



**OLYMPIA
HEARING EXAMINER
DECISION**

Community Planning & Development
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May 8, 2014

Greetings,

Subject: PORT STORMWATER CONVEYANCE TREATMENT SYSTEM
Case# 14-0030

The enclosed decision of the Olympia Hearings Examiner hereby issued on the above date may be of interest to you.

This is a final decision of the City of Olympia Hearing Examiner regarding a Shoreline Substantial Development Permit for the above referenced project.

In general, any appeal of a final land use decision must be filed in court within twenty-one days. See Revised Code of Washington, Chapter 36.70, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal. In particular, see RCW 36.70C.040.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4th Avenue E or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360-753-8314, or by e-mail at cpdinfo@ci.olympia.wa.us if you have any questions.

Sincerely,

STEVEN FRIDDLE
Principal Planner

Enclosure

SF:ps

1 BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

2 IN RE:) HEARING NO. 14-0443
3)
4 PORT OF OLYMPIA STORMWATER) FINDINGS OF FACT,
CONVEYANCE TREATMENT) CONCLUSIONS OF LAW
IMPROVEMENT PROJECT) AND DECISION

5 **APPLICANT:** Port of Olympia
6 915 Washington Street NE
7 Olympia, Washington 98501

8 **SUMMARY OF REQUEST:**

9 A Shoreline Substantial Development Permit to construct a stormwater conveyance and
treatment system at the Port of Olympia Marine Terminal including the following:

- 10 1. Modification and abandonment of existing stormwater outfalls;
- 11 2. Rehabilitation or replacement of existing stormwater pipes;
- 12 3. Rerouting of Marine Terminal building roof run-off;
- 13 4. Construction of a new combined diversion/pump station;
- 14 5. Installation of new stormwater gravity and force mains;
- 15 6. Construction of new treatment facility; and
- 16 7. Modification of existing stormwater pond to include a wet pond.

17 **LOCATION OF PROPOSAL:**

18 Port of Olympia Marine Terminal.

19 **SUMMARY OF DECISION:**

20 The Shoreline Substantial Development Permit is **approved** subject to conditions.

21 **BACKGROUND**

22 On December 18, 2011, the State Department of Ecology issued Administrative Order
23 No. 9661 to the Port of Olympia requiring compliance with the Industrial Stormwater General
24 Permit (ISGP) No. WAR001168 and required corrective actions. Pursuant to that Order the Port
25 is required to "install, and have operational, a stormwater treatment system that is designed with
the goal of achieving all of the applicable benchmark values as soon as possible, but no later than

1 September 30, 2014." In order to comply with this Order the Port proposes to install a new
2 stormwater treatment system for its Marine Terminal site. The treatment system will be
3 centralized facility on the eastern portion of the Marine Terminal adjacent to the existing
4 vegetated stormwater treatment pond. The treatment system will rely on chemical oxidation
5 (using hydrogen peroxide) with a goal of attaining permit benchmark values established under
6 the ISGP. The treatment facility will include a three-cell treatment pond, a pump station and
7 new force main, a control building, a sludge pond, decant facility, and modifications to the
8 existing stormwater conveyance system and existing outfalls.

9 Stormwater from the Marine Terminal currently discharges into four drainage basins (A,
10 B, C and I) with each basin having a corresponding outfall to Budd Inlet. Previous monitoring
11 indicates that discharges have exceeded certain permit benchmarks. The goal of the project is to
12 achieve the applicable benchmark values for stormwater runoff and to address structural
13 deficiencies in the existing stormwater conveyance system, which will be repaired as part of the
14 project.

15 The following are the more significant aspects of the project:

16 1. Existing outfalls will be modified and/or abandoned. Outfall B will be abandoned
17 in place. Stormwater that had previously drained to Outfall B will be rerouted to the main storm
18 line and eventually discharged through existing Outfall C. Outfall I will be plugged and
19 abandoned and a new storm line will divert drainage from the abandoned outfall to the main
20 storm line and ultimately discharged through Outfall C. With the exception of current discharge
21 to Outfall A, all stormwater will now be discharged at a single location at Outfall C.

22 2. The existing main storm sewer line (the "C Line") will be repaired and all
23 structural deficiencies will be replaced.

1 3. The stormwater drainage from the Marine Terminal warehouse building, which
2 does not require treatment, will be rerouted to Outfall A.

3 4. A combined diversion structure/pump station will be constructed that will prevent
4 tidal water from entering the primary storm system except under extremely high tides. This
5 pump station will deliver stormwater to the treatment facility.

6 5. A new force main will be constructed to reroute stormwater from the pump
7 station to the treatment facility.

8 6. A new gravity conveyance pipe will be constructed to convey treated stormwater
9 from the treatment facility to the diversion structure.

10 7. A stormwater treatment system will be constructed to provide oxidation, settling,
11 filtration, and polishing of stormwater. This treatment system will include:

12 a. A three-cell treatment pond that provides equalization, oxidation, pH
13 adjustment, and settling.

14 b. A control building with chemical storage, mixing tank, injection, and
15 monitoring and controls.

16 c. Backflushing sand filters.

17 d. A sludge pond, filter press, and sludge pumping, transport, and
18 conditioning facilities.

19 e. A decant facility.

20 f. The existing stormwater pond, which will be restored by removing some
21 of the accumulated vegetation and sediment, will be enhanced to treat stormwater runoff
22 from offsite contributing areas in the treatment facility.

23 g. The existing stormwater pond will be modified to include a wet pond to
24 provide further stormwater treatment for offsite runoff.

1 8. The project also includes approximately 15,000 cubic yards of excavation which
2 will be stored onsite and approximately 12,600 cubic yards of imported structural fill.

3 Aspects of the project fall within shorelines jurisdiction due to the site's proximity to
4 Budd Inlet. Due the scope of the project a Shoreline Permit is required prior to approval of
5 construction permits.

6 The public hearing commenced at 6:30 p.m., on Monday, May 5, 2014, in the Council
7 Chambers in the City Hall. The City appeared through Steve Friddle, Senior Planner. The
8 Applicant, the Port of Olympia, appeared through Tyson Carpenter, Project Manager, and Rick
9 Anderson, Construction Manager. No members of the public were present and no public
10 comment has been received. Testimony was received from Mr. Friddle. A verbatim recording
11 was made of the public hearing and all testimony was taken under oath. Documents considered
12 at the time of the hearing were the City Staff Report including all attachments.

13 Mr. Friddle provided a brief history of the project, the reasons why a permit is required,
14 and the City's proposed conditions for approval of the permit. The Port of Olympia agrees with
15 the City's proposed conditions for approval.

16 Following the presentation by Mr. Friddle, the hearing was then opened for public
17 comment. There were no members of the public present who wished to speak and no public
18 comment has been submitted to City Staff.

19 As noted, the City recommends approval of the requested Shoreline Substantial
20 Development Permit subject to several conditions which are accepted by the Applicant. As will
21 be noted more fully in the Findings of Fact and Conclusions of Law, the application complies
22 with requirements of the Shoreline Management Act, local shorelines regulations, the Unified
23 Development Code, and the Tree Protection and Replacement Standards, and should be
24 approved.

1 Accordingly, I make the following:

2 **FINDINGS OF FACT**

3 1. The Applicant, the Port of Olympia, requests a Shoreline Substantial
4 Development Permit to construct a new stormwater conveyance and treatment system at the
5 Olympia Marine Terminal to include the following:

- 6 a. Modification and abandonment of existing stormwater outfalls;
7 b. Rehabilitation or replacement of existing stormwater pipes;
8 c. Rerouting of Marine Terminal building roof run-off;
9 d. Construction of a new combined diversion/pump station;
10 e. Installation of new stormwater gravity and force mains;
11 f. Construction of new treatment facility; and
12 g. Modification of existing stormwater pond to include a wet pond.

13 2. The Findings of Fact contained in the foregoing Background section are
14 incorporated herein by reference and adopted by the Hearing Examiner as his own Findings of
15 Fact.

16 3. Pursuant to the State Environmental Policy Act, the Port of Olympia as lead
17 agency, issued a Mitigated Determination of Nonsignificance (MDNS) on February 11, 2014.
18 No comments or appeals were filed. The City has also not received any comments.

19 4. Notification of the public hearing was mailed to the parties of record, property
20 owners within 300 feet and recognized neighborhood associations, posted on the site and
21 published in The Olympian in conformance with Olympia Municipal Code 18.78.020.

22 5. City Staff recommends approval of the Shoreline Substantial Development Permit
23 subject to conditions.

24 6. The Staff Report, at pages 2 and 3, contains Findings related to existing
25 conditions and project description. A more complete description of the project can also be found
in the SEPA MDNS issued by the Port of Olympia. The Hearing Examiner has reviewed those
Findings and adopts them as his own Findings of Fact.

1 Ecology, or until all review proceedings initiated within twenty-one days from the date of filing
2 have been terminated (WAC 173-27-190). Since time is of the essence under the Ecology
3 Administrative Order No. 9661 dated December 18, 2011, portions of the project outside the
4 shoreline jurisdiction may commence immediately.

5 2. Should contaminated soils be encountered during construction all of the following
6 shall apply:

7 a. Construction activity shall be immediately suspended;

8 b. The contractor shall immediately notify the Washington State Department
9 of Ecology; and

10 c. Contaminated materials shall be properly handled, characterized, and
11 disposed of consistent with applicable regulations.

12 3. The Applicant shall submit detailed design review application to the lead planner
13 containing:

14 a. Color and Materials (18.150.070);

15 b. Final Landscape Plans (18.150.080); and

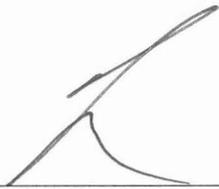
16 c. Signs (18.150.100, if any, with the building permit application pursuant to
17 OMC 18.100.110(B).

18 4. The Applicant's final Landscape planting plan shall confirm the 9.5 Tree units
19 needed to address the 4,800 square feet of "disturbed area" pursuant to OMC 16.

20 5. Because of sound transmission across water to nearby residences; and, in addition
21 to the 7:00 a.m. to 10:00 p.m. limitations placed on construction noise activities contained in the
22 Port MDNS, the Applicant shall further limit any earth vibrations or concussions to the hours
23 between 7:00 a.m. and 6:00 p.m. pursuant to OMC 18.40.080(C)(7).

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2 CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN AND IS NOT
3 AUTHORIZED UNTIL TWENTY-ONE DAYS FROM THE DATE OF FILING AS DEFINED
4 IN RCW 90.58.140(6) AND WAC 173-27-130, OR UNTIL ALL REVIEW PROCEEDINGS
5 INITIATED WITHIN TWENTY-ONE DAYS FROM THE DATE OF SUCH FILING HAVE
6 TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

7 DATED this 7 day of May, 2014.

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11 _____
12 Mark C. Scheibmeir
13 City of Olympia Hearing Examiner
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