

Study Session  
Council Chambers  
July 28, 2009

Ted Pooler, Huibregtse, Louman, Associates addressed the Council. He said the gist of his talk is "Don't put bad stuff down storm drains." He said this Study Session gives the opportunity to study and discuss the proposed ordinance today and then bring it to a subsequent meeting. He said this ordinance will include some items which are absolutely required and others that are optional, such as definitions. He said that this prohibits non-stormwater illicit discharges from dumping into your storm sewer system, and that includes any dry wells, any surface water or irrigation water that comes through town. He said they also require identification of allowable discharges and noted they will be part of the ordinance. He stated there are some discharges allowed with certain conditions. He gave the example of releasing swimming pool water into storm drains so long as you de-chlorinate it first.

He said the ordinances also prohibits illicit connections to the stormwater system. Further, the ordinance establishes an enforcement mechanism and an escalating enforcement and legal action to ensure removal of the source or illicit connection that is not eliminated by the parties. He listed allowable discharges:

- a. Diverted stream flows
- b. Rising ground water
- c. Uncontaminated ground water infiltration into storm drains in 40 CFR 35.2005(20)
- d. Uncontaminated pumped ground water
- e. Foundation or footing drains (not including active groundwater dewatering systems)
- f. Water from crawl space pumps
- g. Air conditioning condensation
- h. Irrigation water from agricultural sources that is commingled with urban stormwater
- i. Springs
- j. Natural riparian habitat or wetland flows
- k. Discharges from emergency firefighting activities.

Councilman Larson asked about non-contact cooling water.

Mr. Pooler said non-contact cooling water is specified under industrial permits.

He noted the first two pages in this ordinance are definitions that will carry over into future ordinances as well. He referred to page 3 "Responsibility for Administration" asking if it should remain this general or if the City would like to be more specific.

Mr. Sweet agreed that it should be general.

Mr. Pooler then referred to page 4 Conditional Discharges. He said #B lawn watering and other irrigation runoff can be better controlled through education.

He called the Council's attention to the specific Prohibition of Illegal Discharges: No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain

or otherwise discharged into the municipal separate storm sewer system, surface waters, groundwater, or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater; and

Prohibition of Illicit Connections: The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. 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. A person is considered to be in violation of this Ordinance if the person connects a line conveying illegal discharges to the municipal separate storm sewer system, or allows such a connection to continue.

He identified these as the primary focus of the ordinance, noting that if the City can control illegal discharges and illicit connections, it will accomplish the goals of all stormwater rules and regulations.

City Supervisor Sweet asked if the City has any illicit connections.

Mr. Pooler responded that none were found when they opened nearly every manhole in the stormwater system last fall. He said there is some groundwater coming into the system that contains fecal matter. He said that source could be as simple as pets, but they haven't researched it thoroughly.

Councilman Paul Overby asked if the "conditional discharges" would allow him to wash his truck in his driveway.

Mr. Pooler responded that washing it there would be fine so long as the soapy water doesn't run into the street. He said public education should help to teach people to wash their cars on the grass, not the concrete or asphalt. He noted that so far education efforts have been targeted at schools, but there will be more education of the general public in the future. He called their attention to MONITORING OF DISCHARGES Item #8 which gives the City authority to go on private or business property. If City sees illicit discharge coming from industry, they can exert authority.

He moved on to 11 ENFORCEMENT

A Whenever the City finds that a person has violated a prohibition or failed to meet a requirement

of this Ordinance, the City may order compliance by written Notice of Violation to the responsible person. Such Notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

B. If abatement of a violation and/or restoration of affected property is required, the Notice shall set forth a deadline within which such remediation or restoration must be

completed. Said Notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

He noted he could use the City Attorney's help with this section. He said the basic idea is that the City would monitor, then talk to them, then issue a written notice requiring them to clean up the problem, then issue another written (second) notice for that same activity, and then on to #15 "Penalties" where the offender is subject to a civil penalty of \$100, then \$500, then \$1000 and/or removal of and discontinuance of city water and sewer utility services

Councilman Overby asked where this fits with the City's existing car wash ordinance.

Ted Pooler said he believes that's covered on page 4 item #H, which states "Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed and approved by the City, which addresses control of such discharges."

Joe Henne said he wants to get on the back of this ordinance.

Councilman Smeback asked Mr. Pooler if there are any restrictions to recapture and reuse of water.

He said it's not mentioned.

Councilman Jorgensen said the Department of Ecology has guidelines for harvesting and recapturing runoff.

Ted Pooler said that's actually "reclaimed" water, and when you create reclaimed water, it is your water. You claim the water rights to that water. You can sell it; you can use it to offset irrigation water.

Councilman Jorgensen asked if storm water can become reclaimed water.

Ted Pooler said no.

Councilman Dave Smeback said school districts could harvest reclaimed water.

Councilman Larson asked about the deadline for passing this ordinance.

Ted Pooler responded that it is his intention to bring it to the August 11 Council Meeting.

The Study Session ended at 4:00pm.