CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 09-17

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ADOPTING A NEW 2017 CITY OF BUCKLEY PHASE II NPDES STORMWATER MANAGEMENT PROGRAM.

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 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.

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 engineers from Gray & Osborne have modified the City's previously adopted SWMP to meet the criteria established by DOE and ensure compliance with the Phase II NPDES; and

WHEREAS, the City Council desires to adopt the newly revised 2017 Stormwater Management Program to comply with the DOE 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 The City of Buckley 2016 Stormwater Management Program is hereby repealed and replaced with the Phase II NPDES 2017 Stormwater Management Program, attached as Exhibit A and incorporated by this reference as if set forth in full.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 28th day of March, 2017.

Mayor Pat Johnson

ATTEST:

Joanne Starr, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

PUBLISHED: April 5, 2017

EFFECTIVE: April 10, 2017

EXHIBIT A

City of Buckley

Stormwater Management Program

March 2017

1.0 INTRODUCTION

This document has been prepared to meet the Western Washington Phase II Municipal Stormwater Permit (Permit) requirement for the continued development and updating of a Stormwater Management Program (SWMP). The purpose of the SWMP is to reduce the discharge of pollutants from the municipal stormwater system to the maximum extent practicable and to protect water quality.

The National Pollutant Discharge Elimination System (NPDES) Permit is a federal permit that regulates stormwater and wastewater discharges to waters of the State. While it is a federal permit, the regulatory authority was passed on to the Washington State Department of Ecology (Ecology). In response, Ecology developed and issued the Western Washington Phase II Municipal Stormwater Permit. The Permit was issued by Ecology on January 17, 2007 and was modified on June 17, 2009. A new permit was issued August 1, 2013 and will extend until July 31, 2018. It is the intent of this SWMP to recognize and to plan for these requirements where appropriate.

All municipalities affected by the permit must create and implement a SWMP which addresses the following required program elements:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Controlling Run-Off from New Development, Redevelopment and Construction Sites
- Municipal Operations and Maintenance
- Total Maximum Daily Loads (TMDLs), if applicable to the jurisdiction

The City of Buckley SWMP will be updated annually and submitted with the City's Annual Report to Ecology. The City of Buckley is posting this document on the City web site, http://www.cityofbuckley.com/, so it can be viewed by the public. Comments on the City's SWMP can be made by submitting comments in writing to City of Buckley. Comments can be delivered or mailed to City of Buckley, PO Box 1960, 933 Main Street, Buckley, WA 98321 ATTN: Dave Schmidt, City Administrator. Email comments may be sent to: dschmidt@cityofbuckley.com.

2.0 PUBLIC EDUCATION AND OUTREACH PROGRAM

The following section describes the Permit requirements related to Public Education and Outreach and the planned activities the City intends to conduct to meet these requirements.

2.1 Permit Requirements

The 2013 Permit (Section S5.C.1) requires the City to:

- Include an education and outreach program designed to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts

and encourages public participation. The target audiences include the general public, engineers/contractors/developers/land use planners/, residents, landscapers and property managers/owners.

- Create stewardship opportunities to participate in such activities as stream teams, storm drain marking, volunteer monitoring, education, and riparian plantings.
- Measure the understanding and adoption of the targeted behaviors for at least one target audience no later than February 2, 2016.

2.2 Planned Activities

Future activities planned to meet the Public Education and Outreach requirement of the permit are listed in Table 2-1.

Table 2-1

Planned Activities for Public Education and Outreach Program

Task ID	Task Description	Schedule
EDUC-1	Engineers/Contractors/Developers/Land Use Planners – Stormwater treatment and flow control BMPs/facilities: Pamphlet passed out with permits	Ongoing
EDUC-2	General public – general impacts of stormwater: Utility bill insert on stormwater topics	Annually

3.0 PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM

The following section describes the Permit requirements related to Public Involvement and Participation and the planned activities the City intends to conduct to meet these requirements.

3.1 Permit Requirements

The 2013 Permit (Section S5.C.2) requires the City to:

- Provide ongoing opportunities for public involvement through advisory councils, public hearings, watershed committees, participation in developing rate structures or other similar activities.
- Provide the opportunity for the public to participate in the decision making processes involving the SWMP.
- The SWMP and Annual Report shall be posted to the City's website no later than May 31st of each year.

3.2 Planned Activities

Future activities planned to meet the Public Involvement and Participation requirement of the permit are listed in Table 3-1.

Table 3-1

Planned Activities for Public Involvement and Participation

Task ID	Task Description	Schedule
PI-1	Hold public meeting on the current Stormwater Management Program via the City Council	Early March (each year)
PI-2	Post final SWMP and Annual Report to City Website	By April 30th (each year)
PI-3	Post final SWMP in local library	By April 30th (each year)
PI-4	Post public opportunities to get involved on City website (i.e. storm drain stenciling, Adopt-a-Street and volunteer monitoring)	Ongoing

4.0 ILLICIT DISCHARGE DETECTION AND ELIMINATION

The following section describes the Permit requirements related to Illicit Discharge Detection and Elimination (IDDE) and the planned activities the City intends to conduct to meet these requirements.

4.1 Permit Requirements

The 2013 Permit (Section S5.C.3) requires the City to:

- Provide ongoing program designed to prevent, detect, characterize, trace and eliminate illicit connections and illicit discharges.
- Field assess at least one high priority waterbody in 2013 for IDDE purposes.
- Update City stormwater basemap which shall include all known outfalls, receiving waters, stormwater treatment and flow control facilities, conveyances where the outfall is 24-inches in diameter (or larger), and land use.
- Maintain an ordinance that effectively prohibits non-stormwater, illicit discharges into the storm system to the maximum extent allowable under state and federal law. The ordinance shall describe the allowable discharges and shall have an escalating enforcement procedure. This ordinance shall be reviewed and revised (if necessary) by February 2, 2018.The City shall have a compliance strategy to enforce the ordinance such as public education, technical assistance, source control and/or maintenance of stormwater facilities.
- Implement IDDE program that includes field screening of the system for illicit discharges/connections (40% of the system to be inspected no later than December 31, 2017 and then an average of 12% each year thereafter), procedures for detecting illicit discharges/connection and related enforcement, training for City staff, and informing businesses of hazards with illicit discharges,
- Publicize hotline for public reporting of spills and illicit discharges.

4.2 Planned Activities

Future activities planned to meet the Illicit Discharge and Detection and Elimination requirement of the permit are listed in Table 4-1.

Table 4-1

Planned Activities for Illicit Discharge Detection and Elimination

Task ID	Task Description	Schedule
IDDE–1 / EDUC-4	Provide general public with information related to IDDE on City website	Ongoing
IDDE-2	Maintain stormwater basemap	Ongoing
IDDE-3	Review IDDE ordinance for compliance with the Permit and effectiveness	▪ November 2017 *(needs to be adopted by Feb. 2, 2018)*
IDDE-5	Field Screen 10% of system for IDDE each year through 2017 and then 12% of the system each year thereafter (Maintain records of which areas have been field screened and date inspected). Prioritize discharges to Spiketon Creek higher (see Task TMDL-1, Section 7.0 of this Plan).	▪ August 2017 (Next 10%) *[40% of total system required to be inspected by Dec. 31, 2017]* ▪ August 2018 (*Next 12%)*
IDDE-6	Renew IDDE training for field staff and public employees (Track each training session with names of employees and date)	▪ June 2018
IDDE–7 / EDUC- 7	Provide businesses with brochures related to IDDE (track number of brochures and date delivered).	▪ Light Industrial ▪ Construction: Ongoing with permit handouts

5.0 CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITES

The following section describes the Permit requirements related to controlling runoff from new development, redevelopment and construction sites. It also describes the planned activities the City intends to conduct to meet these requirements.

5.1 Permit Requirements

The 2013 Permit (Section S5.C.4) requires the City to:

- Implement and enforce a program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities.
- Implement an ordinance to address runoff from these activities to be effective no later than December 31, 2016.
    - The ordinance addressing specific requirements in S5.C5.a(i) through (iii) shall apply to all applications submitted on or after January 1, 2017 and shall apply to projects approved prior to January 1, 2017 which have not started construction by January 1, 2022.
    - Include legal authority to inspect and enforce maintenance standards for private facilities for new development or redevelopment.
    - Include provision to verify adequate long-term operation and maintenance of stormwater treatment and flow control BMPs/facilities. The ordinance must:
        - Clearly identify the party responsible for maintenance
        - Establish maintenance standards as protective as Chapter 4, Volume V of the *Stormwater Management Manual for Western Washington*.
        - Address annual inspections of all permitted stormwater treatment and flow control BMPs/Facilities unless there are maintenance records to justify a different frequency.
        - Address inspections of all permitted stormwater treatment and flow control BMPs/Facilities and catch basins in new residential developments every six months until 90% of the lots are constructed (or when construction is stopped and the site is fully stabilized).
- At least 80% of scheduled inspections need to be completed to be in compliance with the permit.
- Adopt Minimum Requirements, thresholds and definitions in Appendix 1 of the Permit.
- Implement a site plan review process, inspection and enforcement to meet development standards for both private and public projects.
    - Review all stormwater site plans.

- Inspect all permitted sites that have a high potential for sediment transport.
    - Prior to clearing and construction
    - During construction (for erosion control)
    - After construction (permanent stormwater facilities; maintenance plan in place for treatment/flow control BMPS/facilities). If an inspection identifies an exceedence of the maintenance standard, then the following maintenance should be performed:
        - Inspections to be held within 1 year for typical maintenance, except catch basins
        - Within 6 months for catch basins
        - Within 2 years for maintenance that requires capital construction of less than $25,000.
    - Maintain records of all inspections, warning letters, notices of violations, and other enforcement records.
- Make available the "Notice of Intent for Construction Activity" and "Notice of Intent for Industrial Activity" to developers.
- Train staff in the site plan review process, inspections, and enforcement. Maintain records of this training and names of staff trained.
- Implement low impact development (LID) code no later than December 31, 2016.
    - Conduct review of LID codes using Integrating LID into *Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership).
    - Submit summary of the review with annual report by March 31, 2017. The summary is to include existing LID requirements, a list of participants (job title, brief job description, department represented), the codes, rules, standards, and revisions made which incorporate LID principles and LID BMPs. It shall be organized into a) measures to minimize impervious surfaces, (b) measures to minimize loss of native vegetation and c) other measures to minimize stormwater runoff.
- Watershed-scale stormwater planning (i.e. provide support to Pierce County if the County chooses a watershed that includes the City of Buckley).

5.2 Planned Activities

Future activities planned to meet the Control Runoff from New Development, Redevelopment and Construction Sites requirement of the permit are listed in Table 5-1.

Table 5-1

Planned Activities for Controlling Runoff from New Development, Redevelopment and Construction Sites

Task ID	Task Description	Schedule
CTRL-1	Review site plans for compliance with BCC 14.30 and 14.40 (Keep track of number of site plans reviewed)	Ongoing
CTRL-2	Provide post construction inspections prior	Ongoing

Task ID	Task Description	Schedule
	to approval for compliance with BCC 14.30 and 14.40 (Maintain inspection records; see CTRL-4).	
CTRL-3	Inspect constructions sites prior to and during construction for erosion control (Maintain inspection records; see CTRL-4).	Ongoing
CTRL-4	Maintain records of inspections (Include name of inspector, date, findings, warning letters, notices of violations, enforcement actions).	Ongoing *(Need to complete 80% of scheduled* inspections)
CTRL-5	Provide annual inspections of all stormwater treatment and flow control BMPs/facilities. ▪ Maintain inspection records; see CTRL-4. ▪ Document if a reduced inspection frequency is used. ▪ If inspection reveals that a maintenance standard is not being maintained, need to perform maintenance: o within 1 year (all facilities except catch basins) o within 6 months (catch basins) or o within 2 years (maintnenace that requires capital construction of less than $25,000).	Ongoing *(Need to complete 80% of scheduled inspections)*
CTRL-6	Train staff in the site plan review process, inspections, and enforcement. Maintain records of this training and names of staff trained.	Ongoing/New Hires ▪ June 2018
CTRL-7	Make available the "Notice of Intent for Construction Activity" and "Notice of Intent for Industrial Activity" to developers.	Ongoing

6.0 MUNICIPAL OPERATIONS AND MAINTENANCE

The following section describes the Permit requirements related to the City's stormwater operation and maintenance practices. It also describes the planned activities the City intends to conduct to meet these requirements.

6.1 Permit Requirements

The 2013 Permit (Section S5.C.5) requires the City to:

- Implement an operations and maintenance (O&M) program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.
- Establish maintenance standards as protective as Chapter 4, Volume V of the *Stormwater Management Manual for Western Washington.*
- If an inspection identifies an exceedence of the maintenance standard, then the following maintenance should be performed:
    - Inspections to be held within 1 year for typical maintenance, except catch basins
    - Within 6 months for catch basins
    - Within 2 years for maintenance that requires capital construction of less than $25,000.
- Perform annual inspections and take appropriate maintenance actions of all permitted stormwater treatment and flow control BMPs/Facilities unless there are maintenance records to justify a different frequency.
- Spot check and if necessary, repair potentially damaged permanent stormwater treatment and flow control BMPs/facilities after major storm evens (24 hour storm event with a 10 year or greater recurrence interval).
- Inspect (and clean if necessary) all catch basins and inlets owned by the City at least once no later than August 1, 2017 and every two years thereafter. Alternatives to this schedule include:
    - Revised inspection frequency allowed if maintenance records for double the length of the proposed inspection frequency warrant a reduced inspection frequency. If these records are not available, certified (per G19), written statements to document a specific, less frequent inspection schedule may be submitted and shall be based on actual inspection and maintenance experiences.
    - Conduct inspections by "circuit basis" whereby 25% of catch basins and inlets within each circuit are inspected. Include an inspection of the catch basin immediately upstream of any system outfall if applicable. Clean all catch basins within a given circuit for which the inspection indicates cleaning is needed.
    - Clean all pipes, ditches, catch basins and inlets within a circuit once during the permit term. Circuits selected for this alternative must drain to a single point.

- Implement practices, policies and procedures to reduce stormwater impacts associated with runoff from all lands owned by the City including streets, parking lots, roads highways, buildings, parks, open space, road right-of-ways, maintenance yards, and stormwater treatment and flow control BMPs/facilities.
    - The following activities are to be addressed: pipe cleaning, cleaning of culverts that convey stormwater in ditch systems, ditch maintenance, street cleaning, road repair and resurfacing (including pavement grinding), snow and ice control, utility installation, pavement striping maintenance, maintaining roadside areas, including vegetation management, dust control, applications of fertilizers/pesticides/herbicides (including reducing nutrients and pesticides using alternatives that minimize environmental impacts), sediment and erosion control, landscape maintenance and vegetation disposal, trash and pest waste management, and building exterior cleaning and maintenance.
- Implement training program for employees on O&M practices. Follow up training and documentation of training shall be conducted. A list of trained staff shall be maintained.
- Implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards and material storage facilities owned by the City. A schedule for implementation of structural BMPs and periodic visual observation of discharges from the facility to evaluate the effectiveness of the BMP shall be included in the SWPPP. Generic SWPPPs applicable to multiple sites may be used.
- Maintain records of inspection and maintenance or repair activities.

6.2 Planned Activities

Future activities planned to meet the Municipal Operations and Maintenance requirement of the permit are listed in Table 6-1.

Table 6-1

Planned Activities for Municipal Operations and Maintenance

Task ID	Task Description	Schedule
O&M-1	Maintain records of inspections and maintenance activities.	Ongoing
O&M-2	Provide annual inspections of all stormwater treatment and flow control BMPs/facilities. ▪ Maintain inspection records; see O&M-1. ▪ Document if a reduced inspection frequency is used. ▪ If inspection reveals that a maintenance standard is not being maintained, need to perform maintenance: o within 1 year (all facilities except catch basins) o within 6 months (catch basins) or o within 2 years (maintnenace that requires capital construction of less than $25,000).	Ongoing
O&M-3	Spot check treatment and flow control facilities/BMPs and repair if necessary.	After 24-hour/10-year storms (Ongoing)
O&M-4	Train staff in O&M operations, inspection procedures, reporting water quality concerns, and on efforts to reduce pollutants to runoff. Maintain records of this training and names of staff trained.	Ongoing/New Hires ▪ June 2018
O&M-9	Inspect all catch basins and inlets	All inspected by Aug 1, 2017

7.0 COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

The following section describes the Permit requirements related to the City's participation in the South Prairie Creek Action Plan and the Total Maximum Daily Load associated with it. It also describes the planned activities the City intends to conduct to meet these requirements.

7.1 Permit Requirements

The 2013 Permit (Appendix 2) requires the City to:

- Designate areas discharging via the MS4 to Spiketon Creek as the highest priority areas for illicit discharge detection and elimination routine field screening and implement the schedule and activities identified in S5.C.3.

7.2 Planned Activities

Future activities planned to meet the TMDL requirement of the permit are listed in Table 7-1.

Table 7-1

Planned Activities for TMDL Requirements

Task ID	Task Description	Schedule
TMDL-1	Prioritize IDDE inspections (Task IDDE-2) for discharges to Spiketon Creek higher than other locations throughout the City.	Ongoing *(Volunteer monitoring annually)*

8.0 MONITORING

The following section describes the Permit requirements related to monitoring. It also describes the planned activities the City intends to conduct to meet these requirements.

8.1 Permit Requirements

The 2013 Permit (Section S8) requires the City to:

- Describe any monitoring related studies conducted throughout the year in the Annual Report.
- Reporting involved with the Regional Stormwater Management Program is not necessary as part of the Annual Report. The regional program includes status and trends monitoring, stormwater management program effectiveness studies, and source identification/diagnostic monitoring.

8.2 Planned Activities

Future activities planned to meet the monitoring requirement of the permit are listed in Table 8-1.

Table 8-1

Planned Activities for TMDL Requirements

Task ID	Task Description	Schedule
MON-1	Opt into Regional Stormwater Management Program by paying the following fees: ▪ Status and Trends Monitoring: $1,129 ▪ Stormwater Program Effectiveness: $1,882 ▪ Source Identification and Diagnostic Monitoring: $175	Aug. 15th, each year
MON-2	Describe any stormwater monitoring conducted for the year in the Annual Report	By March 31st, each year

9.0 REPORTING REQUIREMENTS

The following section describes the Permit requirements related to reporting. It also describes the planned activities the City intends to conduct to meet these requirements.

9.1 Permit Requirements

The 2013 Permit (Section S9) requires the City to:

- Submit an Annual Report by March 31st of each year with the first reporting period being from January 1, 2014 to December 31, 2014. The report will include:
  - Copy of the current SWMP
  - Annual Report Form (per DOE)
  - Attachments (summaries, descriptions, reports, etc.)
  - Certification and signature
  - Notification of any annexations, incorporations or jurisdictional boundary changes
- Keep all records related to the permit and the SWMP for at least five years.
- All records related to the permit shall be available to the public at reasonable times during business hours.

9.2 Planned Activities

Future activities planned to meet the monitoring requirement of the permit are listed in Table 9-1.

Table 9-1

Planned Activities for Reporting Requirements

Task ID	Task Description	Schedule
REP-1	Submit Annual Report	March 31st, each year