

ORDINANCE NO. 013/2009

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, RELATING TO THE CITY'S MUNICIPAL STORM WATER SEWER SYSTEM; ADOPTING A NEW CHAPTER 13.34 ILLCIT DISCHARGE DETECTION AND ELIMINATION TO THE MONROE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) administered by the Environmental Protection Agency (EPA) is one of the primary mechanisms for achieving the objectives of the federal Clean Water Act; and

WHEREAS, the EPA has delegated responsibility to administer the NPDES permit program to the State of Washington pursuant to Chapter 90.48 RCW, which defines the Department of Ecology's authority and obligations in administering the program; and

WHEREAS, the City of Monroe (the "City") is regulated under the Washington State Department of Ecology's Western Washington Phase II Municipal Stormwater Permit (the "Permit"); and

WHEREAS, the Permit extends the coverage of the NPDES permit program to certain "small" municipal separate stormwater sewer systems, some of which are located within the City of Monroe; and

WHEREAS, the City is required to develop a Stormwater Management Program, including adoption of an ordinance by August 16, 2009 prohibiting all non-stormwater discharges into the municipal separate stormwater sewer systems and implementing appropriate enforcement procedures and actions the Permit; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adopted. A new Chapter 13.34 of the Monroe Municipal Code ("MMC") entitled Illicit Discharge Detection and Elimination is hereby adopted in Title 13 of the MMC to read as follows:

CHAPTER 13.34
ILLCIT DISCHARGE DETECTION
AND ELIMINATION

Sections:

13.34.010 Purpose.
13.34.020 Definitions.

- 13.34.030 Applicability.
- 13.34.040 Responsibility for Administration.
- 13.34.050 Discharge Prohibitions.
- 13.34.060 Allowable Discharges.
- 13.34.070 Conditional Discharges.
- 13.34.080 Enforcement.
- 13.34.090 Severability.

13.34.010 Purpose.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Monroe, Washington through the regulation of non-stormwater discharges to the stormwater drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the stormwater drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- A. To regulate the contribution of pollutants to the stormwater drainage system by stormwater discharges by any person.
- B. To prohibit illicit connections and illicit discharges to the stormwater drainage systems.
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

13.34.020 Definitions.

For the purposes of this chapter, the following shall mean:

“AKART” means All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, sections 90.48.010 RCW and 90.48.520 RCW.

“Best Management Practices (BMPs)” means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating

procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

“Director” means the city engineer, or a designee of the city engineer, who shall administer this chapter and shall be referred to as the director.

“Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Hyperchlorinated” means water that contains more than 10 mg/Liter chlorine.

“Illicit Discharge” means any direct or indirect non-stormwater discharge to the stormwater drainage system, except as exempted in section of the chapter titled “Allowed Discharges” and “Conditional Discharges”.

“Illicit Connections” means any manmade conveyance that is connected to a stormwater drainage system without a permit excluding roof drains or other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater drainage system.

“Industrial Activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit” means a permit issued by Washington Department of Ecology under authority delegated pursuant to 33 USC § 1342(b) (Clean Water Act) that authorizes the discharge of pollutants to waters of the United States, whether

the permit is applicable on an individual, group, or general area-wide basis.

“Non-Stormwater Discharge” means any discharge to the stormwater drainage system that is not composed entirely of stormwater.

“Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Stormwater Drainage System” means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.

“Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

“Stormwater pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

13.34.030 Applicability.

This chapter shall apply to all water entering the stormwater drainage system generated on any developed and undeveloped lands lying within the city of Monroe. The director is authorized to adopt written procedures for the purpose of carrying out the provisions of this chapter.

13.34.040 Responsibility for Administration.

A. The director is directed and authorized to develop an inspection program for illicit discharge and illicit connection investigation in the city of Monroe.

B. Inspection Authority. The director is authorized to implement the inspection program for the investigation of suspected illicit discharges and illicit connections.

C. Enforcement Authority. The director shall enforce the requirements of this chapter.

13.34.050 Discharge Prohibitions.

A. Prohibition of illicit discharges.

1. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge directly or indirectly into the stormwater drainage system and/or surface and groundwaters any materials other than stormwater.

2. Examples of prohibited contaminants include but are not limited to the following:

- a. trash or debris;
- b. construction materials;
- c. petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
- d. antifreeze and other automotive products;
- e. metals in either particulate or dissolved form;
- f. flammable or explosive materials;
- g. radioactive material;
- h. batteries;
- i. acids, alkalis, or bases;
- j. paints, stains, resins, lacquers, or varnishes;
- k. degreasers and/or solvents; drain cleaners;
- l. pesticides, herbicides, or fertilizers;

- m. steam cleaning wastes;
- n. soaps, detergents, or ammonia;
- o. swimming pool or spa filter backwash;
- p. chlorine, bromine, or other disinfectants;
- q. heated water;
- r. domestic animal wastes;
- s. sewage;
- t. recreational vehicle waste;
- u. animal carcasses;
- v. food wastes;
- w. bark and other fibrous materials;
- x. lawn clippings, leaves, or branches;
- y. silt, sediment, concrete, cement or gravel;
- z. dyes;
- aa. chemicals not normally found in uncontaminated water;
- bb. any other process-associated discharge except as otherwise allowed in this section; and
- cc. any hazardous material or waste not listed above.

B. Prohibition of Illicit Connections

1. The construction, use, maintenance, or continued existence of illicit connections to the stormwater drainage system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the stormwater drainage system, or allows such a connection to continue.

13.34.060 Allowable Discharges.

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- A. Diverted stream flows.
- B. Rising groundwaters.
- C. Uncontaminated groundwater infiltration –as defined in 40 CFR 35.2005(20).

- D. Uncontaminated pumped groundwater.
- E. Foundation drains.
- F. Air conditioning condensation.
- G. Irrigation water from agricultural sources that is commingled with urban stormwater.
- H. Springs.
- I. Water from crawl space pumps.
- J. Footing drains.
- K. Flows from riparian habitats and wetlands.
- L. Discharges from emergency fire fighting activities.

13.34.070 Conditional Discharges.

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

A. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;

B. Lawn watering and other irrigation runoff are permitted but shall be minimized;

C. De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;

D. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;

E. Non-stormwater discharges covered by another NPDES permit, provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable

laws and regulations; and provided, that written approval has been granted from the director for any discharge to the stormwater drainage system;

F. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or groundwater.

13.34.080 Enforcement.

Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for such violations shall apply to any violation of this code.

13.34.090 Severability.

If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 4th day of August, 2009.

CITY OF MONROE, WASHINGTON:

1st Reading: 8/04/09
Published: 8/11/09
Effective: 8/16/09



Donnetta Walser, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:



Eadye Martinson, Deputy City Clerk



Phil Olbrechts, City Attorney