

ORDINANCE NO. 06- 19

**AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY,
WASHINGTON, ADOPTING A NEW 2019 CITY OF BUCKLEY PHASE
II NPDES STORMWATER MANAGEMENT PROGRAM.**

WHEREAS, the Federal Environmental Protection Agencies 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 (Ecology) 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 modified the Phase II Permit in 2009. Ecology reissued it unmodified on August 1, 2012 at legislative direction to be effective through July 31, 2013. After an extensive public process, Ecology also reissued the updated 2013 to 2018 permit on August 1, 2012. This permit was then extended by Ecology to July 31, 2019.

WHEREAS, the newly reissued 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.

WHEREAS, the newly reissued Phase II permits requires stormwater managers to develop a new “revised” *Stormwater Management Plan (SWMP)* that is a “forward only” looking document that describes what the City will do (not what was done in the past) during the next permit phase.

WHEREAS, the Phase II municipal permits require that permittees develop—and annually update—a Stormwater Management Program (SWMP) document to submit with the annual report; and

WHEREAS, City staff with assistance from engineer’s from Gray & Osborne have modified the City’s previously adopted SWMP to meet the criteria established by Ecology and ensure compliance with the Phase II NPDES; and

WHEREAS, the City Council desires to adopt the newly revised 2019 Stormwater Management Program to comply with the Ecology Phase II NPDES Stormwater Permit requirements;

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

Section 1. The City of Buckley 2018 Stormwater Management Program is hereby repealed and replaced with the Phase II NPDES 2019 Stormwater Management Program, attached as Exhibit A and incorporated by this reference as if set forth in full.

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.

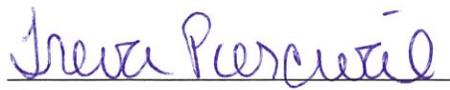
Section 3. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Passed by the City Council on the 26th day of March, 2019.



Mayor Pat Johnson

Attest:



Treva Percival, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: April 3, 2019
EFFECTIVE: April 8, 2019