CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 10-22

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AMENDING TITLE 14 OF THE BUCKLEY MUNICIPAL CODE TO INCORPORATE RECOMMENDED CHANGES TO THE CITY STORMWATER CODE TO MEET REQUIREMENTS OF THE CITY'S PHASE II STORMWEATER NPDES PERMIT ISSUED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY.

WHEREAS, the Federal Environmental Protection Agency's Phase II regulations went into effect in early 2003 and apply to all regulated small municipal separate storm sewer systems; and

WHEREAS, on January 17, 2007 Washington State Department of Ecology (DOE) issued two Phase II Municipal Stormwater Permits, one for western Washington and one for eastern Washington. The Phase II permit for western Washington covers at least 80 cities and five counties; and

WHEREAS, DOE determined that the City of Buckley was to be included under this Stormwater Phase II NPDES Permit coverage; and

WHEREAS, DOE first issued the Western Washington Phase II Permit in 2007 and has modified and reissued it a number of times to bring it to the current cycle; and

WHEREAS, the Phase II Permit requires that each municipality meet the requirements of their NPDES Permit. Each municipality's permit for discharging stormwater is designed to reduce the discharge of pollutants, protect water quality, and meet the requirements of the Clean Water Act; and

WHEREAS, the Phase II Permit requires stormwater managers to develop and maintain a Business Source Control Program to inspect stormwater practices of businesses; and

WHEREAS, in compliance with the DOE Phase II NPDES Stormwater Permit requirement the City Council adopted Ordinance No. 04-22, March 22, 2022, establishing the newly revised 2022 Stormwater Management Program; and

WHEREAS, the Stormwater Management Program requires that the City review codes, rules and standards within our existing stormwater code to identify changes and/or revisions needed within the code to comply with NPDES permit requirements; and

WHEREAS, City staff and City engineers have reviewed all of the City's stormwater standards and regulations and identified recommended changes in definitions and other sections needed in order to comply with the Phase II NPDES; and

WHEREAS, the City Council desires to amend BMC Title 14 to incorporate the recommended code changes to comply with the Phase II NPDES requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 14.30 of the Buckley Municipal Code is amended to read as follows:

14.30.020 Definitions.
For the purposes of this chapter, the following definitions shall apply:

"AKART" means all known, available, and reasonable methods of prevention, control and treatment. See also the State Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

"American Public Works Association" or "APWA" means the adopted edition of the Washington State Chapter of the American Public Works Association.

"Approval" means the proposed work or completed work conforms to this chapter in the opinion of the administrator.

"As-graded" means the extent of surface conditions on completion of grading.

"Basin plan" means a plan that assesses, evaluates, and proposes solutions to existing and potential future impacts to the beneficial uses of, and the physical, chemical, and biological properties of, waters of the state within a basin. Basins typically range in size from one to 50 square miles. A plan should include but not be limited to recommendations for:

(a) Stormwater requirements for new development and redevelopment;

(b) Capital improvement projects;

(c) Land use management through identification and protection of critical areas, comprehensive land use and transportation plans, zoning regulations, site development standards, and conservation areas;
(d) Source control activities including public education and involvement, and business programs;

(e) Other targeted stormwater programs and activities, such as maintenance, inspections, and enforcement;

(f) Monitoring;

(g) An implementation schedule and funding strategy.
"Bedrock" means the more or less solid rock in place either on or beneath the surface of the earth. It may be soft, medium or hard and have a smooth or irregular surface.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Best management practice" or "BMP" means the schedule of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts of stormwater. BMPs are listed and described in the Stormwater Management Manual.

"Certified erosion and spill control lead (CESCL)" means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Department of Ecology. A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater and the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. Certification is obtained through an Ecology approved erosion and sediment control course.

"Civil engineer" means a professional engineer licensed in the state of Washington in civil engineering who is experienced and knowledgeable in the practice of soils engineering.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

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

"Clearing" means the destruction and removal of vegetation by manual, mechanical or chemical methods.

"Commercial agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals or drainage ditches related to an existing and ongoing agricultural activity.
"Compaction" means densification of a fill by mechanical means.

"Construction stormwater pollution prevention plan" or "construction SWPPP" means a plan that includes a narrative, drawings, and details for describing construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and sedimentation, and control other pollutants at a construction site.

"Conveyance system" means the drainage facilities, both natural and manmade, which collect, contain, and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the conveyance system include gutters, ditches, pipes, channels, and most retention/detention facilities.

"Critical areas" means, at a minimum, areas which include wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, including unstable slopes, and associated areas and ecosystems.

"Design storm" means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.)

"Detention" means the release of stormwater runoff from the site at a slower rate than it is collected by the stormwater facility system, the difference being held in temporary storage.

"Detention facility" means an above or below ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

"Director" means the city administrator or designated appointee.

"Drainage basin" means a geographic and hydrologic subunit of a watershed.

"Earth material" means any rock, natural soil or fill and/or any combination thereof. Earth material shall not be considered topsoil used for landscape purposes. Topsoil used for landscaped purposes shall comply with ASTM D 5268 specifications. Engineered soil/landscape systems are also defined independently.

"Ecology" means the Washington State Department of Ecology.

"Effective impervious area" means those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if: (a) the

runoff is dispersed through at least 100 feet of native vegetation in accordance with BMP T5.30 – "Full Dispersion" as described in Chapter 5 of Volume V of the Stormwater Management Manual for Western Washington ~~(2012, amended in 2014)~~; (b) residential roof runoff is infiltrated in accordance with Downspout Full Infiltration Systems in BMP 5.10A Volume III; or (c) approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated.

"Engineering geologist" means a geologist experienced and knowledgeable in engineering geology.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep and detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Erosion and sedimentation control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

"Excavation" means the mechanical removal of earth material.

"Fill" means a deposit of manmade and natural material placed by artificial means.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber, including, but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees;

(h) Brush control.

"Frequently flooded areas" means the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program or as defined by the city.

"Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

"Grade" means the slope of a road, channel or natural ground; the finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; or any surface prepared for the support of construction such as paving or the laying of a conduit.

(To) "grade" means to finish the surface of a canal bed, roadbed, and top of embankment or bottom of excavation.

"Gradient terrace" means an earth embankment or a ridge-and-channel constructed with suitable spacing and an acceptable grade to reduce erosion damage by intercepting surface runoff and conducting it to a stable outlet at a stable nonerosive velocity.

"Ground water" means water in a saturated zone or stratum beneath the surface of land or 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.

"Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation.

"Hyperchlorinated" means water that contains more than 10 mg/liter chlorine.

"Illicit connection" means any manmade conveyance that is connected to a municipal separate storm sewer 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 storm sewer system.

"Illicit discharge" means nonstormwater discharge to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or ground water quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, car washing, and greywater systems.

"Impervious surface" means a nonvegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt pavement, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of Minimum Requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

"Interflow" means that portion of rainfall that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface, for example, in a roadside ditch, wetland, spring or seep. Interflow is a function of the soil system depth, permeability, and water-holding capacity.

"Land clearing" or "clearing" means the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean mowing, landscape maintenance or pruning consistent with accepted horticultural and arboricultural practices, which does not impair the health or survival of the trees and associated vegetation.

"Land disturbing activity" means any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

"Low impact development" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"Manual" or "Stormwater Management Manual" means the latest edition of the Washington State Department of Ecology "Stormwater Management Manual for Western Washington" (2012~~9~~ as amended in 2014) prepared by Ecology, which manual is adopted by reference as though set forth herein in full with modifications provided herein.

"Mitigation" means, in the following order of preference:

(a) Avoiding the impact altogether by not taking a certain action or part of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
(e) Compensation for the impact by replacing, enhancing or providing substitute resources or environments.

"Municipal separate storm sewer system" or "MS4" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(a) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to water of the United States;

(b) Designed or used for collecting and conveying stormwater;

(c) Which is not a combined sewer; and

(d) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.
"National Pollutant Discharge Elimination System stormwater discharge permit" or "NPDES permit" means a permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. Section 1342(b)) that authorizes the discharge of pollutants to the waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

"Native vegetation" means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

"Natural location" means the location of those channels, swales, and other nonmanmade conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate. In the case of outwash soils with relatively flat terrain, no natural location of surface discharge may exist.

"New development" means the following activities: land disturbing activities; structural development, including construction, installation of a building or other structure; creation of hard surfaces; Class IV – general forest practices that are conversions from timber land to other uses; and subdivision and short subdivision of land as defined in RCW 58.17.020. All other forest practices and commercial agriculture are not considered new development. Projects meeting the definition of redevelopment shall not be considered new development.

"Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

"On-site stormwater management BMPs" means a synonym for low impact development BMPs.

"Permanent erosion and sediment control" means the continuous on-site and off-site control measures that are needed to prevent accelerated erosion, sedimentation or related pollution from occurring after completion of the grading activity or the construction project.

"Permanent stormwater quality control (PSQC) plan" means a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed.

"Person" means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

"Pollutant" means any substance which, when added to water, would contaminate or alter the chemical, physical, or biological properties of any waters of the city's drainage system or of the state. This includes a change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the city's drainage system or of the state and will or is likely to create a nuisance. It also includes any substance which renders such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial use, or to livestock, wild animals, birds, fish, or other aquatic life.

"Pollution" means contamination or other alteration of the physical, chemical or biological properties of waters of the state, including change in temperature, taste, color, turbidity or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Pollution-generating hard surface (PGHS)" means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. See the listing of surfaces under "pollution-generating impervious surface."

"Pollution-generating impervious surface (PGIS)" means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use; industrial activities; or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall; metal roofs unless they are coated with an inert, nonleachable material (e.g., baked-on enamel coating); or roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities.

"Pollution-generating pervious surface (PGPS)" means any nonimpervious surface subject to vehicular use, industrial activities (as further defined in the Manual); or storage of erodible or leachable materials, wastes or chemicals, and that receive direct rainfall or run-on or blow-in of rainfall, use of pesticides, fertilizers, or loss of soil. Typical PGPS include permeable pavement subject to vehicular use, lawns and landscaped areas including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).
"Predeveloped condition" means the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The predeveloped condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.

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

"Project site" means that portion of a property, properties, or right-of-way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces.

"Properly functioning soil system (PFSS)" means an equivalent to engineered soil/landscape system. This can also be a natural system that has not been disturbed or modified.

"Redevelopment," on an already substantially developed site (i.e., has 35 percent or more of existing hard surface coverage), means the creation or addition of hard surfaces, structural development including construction, installation or expansion of a building footprint or addition or replacement of a structure, and/or replacement of a hard surface that is not part of a routine maintenance activity, and land disturbing activities.

"Regional retention/detention system" means a stormwater quantity control structure designed to correct existing excess surface water runoff problems of a basin or sub-basin. The area downstream has been previously identified as having existing or predicted significant and regional flooding and/or erosion problems. This term is also used when a detention facility is used to detain stormwater runoff from a number of new developments or areas within a catchment.

"Replaced impervious surface" means, for structures, the removal and replacement of any impervious surfaces down to the foundation of a structure. For other impervious surfaces, the removal down to bare soil or base course and replacement.

"Retention/detention facility (R/D)" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold surface and stormwater runoff for a short period of time and then release it to the surface and stormwater management system.

"Sediment" means fragmented material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.
"Sedimentation" means the process by the depositing or formation of sediment.

"Site" means the area defined by the legal boundaries of a parcel or parcels of land subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

"Slope" means the degree of deviation of a surface from the horizontal, measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), as 2:1. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90-degree slope being vertical (maximum) and 45-degree being a 1:1 or 100 percent slope.

"Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants. See also topsoil, engineered soil/landscape system, and properly functioning soil system.

"Source control BMP" means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Manual separates source control BMPs into two types. Structural source control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are nonstructural practices that prevent or reduce pollutants from entering 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 or other features of a stormwater system into a defined surface water body, or a constructed infiltration facility.

"Stormwater facility" means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

"Stormwater site plan" means the comprehensive report containing all of the technical information and analysis necessary to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Contents of the stormwater site plan will vary with the

type and size of the project, and individual site characteristics. It includes a construction stormwater pollution prevention plan (construction SWPPP) and a permanent stormwater control plan (PSC plan).

"Surface and stormwater" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

"Threshold discharge area" means an on-site area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flow path).

"Topsoil" means the upper portion of a soil, usually dark colored and rich in organic material. It is more or less equivalent to the upper portion of an A horizon in an ABC soil.

"Treatment BMP or facility" means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are wetponds, oil/water separators, biofiltration swales and constructed wetlands.
"Unstable slopes" means those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit mass movement of earth.

"Vegetation" means all organic plant life growing on the surface of the earth.

"Water body" means surface waters including rivers, streams, lakes, marine waters, estuaries and wetlands.

"Water quality design storm" means the 24-hour rainfall amount with a six-month return frequency. It is commonly referred to as the six-month, 24-hour design storm.

"Watershed" means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

"Wetpool" means a pond or constructed wetland that stores runoff temporarily and whose normal discharge location is elevated so as to maintain a permanent pool of water between storm events.

Section 2. Chapter 14.30.061 of the Buckley Municipal Code is amended to read as follows:

14.30.061 Adoption of manuals.
The following manuals are hereby adopted by reference as currently published and as hereinafter amended:

(1) Department of Ecology Stormwater Management Manual for Western Washington (~~2012~~2019);

(2) Low Impact Development Technical Guidance Manual for Puget Sound (LID Manual) by Washington State University and Puget Sound Partnership; and

(3) City of Buckley Development Guidelines and Public Works Standards (Engineering Design and Construction Standards).

Section 3. Chapter 14.30.062 of the Buckley Municipal Code is amended to read as follows:

14.30.062 Stormwater best management practices – BMPs.

A. General. BMPs shall be used to control pollution from stormwater. BMPs shall be used to comply with the standards in this chapter. BMPs are in the Manual.

B. Experimental BMPs. In those instances where appropriate BMPs are not in the Manual, experimental BMPs should be considered. Experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the Manual in an effort to improve stormwater quality technology. Experimental BMPs must be approved in accordance with the approval process outlined in the Manual.

C. Application. Existing development, current activities, and new development activities that are not listed in the exemptions of this subsection are required to apply stormwater BMPs listed in the Department of Ecology Stormwater Management Manual for Western Washington, Volume IV. A BMP not included in this manual may be approved by the responsible official if the proponent demonstrates that it provides equivalent effectiveness. An exemption from the requirement to use BMPs does not provide an exemption allowing prohibited discharges.

D. Implementation. In applying the Department of Ecology Stormwater Management Manual for Western Washington for existing development, the responsible official shall first require the implementation of nonstructural source control BMPs. If these are not sufficient to prevent

contaminants from entering surface and stormwater or groundwater, the responsible official may require implementation of structural source control BMPs or treatment BMPs, using AKART.

E. Inspections. The city shall have the ability to inspect private property to monitor for proper implementation of stormwater BMPs pursuant to BMC 14.30.804.

F. Exemptions. The following persons or entities are exempt from the provisions of this section unless the responsible official determines the alternative BMPs to be ineffective at reducing the discharge of contaminants or activities are causing a prohibited discharge:

1. Persons implementing BMPs through another federal or state regulatory or resource management program; provided the responsible official may perform inspections to ensure compliance with this chapter. If the other program requires the development of a best management practices plan, the person shall make that plan available to the city upon request;

2. Persons engaged in forest practices regulated under WAC Title 222, except for Class IV general forest practices as defined under Chapter 222-16 WAC; and

3. Persons conducting normal residential activities at property containing a single-family detached dwelling, duplex or triplex and modifications to it on a lot approved for such use, unless the responsible official determines that these activities pose a hazard to public health, safety or welfare; endanger any property; or adversely affect the safety and operation of city right-of-way, utilities, and/or other property owned or maintained by the city.

Section 4. Chapter 14.30.063 of the Buckley Municipal Code is amended to read as follows:

14.30.063 Illicit discharges.

Illicit discharges to stormwater drainage systems are prohibited. No person shall throw, drain, or otherwise discharge into the MS4 any pollutants or water containing pollutants, other than stormwater.

(1) The following categories of nonstormwater discharges are prohibited unless the stated conditions are met:

(a) Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

(b) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts.

(c) Dechlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

(d) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. Discharges from these sources shall be minimized through public education activities in accordance with the permit. At active construction sites, street sweeping must be performed prior to washing the street.

(e) Other nonstormwater discharges. The discharges shall be in compliance with the requirements of the stormwater pollution prevention plan reviewed by the city, which addresses control of construction site dewatering discharges.

(f) Solid or liquid wastes thrown, drained or otherwise discharged directly or indirectly into the municipal storm drain system and/or surface and ground waters. Examples of prohibited contaminants include, but are not limited to, the following:

(i) Trash or debris.

(ii) Construction materials.

(iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.

(iv) Antifreeze and other automotive products.
(v) Metals in either particulate or dissolved form.

(vi) Flammable or explosive materials.

(vii) Radioactive material.

(viii) Batteries.

(ix) Acids, alkalis, or bases.

(x) Paints, stains, resins, lacquers, or varnishes.

(xi) Degreasers and/or solvents.

(xii) Pesticides, herbicides, or fertilizers.

(xiii) Steam cleaning wastes.

(xiv) Soaps, detergents, or ammonia.

(xv) Domestic animal wastes.

(xvi) Recreational vehicle waste.

(xvii) Animal carcasses.

(xviii) Food wastes.

(xix) Bark and other fibrous materials.

(xx) Lawn clippings, leaves, or branches.

(xxi) Silt, sediment, concrete, cement or gravel.

(xxii) Dyes (discharged without prior notification and approval of the city).

(xxiii) Chemicals not normally found in uncontaminated water.

(xxiv) Any other process-associated discharge except as otherwise allowed in this section.

(xxv) Any hazardous material or waste not listed above.

(2) The following categories of nonstormwater discharges are exempt from the discharge prohibitions established by this section:

(a) Diverted stream flows.

(b) Rising ground waters.

(c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20)).

(d) Uncontaminated pumped ground water.

(e) Foundation drains.

(f) Air conditioning condensation.

(g) Irrigation water from agricultural sources that is commingled with urban stormwater.

(h) Springs.

(i) Uncontaminated w~~W~~ater from crawl space pumps.

(j) Footing drains.

(k) Flows from riparian habitats and wetlands.

(l) Nonstormwater discharges covered by another NPDES or state waste discharge permit.

(m) Discharges from emergency firefighting activities.

(3) Prohibition of Illicit Connections.

(a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(b) 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.

(c) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 5. Chapter 14.30.804 of the Buckley Municipal Code is amended to read as follows:

14.30.804 Inspection.
All activities regulated by this chapter, except those exempt in BMC 14.30.040(2) and BMC 14.30.062(F), shall be inspected by the director. The director shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When required by the director, a special inspection and/or testing shall be performed. The city shall also have the ability to inspect private property to monitor for proper implementation of stormwater BMPs pursuant to BMC 14.30.62.

Section 6. Chapter 14.40.020 of the Buckley Municipal Code is amended to read as follows:

14.40.020 Definitions.
For the purposes of this chapter, the definitions within the Manual shall apply.

"Stormwater Management Manual" or "Manual" means the ~~2012~~2019 Stormwater Management Manual for Western Washington prepared by Ecology that contains BMPs to prevent or reduce pollution.

Section 7. 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 8. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Passed by the City Council on the 28th day of June 2022.

Ronell A Smith Pro-Tem
Mayor Beau Burkett

Attest:

Treva Percival
Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts
Phil Olbrechts, City Attorney

Published: 7-6-2022
Effective: 7-11-2022