and coordinating various stormwater classes and workshops to train City staff and elected officials. The first level of education has been educate the public on the need for a stormwater utility and why everyone in Black Diamond needs to assist with the effort to improve the stormwater quality in Black Diamond. The City also educates businesses, industries, landscapers and property managers; and engineers, contractors, developers, through direct contact within the permitting process.

### **3.3 PLANNED ACTIVITIES**

The City has the following goals for 2011 for actions recommended for continued Permit compliance in public education and outreach:

- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste
- Distribute illicit discharge information to target audiences
- Receive feedback from the public on illicit discharge education efforts
- Coordinate a short assembly to educate school children on the impacts of stormwater runoff on the environment and Best Management Practices (BMPs) that homeowners can implement to help protect the environment. Approach the local school district to set up regular educational outreach in the schools.
- Continue to track and maintain records of public education and outreach activities.
- Evaluate understanding of target behaviors.
- Summarize the 2010 public education activities in the Annual Compliance Report.

## **SECTION 4 – PUBLIC INVOLVEMENT AND PARTICIPATION**

---

### **4.1 PERMIT REQUIREMENTS AND DATES**

Section S5.C.2 of the Western Washington Phase II Municipal Stormwater Permit requires the City to provide ongoing opportunities for public involvement beginning in 2008.

### **4.2 CURRENT ACTIVITIES**

The current compliance activities associated with public involvement and participation include:

- The City has posted the SWMP document and Annual Compliance Report on the City website.
- The City has held various public meetings for the consideration of stormwater budget issues, stormwater grant opportunities, and consulting contracts for the development of a stormwater comprehensive plan.
- Publicized Public Works Committee meetings were held to discuss the Stormwater Comprehensive Plan.

### **4.3 PLANNED ACTIVITIES**

The City shall offer the public opportunities to be involved in the decision making process on stormwater issues. Actions recommended for continued compliance include:

- Provide opportunities for public involvement in the review of the storm water comprehensive plan, the SWMP updates, changes to the stormwater utility charges, or other stormwater codes or similar environmental policies at the early consideration stages at the public works committee level.
- Provide opportunities for the public involvement and comment in the consideration of the SWMP by holding a public hearing prior to adoption.
- Hold at least 2 readings of the SWMP prior to adoption.
- Make the SWMP, the Annual Report, and all other submittals required by the Phase II Permit, available to the public.
- Post the updated SWMP and the Annual Report, on the City's website.

## **SECTION 5 – ILLICIT DISCHARGE DETECTION AND ELIMINATION**

---

### **5.1 PERMIT REQUIREMENTS AND DATES**

Section S5.C.3 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop and implement an ongoing program to detect and remove illicit connections, discharges, and improper disposal, including spills, into the municipal separate storm sewers' owner or operated by the City. Specific program components are outlined below:

- Prioritize receiving waters for visual inspection by February 15, 2010.
- Conduct field assessments of three high priority water bodies by February 15, 2011.
- Conduct field assessments on at least one high priority water body annually henceforth by February 15, 2011.
- Develop a municipal storm sewer system map, to be available upon request, that shall be periodically updated and shall include the location of all known municipal separate storm sewer outfalls, receiving waters and structural stormwater BMPs owned, operated, or maintained by the City. Include tributary conveyances, associated drainage areas, and land use for all storm sewer outfalls with a 24-inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. The map shall include all connections to the municipal separate storm sewer authorized or allowed by the City, as well as geographic areas that do not discharge stormwater to surface waters by February 15, 2011.
- Develop and fully implement an ongoing program to detect and address non-stormwater discharges, spills, illicit connections and illegal dumping into the City's municipal separate storm sewer system. Include procedures for locating priority areas likely to have illicit discharges and field assessment activities, including visual inspection of priority outfalls, by August 19, 2011.
- Develop and implement procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the City by August 19, 2011.
- Develop and implement procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures by August 19, 2011.
- Develop and implement procedures for removing the source of the discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for eliminating the discharge; follow-up inspections; and escalating enforcement actions if the discharge is not eliminated by August 19, 2011.

- Inform and distribute appropriate information to public employees, businesses, and the general public regarding the hazards associated with illegal discharges and improper disposal of waste by August 19, 2011.
- Develop and implement procedures for program evaluation and assessment inspections, including tracking the number and type of spills or illicit discharges identified; made by August 19, 2011.

## **5.2 CURRENT ACTIVITIES**

The City currently implements activities and programs that meet some of the Permit requirements. The current compliance activities associated with the above Permit requirements include:

- Through Ordinance 09-917, city staff now has the ability to intervene and stop illicit discharges and get involved to educate those that pollute unknowingly and follow up with additional enforcement actions if compliance is not afforded.
- Four staff, including three public works staff and a policeman, have been trained on Illicit discharge awareness and IDDE response and enforcement. Additionally one of the local fire district officers has also attended training.
- Responding to reported illicit discharge reports and documenting the actions taken to eliminate them.
- Prioritize and conduct field assessments of high priority water bodies.

## **5.3 PLANNED ACTIVITIES**

The City plans to:

- Continue following up on hotline illicit discharge tips.
- Continue refining the stormwater system maps.
- Continue keeping responsible city staff trained to recognize and detect illicit discharges and to follow up with enforcement actions.
- Develop and implement stormwater outfall illicit discharge screening program.
- Select and implement IDDE issue tracking/resolution system.
- Revise current IDDE response process into a standard, City wide IDDE response and enforcement process.
- Identify areas of the City that have higher probability of illicit discharges or connections to the stormwater system.
- Develop a program for detecting, tracing to the source and removing the source of an illicit discharge, and to provide training for such a program.

## **SECTION 6 – CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT AND CONSTRUCTION SITES**

---

### **6.1 PERMIT REQUIREMENTS AND DATES**

Section S5.C.4 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop, implement, and enforce a program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities. Specific program components are outlined below.

- The City will continue with a program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities. This program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale. The program shall apply to private and public development, including roads.
- The City of Black Diamond has adopted the Department of Ecology 2005 SWMM to address runoff from new development, redevelopment, and construction site projects in conformance with Permit requirements. The City has retained existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds. The DOE 2005 Manual includes:
  1. An enforceable mechanism that includes a site planning process and BMP selection and design criteria in conformance with Permit requirements.
  2. A BMP selection, design criteria and requirements that will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy State AKART requirements.
  3. The legal authority, through the approval process for new development, to inspect private stormwater facilities that discharge to the City's stormwater system.
  4. Allows non-structural preventive actions and source reduction approaches such as Low Impact Development (LID) techniques, measures to minimize the creation of impervious surfaces and measures to minimize the disturbance of native soils and vegetation.

The City has the primary enforcing ordinances in place for the implementation of a program to manage the proper handling of stormwater for development and redevelopment. Some permit processing needs to be reviewed and appropriate fees set. The City program will include:

- Inspect all new flow control and water quality treatment facilities, including catch basins, for new residential developments that are a part of a larger common plan of development or sale, every 6 months during the period of

- heaviest house construction (i.e., 1 to 2 years following subdivision approval) to identify maintenance needs and enforce compliance with maintenance standards, as needed.
- Implement a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, other enforcement records, maintenance inspections and maintenance activities.
  - Provide copies of the "Notice of Intent for Construction Activity" and copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment.

## **6.2 CURRENT ACTIVITIES**

The City code currently implements the majority of the activities and programs to meet Permit requirements. The current compliance activities associated with the above Permit requirements include:

- The City review and inspection staff is coming up to speed on the full implementation of the Department of Ecology 2005 SWMM.
- The City conducts construction and stormwater site inspections during the pre-construction and construction phases.
- The City inspects existing private storm water quality and detention ponds.
- The City has implemented a permitting process with plan review, inspection and enforcement capability for both private and public projects. This program applies to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale.
- The City reviews stormwater site plans for proposed development activities.
- The City inspects, prior to clearing and construction, all known development sites that have a high potential for sediment transport.
- The City inspects all known permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. The City will enforce as necessary based on the inspection.
- The City inspects all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater controls such as stormwater facilities and structural BMPs. Also, the City will verify a maintenance plan is completed and responsibility for maintenance is assigned. Enforcements will be made, as necessary, based on the inspection.
- The City implements an enforcement strategy to respond to issues of non-compliance.
- The City implements a long-term operation and maintenance (O&M) program for private post-construction stormwater facilities and BMPs.

- Enforceable mechanism in place that clearly identifies the party responsible for maintenance, requires inspection of facilities, and establishes enforcement procedures.
- The City has established maintenance standards that are as protective as those specified in the 2005 SWMM for Western Washington.
- The City performs maintenance on City ponds and BMPs within required timeframes when an inspection identifies a maintenance standard has been exceeded. For each violation of the required timeframe, the City documents the circumstances and how they were beyond their control.
- The City performs maintenance on private ponds and BMPs when parties responsible for maintenance do not comply with maintenance requirements. City regulations allow the City to bill responsible parties for these costs.
- The City ensures that all staff responsible for implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. The City has a Certified Erosion and Sediment Control Lead (CESCL) on staff.

### **6.3 PLANNED ACTIVITIES**

The City has a program to help reduce stormwater runoff from new development and construction sites but has a goal to increase training and hire staff with expertise in the implementation of the DOE 2005 SWMM in order to maintain compliance as Permit requirements are phased in over the next several years. Actions that are recommended for continued compliance include:

- Review procedures for tracking and documenting Permit-related plan review, inspection, enforcement, and compliance activities and update as needed.
- Update and implementing process codes, fees and standards as necessary and as identified needs arise.
- Make copies of the Department of Ecology's "Notice of Intent for Construction Activity" and "Notice of Intent for Industrial Activity" available to representatives of proposed new development and redevelopment.
- Determine staff training needs and develop training strategies.
- Summarize annual activities for the "Controlling Runoff from New Development, Redevelopment and Construction Sites" component of the Annual Compliance Report.

## **SECTION 7 – POLLUTION PREVENTION AND OPERATION AND MAINTENANCE FOR MUNICIPAL OPERATIONS**

---

### **7.1 PERMIT REQUIREMENTS AND DATES**

Section S5.C.5 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop and implement an operations and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Specific program components and due dates are outlined below.

- Inspect at least once, and clean if necessary, all catch basins and inlets owned or operated by the City; February 15, 2012 [note: inspections and cleaning of all City catch basins and inlets occurred in August, 2010; inspections and cleaning will continue, as necessary].

### **7.2 CURRENT ACTIVITIES**

The City currently has activities and programs that meet some of the Permit requirements. The current compliance activities associated with the above Permit requirements include:

- The City has a program for catch basin inspections.
- The City has completed a site assessment of City facilities, including the fire station, the police station, the public works facility, the water reservoir and pump station.
- The City inspects City owned stormwater treatment facilities and continues to adapt the inspection criteria as identified in the DOE 2005 SWMM.
- The City has trained employees whose construction, operations or maintenance job functions may impact stormwater quality in the implementation of BMPs that will reduce or eliminate pollution from entering stormwater systems from City facilities or operations.
- The City's maintenance standards are as protective of facility function as those specified in the 2005 SWMM for Western Washington.
- The City performs maintenance within required timeframes when an inspection identifies an exceedance of the maintenance standard. For each exceedance of the required timeframe, the City will document the circumstances and how they were beyond the City's control.
- The City annually inspects all municipally owned or operated permanent stormwater treatment and flow control facilities, other than catch basins, and maintains facilities according to the adopted maintenance standards.



- After major storm events, the City conducts spot checks of potentially damaged stormwater facilities (other than catch basins).
- The City implements practices to reduce stormwater impacts associated with runoff from streets, parking lots, roads or highways owned or maintained by the City, and road maintenance activities conducted by the City.
- Procedures are in place to reduce pollutants in discharges from all lands owned or maintained by the City and subject to this Permit, including but not limited to: parks, open space, road right-of-way, maintenance yards, and stormwater treatment and flow control facilities.
- City employees, whose construction, operations or maintenance job functions may impact stormwater quality, receive training on an as-needed basis.
- Stormwater Pollution Prevention Plans (SWPPP) are in place for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the City in areas subject to this Permit that are not required to have coverage under the Industrial Stormwater General Permit.

### **7.3 PLANNED ACTIVITIES**

The City has a program to limit stormwater pollution potential related to its municipal operations and maintenance program, but has a goal to expand current efforts in order to maintain compliance as Permit requirements are phased in over the 2010 year.

Actions that are recommended for continued compliance include:

- Continue to inspect and maintain City-owned or operated stormwater catch-basins and flow control and treatment facilities.
- Continue training programs for staff whose work could impact stormwater quality.
- Continue to update tracking and documentation methods and procedures associated with inspection, maintenance or repair activities, as necessary.
- Summarize annual activities for the “Pollution Prevention and Operation and Maintenance for Municipal Operations” component of the Annual Compliance Report.

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION			
<b>SUBJECT: Resolution No. 11-746, continuing water quality sampling utilizing King County Services within Lake Sawyer and its tributaries</b>  Cost Impact: \$14,802.00 Fund Source: Storm Drainage Utility Timeline: 2011/12 fiscal years	<b>Agenda Date: April 21, 2011</b>		<b>AB11-027</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Economic Devel. – Andy Williamson		
	Parks/Nat. Resources – Aaron Nix	X	
	Community Develop. – Steve Pilcher		
	City Attorney – Chris Bacha		X
<b>Attachments: Resolution No. 11-746, Technical Services Agreement, Scope of work and cost estimate</b>			
SUMMARY STATEMENT:  The City has identified the need for continued water monitoring services with the Department of Natural Resources and Parks, Water and Land Resources Division (WLRD).  WLRD has supplied volunteer training and lab services to the City since 2006. Several water quality parameters including total settleable solids (TSS), phosphorous, pH, temperature, etc. are sampled on an annual basis. Results are recorded by WLRD and reported to the City on an annual basis.			
COMMITTEE REVIEW AND RECOMMENDATION: Move to full City Council for approval at its March 10, 2011 meeting.			
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 11-746, authorizing the Mayor to execute a Technical Services Agreement with the Department of Natural Resources and Parks, Water and Land Resources Division for continued water monitoring services throughout the City of Black Diamond.</b>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
April 21, 2010			

**RESOLUTION NO. 11- 746**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A TECHNICAL SERVICES AGREEMENT WITH THE DEPARTMENT OF NATURAL RESOURCES AND PARKS, WATER AND LAND RESOURCES DIVISION FOR CONTINUED WATER MONITORING SERVICES THROUGHOUT THE CITY OF BLACK DIAMOND**

**WHEREAS**, the City has identified the need for continued water monitoring services with the Department of Natural Resources and Parks, Water and Land Resources Division (WLRD);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to execute a service agreement with the Department of Natural Resources and Parks, Water and Land Resources Division (WLRD) for the fiscal years 2011/12 for services outlined in the Attachment A, scope of work, in an amount not to exceed \$14,802.00.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21ST DAY OF APRIL, 2011.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

**Technical Services Agreement  
Between King County and the City of Black Diamond  
For Lake Monitoring Services**

This Agreement is made and entered into by King County, Washington, hereinafter referred to as "King County" and the City of Black Diamond, hereinafter referred to as the "City," collectively referred to as the "Parties," in order for King County to provide surface water-related technical services to the City.

The Parties mutually agree as follows:

**I. Purpose**

This Agreement between King County and the City provides the terms under which King County, through its Department of Natural Resources and Parks, Water and Land Resources Division (WLRD), will provide to the City technical services to support Black Diamond's surface water management-related activities. Services to be provided are described in Exhibit One, attached to this Agreement and incorporated herein and made a part hereof.

**II. Management of Technical Services Provision**

1. The provision of services under this Agreement will be managed for King County by the staff from the Lakes and Streams Program as designated by King County and for Black Diamond by the Natural Resources Department Director or other staff as may be designated by the City ("Project Administrators").
2. In the event that a dispute arises under this Agreement, it shall be resolved by the Project Administrators. If the dispute cannot be resolved by the Project Administrators, it shall be referred for final resolution to the Division Director of King County WLRD and the Natural Resources Department Director of Black Diamond. This dispute resolution provision shall not be construed as prohibiting either Party from seeking enforcement of the terms of this Agreement, or relief or remedy from a breach of the terms of this Agreement, in law or in equity.

### **III. Responsibilities**

#### **A. King County**

King County shall provide services as documented in Exhibit One.

#### **B. Black Diamond**

1. The City will provide appropriate staff to coordinate with King County on services to be provided under this Agreement and will ensure that appropriate municipal regulatory provisions are in place to authorize services provided through this Agreement.
2. The City will pay for service costs as outlined below.

### **IV. Costs and Billing**

A. The City will pay costs to provide such services, including staff time, benefits and equipment. As documented on Exhibit One, maximum total service costs for the period of 2011-2012 ~~are estimated~~ at \$14,802.00, *unless otherwise specified*

B. The Parties agree to the following regarding billing and payment: *by amendment to this agreement.*

1. King County will invoice the City for services provided according to the schedule shown in Exhibit One.
2. Payment to King County for submitted invoices will be made by the City within forty-five (45) days of receipt of invoices.

### **V. Effectiveness, Duration, Termination, and Amendment**

- A. This Agreement is effective upon signature by both Parties and will remain in effect until March 31, 2013.
- B. This Agreement may be terminated by either Party upon 30 days written notice. In the event of termination, payment will be made by the City for work performed by the County to the date of termination.
- C. This Agreement may be amended only by written agreement of the Parties. Scopes of Work may be appended to this Agreement provided they are mutually agreed to by both Parties and within the terms and scope of this Agreement.
- D. This Agreement is not assignable by either Party, either in whole or in part.
- E. This Agreement is a complete expression of the intent of the Parties and any oral or written representations or understandings not incorporated herein are excluded. The parties recognize that time is of the essence in the

performance of the provisions of this Agreement. Waiver of any default shall not be deemed to be waiver of any subsequent default. Waiver of breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the Agreement unless stated to be such through written approval by the parties which shall be attached to the original Agreement.

- F. The Parties represent that funds for service provision under this Agreement have been appropriated and are available. To the extent that such service provision requires future appropriations beyond current appropriation authority, the obligations of each Party are contingent upon the appropriation of sufficient funds by that Party's legislative authority to complete the activities described in this Agreement. If no such appropriation is made for either Party, this Agreement will terminate at the close of the current appropriation year.

#### **VI. Indemnification and Hold Harmless**

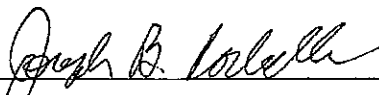
- A. King County shall protect, defend, indemnify, and save harmless the City, its officers, officials, and employees, while acting within the scope of their employment, from any and all costs, claims, judgments, and/or awards of damages, arising out of or in any way resulting from King County's own negligent acts or omissions, or the negligent acts or omissions of King County's officials, officers, or employees in carrying out King County's obligations under this Agreement.
- B. The City of Black Diamond shall protect, defend, indemnify, and save harmless King County, its officers, officials, and employees, while acting within the scope of their employment, from any and all costs, claims, judgments, and/or awards of damages, arising out of or in any way resulting from the City of Black Diamond's own negligent acts or omissions, or the negligent acts or omissions of the City of Black Diamond's officials, officers or employees in carrying out Black Diamond's obligations under this Agreement.

- C. Each Party agrees that its obligations under this Article VI extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each Party, by mutual negotiation, hereby waives, with respect to the other Party only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW.
- D. In the event that either Party incurs any judgment, award, and/or cost arising therefrom, including attorney's fees, to enforce the provisions of this Article, all such fees, expenses, and costs shall be recoverable from the responsible Party to the extent of that Party's culpability.
- E. King County's sole reporting obligations under the terms of this Agreement are to provide the results of the sampling and laboratory analytical services to the City. The Parties agree that King County's reporting obligations do not extend to any third party, including any regulatory agency that may seek to obtain or require the results of sampling or laboratory analyses. The Parties further agree that any reporting obligations that may exist with regard to third parties, including regulatory agencies, shall remain solely the responsibility of the City. King County shall have no liability for any failure to meet any existing reporting requirements and the City agrees to defend, indemnify and hold harmless King County for any damages, suits or claims by third parties related to the failure to report the results of the laboratory analyses.
- F. The indemnification provided for in this Article VI shall survive the termination of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved as to Form

**King County:**

By:   
Title: Deputy Prosecuting Attorney

By:   
Title: King County Executive

Approved as to Form

**City of Black Diamond:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: City Attorney

Title: \_\_\_\_\_

**Scope of Work 2011-2013**

**City of Black Diamond support services**

The King County Water and Land Resources Division will provide services through the Lake Stewardship Program (KC-LSP) to the City of Black Diamond for monitoring water quality and quantity on a seasonal basis in Lake Sawyer and for measuring inlet streams water quality from January through May and November - December.

Monitoring will include assuring the quality of the compiled data and providing pertinent information and analyses, reporting back to the city and citizen volunteers in a timely fashion and in a manner agreed upon by both parties, and providing technical assistance to the city and the public on questions concerning water quality results or problems.

**Seasonal monitoring program:**

Lake sampling will occur monthly from May through October for a total of six events during 2011-2012. For four of the events, parameters will include Secchi transparency, and temperature, total phosphorus, total nitrogen, chlorophyll-a and pheophytin at 1m depth. For two events (May and August): Secchi + 3 depths (1m, middle and 1m from bottom) --- temperature, total phosphorus, orthophosphate, total nitrogen, , ammonia, chlorophyll-a and pheophytin, total alkalinity, and water color as measured by UV254).

Base-flow stream sampling will occur monthly from January to May, then resume in November - December for a total of 7 events. Parameters measured will include conductivity, total alkalinity, total suspended solids, total phosphorus, orthophosphate, temperature and a flow estimate.

Two storm events will also be sampled at 5 - 8 stations along the inlets if precipitation conditions are met. The same parameters will be measured as for the routine events, with the



addition of an oil-and-grease measurement at the stations just above the inflows to the lake, as well as at the lake outlet.

KC-LSP will train designated citizen volunteers and/or city staff in the correct methods of data collection for water sample collection and storage, measurements of surface water temperature and Secchi transparency, and for observations on particles in the water, goose abundance, and gathering pertinent information on lake use.

The program will provide proper sampling equipment and will be responsible for repair or replacement if necessary. The program will also provide all sample bottles and will pick up filled bottles from the lake at a designated site to deliver to the KC Environmental Labs for analysis. Either stream samples will be delivered to county personnel living in Maple Valley, or KC staff will meet a volunteer at a half-way point for delivery to the King Street Center on the day after collection.

**Database management, analysis, quality assurance, and reporting:**

The program will enter all collected data from monitors and parameters measured by the King County Environmental Laboratory into a database to be made available to the city at the end of each year, analyze all data for consistency and general water quality conditions, pursue explanations for anomalies, look for trends or indicators of change in the parameters over time, and if requested make management suggestions to the city or citizens based upon the information.

A compilation of the data as part of the program's annual report will be delivered to city staff and cooperating citizen volunteers within a reasonable time after the end of each year, as well as e-files of the data in excel format. A presentation to the city council or appropriate staff may be made if requested, with time for discussion of pertinent issues.

**Budget:**

The charges set out below are based upon staff salaries, indirect operating charges, lab costs, equipment, materials, and mailing charges.

**Lake Sawyer Monitoring – for years 2011 - 2012**

<b>Lake Sawyer</b>	<b>2011</b>	<b>2012</b>
Water quality, monthly May-October	\$2,900.00	\$ 3,050.00
Inlet streams, monthly Jan-May, Nov-Dec	\$2,875.00	\$ 3,025.00
Flat Rate total	\$5,775.00	\$ 6,075.00
2 inlet storm events, use county staff	\$1,440.00	\$ 1,512.00
<b>Agreement Total</b>	<b>\$7,215.00</b>	<b>\$ 7,587.00</b>

Seasonal volunteer monitoring will be billed on a flat rate basis, to be paid annually by Black Diamond upon receipt of an invoice from King County in the fourth quarter of 2011 and 2012. Billing for monitoring for two storm events will also occur annually, but will be based on costs incurred, as storm events are not predictable and rainfall criteria might not be met.

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION			
<b>SUBJECT:</b> <b>Resolution No. 11-747, authorizing Amendment No. 2 to the Coordinated Prevention Grant Agreement signed by the Council on February 5, 2010</b>	<b>Agenda Date: April 21, 2011</b>		<b>AB11-029</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney –Chris Bacha		
	City Clerk – Brenda L. Martinez		<b>X</b>
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact: N/A	Parks/Natural Resources – Aaron Nix	<b>X</b>	
Fund Source: N/A	Comm. Dev. – Steve Pilcher		
Timeline: N/A	<b>Attachments: Resolution No. 11-747, Amendment</b>		
<b>SUMMARY STATEMENT:</b>  The City entered into an agreement with the Department of Ecology for monies towards the City’s Annual Spring Recycling Event. Grant monies awarded to the City are being reinforced with Amendment No. 2.			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>			
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 11-747, authorizing the Mayor to execute Amendment No. 2 to the Coordinated Prevention Grant Agreement (G1000441) with the Department of Ecology entered into by Council on February 5, 2010.</b>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
April 21, 2011			

**RESOLUTION NO. 11- 747**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 TO THE COORDINATED PREVENTION GRANT AGREEMENT (G1000441) WITH THE DEPARTMENT OF ECOLOGY ENTERED INTO THE BY COUNCIL ON FEBRUARY 5, 2010**

**WHEREAS**, the City of Black Diamond entered into an agreement with the Department of Ecology for its Coordinated Prevention Grant on February 5, 2010; and

**WHEREAS**, said Grant would help fund two Cleanup Day/Special Recycling Collection events and associated Household Hazardous Waste Educational activities;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to execute Amendment No. 2 to the Coordinated Prevention Grant Agreement (G1000441) with the Department of Ecology as contained in the form attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21ST DAY OF APRIL, 2011.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

**AMENDMENT NO. 2 TO AGREEMENT NO. G1000441**

**BETWEEN THE**

**STATE OF WASHINGTON DEPARTMENT OF ECOLOGY**

**AND**

**CITY OF BLACK DIAMOND**

**Purpose:** To amend the above referenced grant agreement between the Department of Ecology (Department) and City of Black Diamond (Recipient). This amendment will allow the recipient to receive reimbursement for activities within the scope of work through June 30, 2011.

**IT IS MUTUALLY AGREED that the agreement is amended as follows:**

1. The total maximum eligible cost for this agreement increases by \$ 4,134 from \$ 4,134 to \$ 8,268. The state share amount for this agreement increases by \$ 3,100 from \$ 3,100 to \$ 6,200.
2. The following table outlines the changes to the budget listed by task.

<b>Budget Table</b>			
<b>Category and Task</b>	<b>Original Budget Totals Maximum Eligible Cost</b>	<b>Budget Changes Maximum Eligible Cost</b>	<b>Revised Budget Totals Maximum Eligible Cost</b>
Waste Reduction & Recycling	\$4,134	\$4,134	\$8,268
Task 1: Recycling Collection Events - Residential	\$4,134	\$4,134	\$8,268
<b>TOTAL MAXIMUM ELIGIBLE COST</b>	\$4,134	\$4,134	\$8,268
<b>STATE SHARE</b>	\$3,100	\$3,100	\$6,200

**FUND SOURCE: CPG (SBCA)**

<b>Maximum Eligible Cost:</b>		\$8,268
<b>FUND</b>	<b>GRANT PERCENT (%)</b>	<b>STATE GRANT SHARE</b>
State Building Construction Account (SBCA)	75%	\$6,200
<b>MATCH REQUIREMENT</b>	<b>MATCH PERCENT (%)</b>	<b>LOCAL SHARE</b>
Cash Match	25%	\$2,068
Interlocal Costs	0	0

