

CITY OF GRANITE FALLS
Granite Falls, Washington
ORDINANCE 1029-2022

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, AMENDING PORTIONS OF THE GRANITE FALLS MUNICIPAL CODE CHAPTER 13.20 STORM DRAINAGE SYSTEM BY AMENDING SECTION 13.20.010 ENTITLED “FINDINGS OF FACT – PURPOSE”; AMENDING SECTION 13.20.200 ENTITLED “STORMWATER MANAGEMENT MANUAL ADOPTION”; ADDING A NEW SECTION 13.20.245 ENTITLED “BEST MANAGEMENT PRACTICES (BMPS) REQUIRED”; AMENDING SECTION 13.20.270 ENTITLED “PROHIBITED, ALLOWABLE, AND CONDITIONAL DISCHARGES AND CONNECTIONS”; AMENDING SECTION 13.20.280 “ADMINISTRATION, INSPECTION, AND FEES”; ESTABLISHING SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, several amendments and addition have been made to Section 13.20 “Storm Drainage System” to address changes related to the city’s NPDES permit requirements; and

WHEREAS, definitions were amended to match the NPDES permit language; and

WHEREAS, an amendment was made to adopt the 2019 Department of Ecology Stormwater Manual for Western Washington; and

WHEREAS, technical amendments are needed to add source control BMP language to define definitions related to source control, to allow inspections, and to allow enforcement related to the upcoming source control program; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend Title 13 to address the stormwater quality of the community as a whole;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS DO HEREBY ORDAIN AS FOLLOWS:

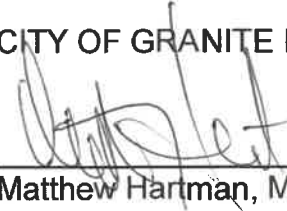
Section 1. Adoption, addition, and amendments. The City of Granite Falls hereby adopts, adds to, and amends Chapter 13.20 of the Granite Falls Municipal Code as set out in the Stormwater Drainage System Revisions as identified in Attachment “A” which is attached hereto and incorporated by reference.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.


ADOPTED by the City Council and **APPROVED** by the Mayor this 15th day of June, 2022.

CITY OF GRANITE FALLS




Matthew Hartman, Mayor

ATTEST:



Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:



Thom Graafstra, City Attorney
Emily Guildner, City Attorney

Passed by City Council: June 15, 2022

Date of Publication: June 24, 2022

Effective Date: June 29, 2022

ATTACHEMENT A

ORDINANCE 1029-2022

Chapter 13.20 Stormwater Drainage System Code Revisions (June 2022)

AMENDING SECTION 13.20.010 FINDING OF FACTS - PURPOSE

13.20.010 Findings of fact – Purpose.

(A) Findings of Fact. The city of Granite Falls finds that:

(1) Stormwater pollution is a problem associated with land utilization, development, redevelopment and the common occurrence of potential pollutants such as pesticides, fertilizers, petroleum products, pet wastes, and numerous others.

Land utilization, development and redevelopment is also known to increase both the volume and duration of peak flows. The resulting erosion, scouring, and deposition of sediment affect the ecological balance in the stream.

Sedimentation and stormwater pollution cause diversity of species to decrease and allow more tolerant (and usually less desirable) species to remain.

(2) Development and redevelopment of land have led to:

(a) Water quality degradation through discharge of nutrients, metals, oil and grease, toxic materials, and other detrimental substances including, without limitation, insect and weed control compounds, drainage, and storm and surface water runoff problems within the city; and

(b) Safety hazards to both lives and property posed by uncontrolled water runoff on streets and highways.

(3) Continuation of present stormwater management practices, to the extent that they exist, will lead to further water quality degradation, erosion, property damage, and endanger the health and safety of the inhabitants of the city.

(4) In the future such problems and dangers will be reduced or avoided if existing properties and future developers, both private and public, provide for stormwater quality and quantity controls.

(5) Stormwater quality and quantity controls can be achieved when land is developed or redeveloped by implementing appropriate best management practices (BMPs).

(6) Best management practices can be expected to perform as intended only when properly designed, constructed and maintained.

(B) **Need.** The city finds that this chapter is necessary, to comply with state law, in order to:

(1) Minimize or eliminate water quality degradation.

(2) Prevent erosion and sedimentation in creeks, streams, ponds, lakes and other water bodies.

(3) Protect property owners adjacent to existing and developing land from increased runoff rates which could cause erosion of abutting property.

(4) Preserve and enhance the suitability of waters for contact recreation, fishing, and other beneficial uses.

(5) Preserve and enhance the aesthetic quality of the water.

(6) Promote sound development policies which respect and preserve city surface water, ground water and sediment.

(7) Enhance the safety of roads and rights-of-way.

(8) Decrease stormwater-related damage to public and private property from existing and future runoff.

(9) Protect the health, safety and welfare of the inhabitants of the city.

(C) Purpose. The provisions of this chapter are intended to guide and advise all who conduct new development or redevelopment within the city. The provisions of this chapter establish the minimum level of compliance which must be met to permit a property to be developed or redeveloped within the city. It is the purpose of this chapter to:

(1) Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;

(2) Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;

(3) Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns;

- (4) Decrease potential landslide, flood and erosion damage to public and private property;
- (5) Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrologic conditions;
- (6) Maintain and protect the city stormwater management infrastructure and those downstream;
- (7) Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and
- (8) Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural quality of lands, wetlands, and water bodies.
- (9) To promote the implementation of stormwater best management practices (BMPs) by the residents and businesses of the City.

AMENDING SECTION 13.20.200 TO APORT 2019 STORMWATER MANAGEMENT MANUAL

13.20.200 Stormwater Management Manual adopted.

The ~~2012~~2019 Department of Ecology Stormwater Management Manual for Western Washington, ~~as amended in December 2014 and~~ as amended by ~~Sections 1 through 6~~ of Appendix 1 of the NPDES Phase II municipal stormwater permit, as now or hereafter amended, is hereby adopted as the city's minimum stormwater regulations and as a technical reference manual and is hereinafter referred to as the "stormwater manual."

ADOPTING AND ADDING NEW SECTION 13.20.245

Article II. Stormwater Management

- 13.20.200 Stormwater Management Manual adopted.
- 13.20.210 Stormwater management review and approval required.
- 13.20.220 Standards, definitions, and requirements.
- 13.20.230 Adjustments and exceptions.
- 13.20.240 Low impact development – Alternative standards.
- 13.20.245 Best Management Practices (BMPs) Required.**
- 13.20.250 Construction and maintenance of stormwater facilities.
- 13.20.260 Bonding and insurance for stormwater facilities.
- 13.20.270 Prohibited, allowable, and conditional discharges and connections.
- 13.20.280 Administration, inspection, and fees.
- 13.20.290 Enforcement.
- 13.20.310 Appeals.

13.20.245 Best Management Practices (BMPs) Required

(A) Application. Existing development, current activities, and new development activities that are not listed in the exemptions of subsection D of this section are required to apply stormwater BMPs listed in the 2019 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.

(B) Implementation. In applying the 2019 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.

(C) Inspections. The City shall have the ability to inspect private property to monitor for proper implementation of stormwater BMPs pursuant to GMC 13.20.280.

(D) 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.

AMENDING SECTION 13.20.270 PROHIBITED, ALLOWABLE, AND CONDITIONAL DISCHARGES AND CONNECTIONS

13.20.270 Prohibited, allowable, and conditional discharges and connections.

(A) Definitions. The following definitions shall be applicable to this **Chapter** section:

- (1) “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.
- (2) “Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
- (3) “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.
- (4) “Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.
- (5) “Illicit discharge” means any direct or indirect nonstormwater discharge to the city’s storm drain system, except as expressly exempted by this chapter.
- (6) “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.
- (7) “Municipal separate storm sewer system (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, which are:
 - (a) Owned or operated by the city of Granite Falls;
 - (b) Designed or used for collecting or conveying stormwater;
 - (c) 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
 - (d) Not a combined sewer (“combined sewer” means a system that collects sanitary sewage and stormwater in a single sewer system).
- (8) “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 areawide basis.

(9) “Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

(10) “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner’s agent.

(11) “Pollution” means any pollutants which cause or contribute 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.

(12) “Stormwater drainage system” or “MS4” means publicly owned facilities, including the city’s municipal separate storm sewer 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.

(13) “Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

(14) “Stormwater pollution prevention plan (SWPPP)” 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.

(B) Prohibited Discharges.

(1) No person shall throw, drain, or otherwise discharge, cause or allow others under his/her control to throw, drain or otherwise discharge into the city’s stormwater drainage system (MS4) any materials other than stormwater.

(2) Examples of prohibited contaminants include but are not limited to the following:

(a) Trash or debris.

(b) Construction materials.

- (c) Petroleum products, including but not limited to oil, gasoline, grease, fuel oil and heating oil.
- (d) Antifreeze and other automotive products.
- (e) Metals in either particulate or dissolved form.
- (f) Flammable or explosive materials.
- (g) Radioactive material.
- (h) Batteries.
- (i) Acids, alkalis, or bases.
- (j) Paints, stains, resins, lacquers, or varnishes.
- (k) Degreasers and/or solvents.
- (l) Drain cleaners.
- (m) Pesticides, herbicides, or fertilizers.
- (n) Steam cleaning wastes.
- (o) Soaps, detergents, or ammonia.
- (p) Swimming pool cleaning wastewater or filter backwash.
- (q) Chlorine, bromine, or other disinfectants.
- (r) Heated water.
- (s) Domestic animal wastes.
- (t) Sewage.
- (u) Recreational vehicle waste.
- (v) Animal carcasses.
- (w) Food wastes.
- (x) Bark and other fibrous materials.
- (y) Lawn clippings, leaves, or branches.

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

(aa) Dyes. Unless approved by the city.

(bb) Chemicals not normally found in uncontaminated water.

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

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

(C) Allowable Discharges. The following types of discharges shall not be considered illegal 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 ground water:

(1) Diverted stream flows.

(2) Rising ground waters.

(3) Uncontaminated ground water infiltration as defined in 40 CFR 35.2005(b)(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) Uncontaminated water from crawl space pumps.

(10) Footing drains.

(11) Flows from riparian habitats and wetlands.

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

(13) Discharges from emergency fire fighting activities.

(D) Conditional Discharges. The following types of discharges shall not be considered illegal 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 ground water:

(1) Potable water, including but not limited to water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. These planned discharges shall be dechlorinated to a **total residual chlorine** concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system.

(2) Lawn watering and other irrigation runoff.

(3) Dechlorinated swimming pool, spa and hot tub discharges. These 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 stormwater system. 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 stormwater system.**

(4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. These discharges shall be 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) Nonstormwater discharges covered by another NPDES permit. These discharges shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(6) Other nonstormwater discharges. These 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.

AMENDING SECTION 13.20.280 ADMINISTRATION, INSPECTION, AND FEES

13.20.280 Administration, inspection, and fees.

(A) Administration.

(1) This chapter shall be primarily administered by the public works supervisor or a designee, hereafter referred to as the “supervisor,” with the cooperation and assistance of the city planner. The supervisor and the city planner shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

(2) The supervisor may approve, conditionally approve, or deny activities regulated by this chapter.

(B) Inspections.

(1) The supervisor is authorized to gain access to private property as provided by law and in this chapter, to make such inspections of stormwater facilities or source control BMPs, and take such actions as may be required to enforce the provisions of this chapter.

(2) Inspection prior to clearing and construction will apply to sites with a high potential for sediment damage, as identified by the applicant during civil review based on definitions and requirements of Appendix 7 of the Western Washington Phase II municipal stormwater permit.

(3) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of stormwater facilities, or whenever the supervisor has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the supervisor or a designee may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the supervisor by this chapter; provided, that if such premises or portion thereof is occupied, the supervisor shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and request entry. If after reasonable effort, the inspector is unable to locate the owner or other person having charge or control of the premises or portion thereof and has reason to believe an imminent hazard exists, the inspector may enter.

(4) Property owners shall provide proper ingress and egress to any stormwater facility to the supervisor or a designee to inspect, monitor or perform any duty imposed upon the supervisor by this chapter. The supervisor shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the supervisor may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the city in causing such work to be done shall thereby be imposed on the person holding title to the subject property and/or imposed against the subject property by filing a lien.

(C) Fees. Fees for all reviews, inspections, permits and/or approvals, and appeals, which are set forth in this chapter, shall be set by the city council.