

ORDINANCE NO. 4548

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO CHAPTER 9.25 ENTITLED "REQUIREMENTS FOR RECEIVING UTILITY SERVICE", AND AMENDING SECTIONS 9.25.020 AND 9.25.320 AND ADDING NEW SECTIONS 9.25.322, 9.25.324, AND 9.25.326.

WHEREAS, urban areas that collect stormwater runoff in municipal storm drainage systems and discharge it to surface waters are required to have a permit (NPDES permit) under the Federal Clean Water Act; and

WHEREAS, the Washington State Department of Ecology (DOE) develops and administers National Pollution Discharge Elimination System (NPDES) municipal stormwater permits in Washington State pursuant to delegated authority from the U.S. Environmental Protection Agency; and

WHEREAS, DOE issued Phase II NPDES municipal stormwater permits in January, 2007, and such permits govern at least 80 cities, including the City of Ellensburg;

WHEREAS, Special Condition 5 of the Phase II NPDES permit requires the City of Ellensburg to adopt Illicit Discharge Detection and Elimination regulations that:

1. Prohibit non-stormwater, illicit discharges and/or dumping into the City's stormwater system;
2. Identify allowable discharges;
3. Identify the discharges allowed under certain conditions;
4. Prohibit illicit connections to the City's stormwater system;
5. Define terms used in the code to be consistent with those in the permit;
6. Provide administrative procedures within the limits of state and federal law to investigate the source of illicit discharges into the City's stormwater system, including procedures for inspections to identify sources of illicit discharges; and
7. Include escalating enforcement and legal actions to ensure removal of the source or illicit connection if it is not eliminated by the responsible party; and

WHEREAS, the health, safety and welfare of the citizens of the City of Ellensburg are best served by measures that ensure water quality standards and help protect receiving waters and their beneficial uses,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Ellensburg Municipal Code Section 9.25.020, as last amended by Ordinance No. 4503, is hereby amended to read as follows:

9.25.020 Definitions.

Unless specifically defined in this section, all words used in this chapter shall have their ordinary meanings and common usage. The following words and terms when used in this chapter shall have the following meanings:

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

“Building inspector” means the city building inspector or any city employee authorized by the community development director to act in the capacity of building inspector. Building inspector shall also mean the county building inspector for facilities located outside of the city’s jurisdiction.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial 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 USC Section 1251 et seq.), and any subsequent amendments thereto.

“Ground water” 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 10mg/Liter chlorine.

“Illicit discharge” means any direct or indirect non-stormwater discharge to the city’s storm drain system, except as expressly allowed by this chapter.

“Illicit connection” means any man-made connection to the City’s storm drain system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate stormwater system.

“Municipal separate stormwater system” (MS4) means a conveyance or system of conveyances (including roads with ditches, man-made channels, or storm drains):

1. Owned or operated by the City of Ellensburg;
2. Designed or used for collecting or conveying stormwater;
3. Which is not part of a Publicly Owned Treatment Works (POTW). "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and
4. Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.

"National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) 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 storm drain system that is not composed entirely of stormwater.

"Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

"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; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects 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.

"Pounds pressure" means a customer's gas system appliance requiring a constant pressure while in operation.

"Power quality problems" means changes to the standard power normally provided to customers and includes but is not limited to voltage fluctuations, distorted sine wave or frequency shifts.

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

"Storm drainage system" means publicly owned facilities, including the City's municipal separate stormwater system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

"Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

“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.

“Water column pressure” means the pressure exerted by a column of water. 27.7 inches water column is equal to one pound per square inch (psi).
[Ord. 4503 § 2, 2007.]

Section 2. Ellensburg Municipal Code Section 9.25.320, as last amended by Ordinance No. 4503, is hereby renamed and amended to read as follows:

9.25.320 ~~Matters excluded from storm sewers~~ Prohibited discharges to storm sewers.

In addition to the excluded matter specified in ECC 9.25.310, all other matter of any nature shall be excluded from those parts of the sewer system designated by the public works director as storm sewers, except for surface drainage water and other water not required to be disposed of through the sanitary sewer system, and any such drainage water may be directed into a storm sewer only under the authorization and direction of the public works director. [Ord. 4503 § 2, 2007.]

A. Illicit discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the City’s storm drainage system and/or surface and ground waters any materials, including hazardous materials and pollutants, other than stormwater.

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

1. Trash or debris;
2. Construction materials;
3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
4. Antifreeze and other automotive products;
5. Metals in either particulate or dissolved form;
6. Flammable or explosive materials;
7. Radioactive material;
8. Batteries;
9. Acids, alkalis, or bases;
10. Paints, stains, resins, lacquers, or varnishes;
11. Degreasers and/or solvents;
12. Drain cleaners;
13. Pesticides, herbicides, or fertilizers;
14. Steam cleaning wastes;
15. Soaps, detergents, or ammonia;
16. Swimming pool or spa filter backwash;
17. Chlorine, bromine, or other disinfectants;
18. Heated water;
19. Domestic animal wastes;
20. Sewage;

21. Recreational vehicle waste;
22. Animal carcasses;
23. Food wastes;
24. Bark and other fibrous materials;
25. Lawn clippings, leaves, or branches;
26. Silt, sediment, concrete, cement or gravel;
27. Dyes;
28. Chemicals not normally found in uncontaminated water;
29. Any other process-associated discharge except as otherwise allowed in this section; and
30. Any hazardous material or waste not listed above.

Section 3. A new section 9.25.322 entitled “Allowable discharges to storm sewers” is hereby added to the Ellensburg Municipal Code to read as follows:

9.25.322 Allowable discharges to storm sewers.

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the City 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:

1. Diverted stream flows;
2. Rising ground waters;
3. Uncontaminated ground water infiltration—as defined in 40 CFR 35.2005(20);
4. Uncontaminated pumped ground water;
5. Foundation drains;
6. Air conditioning condensation;
7. Irrigation water from agricultural sources that is commingled with urban stormwater;
8. Springs;
9. Water from crawl space pumps;
10. Footing drains;
11. Flows from riparian habitats and wetlands; and
12. Discharge from emergency fire fighting activities.

Section 4. A new section 9.25.324 entitled “Conditional discharges to storm sewers” is hereby added to the Ellensburg Municipal Code to read as follows:

9.25.324 Conditional discharges to storm sewers.

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 City 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:

1. 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, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater

system;

2. Lawn watering and other irrigation runoff are permitted but shall be minimized;
3. De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;
4. 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;
5. 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 for any discharge to the storm drain system; and
6. 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 ground water.

Section 5. A new section 9.25.326 entitled "Prohibition of illicit connections" is hereby added to the Ellensburg Municipal Code to read as follows:

9.25.326 Prohibition of illicit connections to storm sewers.

1. The construction, use, maintenance, or continued existence of illicit connections to the City's storm 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 ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 6. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days after publication as required by law.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 21st day of September, 2009.


MAYOR Pro Tem

ATTEST:



CITY CLERK

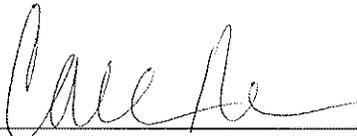
APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISH: September 24, 2009

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4548 is a true and correct copy of said Ordinance of like number of said City as the same was passed by said Council, and that Ordinance No. 4548 was published as required by law.



COREEN M. RENO, CMC