

Legal and Permit Compliance Update: Industrial Stormwater General Permit (ISGP)

Washington Public Ports Association

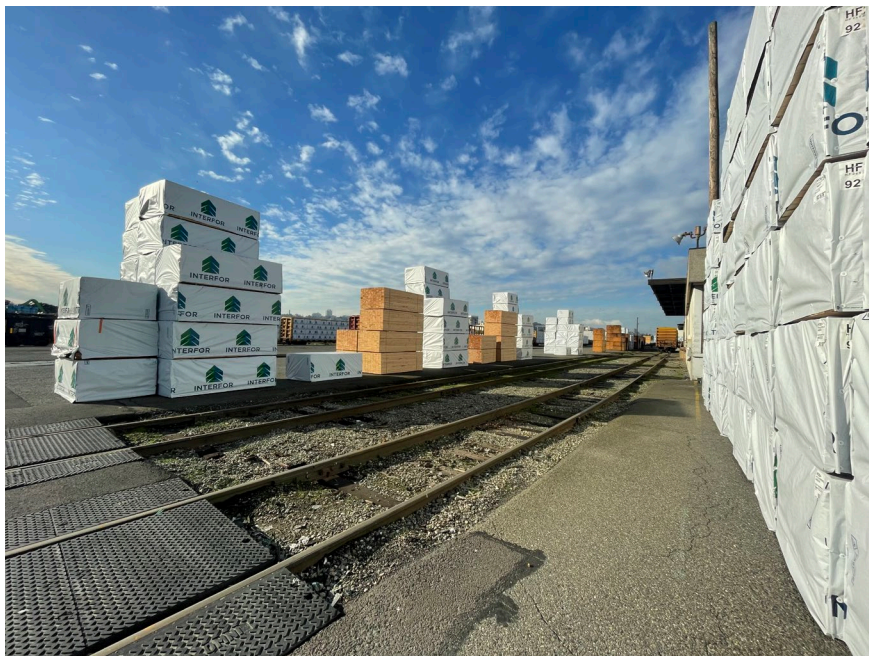
2026 Environmental Seminar

Sara Frase (CSD) & Mindi Kellar (NW Seaport Alliance)

September 24, 2026

What comes to mind when we
say, “stormwater litigation?”

Agenda



- Where We've Been
 - 2025 ISGP Appeal
 - Settlement Agreements
 - Not done yet...
- What Now?
 - How does this affect my Port?
 - Keeping in Compliance
 - Planning for the future

The PCHB Appeal

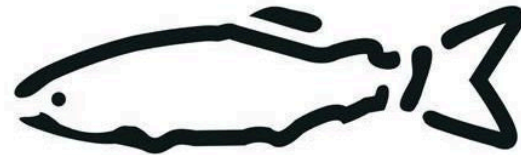
- Six separate appeals filed
- Issues on Appeal
 - Fifty-Nine Combined Preliminary Issues
- 3-Week Hearing (February 2026)
- Ruling Issued (June 2026)
- Keepers Appealing the Board's Decision (July 2026)

1	POLLUTION CONTROL HEARINGS BOARD	
2	STATE OF WASHINGTON	
3	PUGET SOUNDKEEPER ALLIANCE;	PCHB No. 24-088c FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
4	SPOKANE RIVERKEEPER;	
5	WASHINGTON TRUCKING ASSOCIATIONS; SSA TERMINALS, LLC;	
6	BNSF RAILWAY COMPANY; THE NORTHWEST SEAPORT ALLIANCE;	
7	PORT OF SEATTLE; PORT OF TACOMA; and THE WASHINGTON PUBLIC PORTS ASSOCIATION,	
8	Appellants,	
9	v.	
10	STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY,	Respondent.
11		
12		

Partial Settlements

- Two Agreements between Ecology and the Permittee-Appellants.
- Ecology taking steps towards reissuance.
 - Draft in February 2028
 - Final in August 2028

NO DUMPING



DRAINS TO WATERWAY

More Appeals

- Keepers challenged the Partial Stay of the ISGP
- Hearing scheduled for July 2026
- Appeal Dismissed by PCHB June 2026
- Keepers Appealing

1	POLLUTION CONTROL HEARINGS BOARD	
2	STATE OF WASHINGTON	
3	PUGET SOUNDKEEPER ALLIANCE and SPOKANE RIVERKEEPER,	PCHB No. 26-010
4	Appellants,	
5	v.	ORDER ON MOTIONS FOR SUMMARY JUDGMENT
6	STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY,	
7	Respondent,	
8	and	
9	NORTHWEST SEAPORT ALLIANCE; PORT OF SEATTLE; PORT OF TACOMA; BNSF RAILWAY COMPANY; SSA TERMINALS, LLC; and WASHINGTON TRUCKING ASSOCIATION,	
10		
11		
12	Respondent-Intervenors.	
13		

Tell us about the 2029 Permit

- Ecology is committed to propose language as outlined in settlement agreements
- Ecology is currently working on changes
- Still unknown
 - Contaminants of emerging concern
 - Benchmarks



Staying in Compliance



- 2025 ISGP
 - Continue meeting 2025 ISGP Permit requirements
 - Have a good consultant on board
 - Waivers for wharves

Planning for the Future



- Stay involved
 - Early Input Sessions
 - Listening Sessions
 - Provide Input
- Washington Stormwater Center
- Ecology Website
- WPPA

Questions?

Our Contact Information

Sara Frase

sfrase@csdlaw.com



Mindi Kellar

mkellar@nwseaportalliance.com

