



**CITY OF WEST RICHLAND  
STORMWATER MANAGEMENT PROGRAM  
2020**



Douglas Property Swale in Operation during a Major Storm Event

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## **Acronyms and Abbreviations**

<b>BMP</b>	Best Management Practice
<b>Ecology</b>	Washington State Department of Ecology
<b>EPA</b>	Environmental Protection Agency
<b>FCD</b>	Franklin Conservation District
<b>IDDE</b>	Illicit Discharge Detection and Elimination
<b>MS4</b>	Municipal Separate Storm Sewer System
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>O&amp;M</b>	Operation & Maintenance
<b>Permit</b>	Eastern Washington Phase II Municipal Stormwater Permit
<b>SWMP</b>	Stormwater Management Program

## Introduction and Background

In December of 1999, the Environmental Protection Agency (EPA) published Phase II of the National Pollutant Discharge Elimination System (NPDES) program requiring a permit for stormwater discharges to certain municipal separate storm sewer systems (MS4s) and construction sites greater than one acre of land. The Phase II regulations extended the permit requirements to all urbanized areas as defined by the US Census Bureau. West Richland is included in the Tri-Cities urbanized area. In Washington State, the Washington State Department of Ecology (Ecology) administers the NPDES program on behalf of EPA.

In 2005, the Washington State Legislature provided \$2.7 million to Ecology's Municipal Stormwater Grants Program as "seed" funds to help a limited number of Phase II municipalities begin to meet the new regulations. The Department of Ecology selected West Richland's application in July 2006 to receive a \$75,000 Storm Water Grant to assist the City with complying with Phase II requirements. The City earmarked the grant funds to inventory and map existing storm water facilities, establish a storm water utility, and if sufficient funds are available begin to develop a general storm water management plan.

On **August 1, 2019**, Ecology issued the Eastern Washington Phase II Municipal Storm Water Permit (hereinafter referred to as "permit"). The current permit, is current through July 31, 2024 and contains certain requirements that must be met throughout its duration. All of the original requirements are still required to be kept up to date, one of which is a requirement that MS4s develop and implement a Storm Water Management Program (SWMP). Under the Phase II federal rules, stormwater permits are required to develop, implement, and enforce a stormwater management program designed to: 1) reduce the discharge of pollutants to the maximum extent practicable; 2) protect water quality; and 3) satisfy the appropriate water quality requirements of the Clean Water Act. Specifically, the Phase II regulations require that the stormwater management program include six plus two minimum control measures including: 1) public education and outreach; 2) public involvement and participation; 3) illicit discharge detection and elimination; 4) construction site stormwater runoff control; 5) post construction stormwater management in new and redevelopment; and 6) pollution prevention and good housekeeping practices for municipal operations plus requirements based on an approved total maximum daily load (TMDL) and evaluations of program compliance.

### 1.0 Stormwater Utility

In 2006, the City Council adopted Ordinance 37-06 creating City of West Richland's stormwater utility. The utility is responsible for the maintenance and operation of the City's stormwater facilities, street sweeping operations, and stormwater capital improvements. The utility is funded through a monthly service rate on all developed properties. Rates are primarily used to fund capital improvements and the maintenance and operation of the City's stormwater system.

In October 2008, the City Council adopted Ordinance 26-08 amending West Richland Municipal Code Section 13.080.060, Stormwater Rates and Charges. The Ordinance established the monthly stormwater rates for the next six years.

In March 2010, the City Council adopted Ordinance 3-10 amending West Richland Municipal Code Section 13.80.060, Stormwater Rates and Charges. The stormwater rates were revised to account for two Department of Ecology Stormwater Grants totaling approximately \$152,000 used to purchase a new Elgin Crosswind Street Sweeper. The Ordinance established the monthly stormwater rates through 2015.

In June 2012, the City Council adopted Ordinance 15-12 amending West Richland Municipal Code Section 13.080.060, Stormwater Rates and Charges. The stormwater rates were revised

based on an in-direct cost allocation to reimburse the General Fund for services provided to the 404 Storm Water Fund. Additionally, the Council decided to impose an internal tax to offset revenue loss to the General Fund over the years. The Ordinance establishes the monthly stormwater rates through 2016, unless amended.

In November 2016, City Council adopted Ordinance 20-16 amending West Richland Municipal Code Section 13.080.060, Stormwater Rates and Charges. The stormwater rates were revised utilizing 2015 actuals and estimated revenues and expenditures through 2022. The goals of the update included maintaining current monthly stormwater rates while meeting Department of Ecology's NPDES Phase II stormwater permit requirements, maintain stormwater operations reserve equal to a minimum of 2 months of operation and maintenance, increase stormwater emergency reserve, if rate increases are needed: spread out over several years to mitigate financial impacts, expand low-income senior discount to include low-income permanently disabled residents, and ensure stormwater utility financial security. The Ordinance establishes the monthly stormwater rates through 2022.

## 2.0 Permit Coverage Area

The permit coverage area includes the entire corporate limits of the City of West Richland. Areas within the City's urban growth boundary but outside the City limits are under Benton County's jurisdiction until such time as these areas are annexed into the City. The City of West Richland's permit coverage area includes approximately 14,200 acres with a population of 15,340 (Office of Financial Management – April 2019).

## 3.0 NPDES Phase II Permit SWMP Requirements

The Eastern Washington Phase II Municipal Stormwater NPDES Permit required owners and operators to develop and fully implement a SWMP by August 16, 2011. The stormwater management program includes six plus two minimum control measures including: 1) Public Education and Outreach; 2) Public Involvement and Participation; 3) Illicit Discharge Detection and Elimination; 4) Construction Site Stormwater Runoff Control; 5) Post Construction Stormwater Management for New and Redevelopment; and 6) Municipal Operations and Maintenance which focuses on pollution prevention and good housekeeping practices for municipal operations.

### 4.1 Public Education and Outreach (Permit Requirement S5.B.1)

The permit required that jurisdictions identify and characterize target audiences by February 16, 2010 and develop and fully implement a public education and outreach program by August 16, 2011 to distribute educational material to the community about the impacts of stormwater discharges to water bodies and the steps the public can take to reduce pollutants in stormwater.

The City has continued its partnership with the surrounding Cities of Richland, Kennewick and Pasco and have integrated into a collective public education and outreach program with the Franklin Conservation District to present information in the classrooms of our local schools for public education and outreach program for the Greater Tri-City Area. The Franklin Conservation District (FCD) as of 2018 year has changed its program to model and meet the State of Washington's classroom curriculum which is called "Drain Rangers, and Jr. Drain Rangers". The Jr. Drain Rangers focuses on the K-2<sup>nd</sup> grade, while Drain Rangers focuses on 3-5 grade. The FCD has provided teacher training for the Drain Rangers program, with this training the teacher has in hand a binder that meets the required curriculum that they can teach or the teacher can have FCD come in and teach the module for them. Since our area still depends on agriculture and natural resources for trades, it was important for the group to focus on not only how stormwater effects our everyday life but also how water conservation is applied in our region. As part of our

agreement, FCD also goes into our local classrooms and teaches “Wheat Week”, this a series of 5 lessons, that are directed to 4<sup>th</sup> and 5<sup>th</sup> graders.

The Cities first kick-started the regional stormwater public education and outreach program by having a stormwater information booth at the August 2008 Benton-Franklin County Fair in Kennewick, Washington. The 2008 booth was so well received by the general public the Cities began a stormwater information booth at the March 2009 Home & Garden Show at the TRAC facility in Pasco, Washington. The Cities have continued its public outreach and education through these venues to the present day and plans to continue attending these annual events as time and resources permit as part of our collective stormwater public education and outreach program.

Information for engineers, construction contractors, developers, development review staff, and land use planners regarding technical standards, development of stormwater site plans and erosion control plans, and stormwater Best Management Practices (BMPs), as well as information about training available on how to install and maintain erosion and sediment control and apply BMPs, are provided by the City as part of City Development Guidelines and continue to update and provide brochures that are located on the City of West Richland’s website.

#### **4.2 Public Involvement and Participation (Permit Requirement S5.B.2)**

The permit requires jurisdictions to satisfy the public involvement and participation criteria by providing ongoing opportunities for public involvement and participation. To comply with this requirement, jurisdictions must: 1) adopt a policy or program to create opportunities for the public to provide comments during the development and implementation of the City’s SWMP by February 16, 2008 and 2) make the latest version of the SWMP available to the public by May 31, 2008 and annually thereafter.

The West Richland City Council adopted Resolution 14-08 on June 16, 2008 establishing a public participation and involvement policy for the City’s Stormwater Utility and Stormwater Management Plan. A copy of Resolution 14-08 is attached in Appendix B. The resolution designates the City Council as the primary forum for soliciting and receiving public participation and involvement in the development, implementation, and updates of the City’s SWMP and Stormwater Utility including development and adoption of all required ordinances and regulatory mechanisms. The resolution directed the Public Works Director to seek public participation in the development, implementation, and update of the City’s Storm Water Management Program complying with all permit requirements and considering the following general public involvement goals: 1) Build understanding of the program and credibility for the process leading to decision, 2) Establish and maintain productive partnerships with citizens, other public and private agencies, developers, businesses, and organizations that have a stake in or have shown interest in the program, 3) Promote early involvement with stakeholders in identifying issues and opportunities, 4) Provide information to the public, developers, businesses, and media, and 5) Maintain a record of public involvement in the decision making process.

Annually on or before May 31, the City makes available to the public, upon request, hard-copies of the latest version of the City’s SWMP. The City’s website, [www.westrichland.org](http://www.westrichland.org) includes a Stormwater Section with the City’s SWMP and annual stormwater reports submitted to Ecology.

#### **4.3 Illicit Discharge Detection and Elimination (Permit Requirement S5.B.3)**

The permit requires each jurisdiction to develop, implement, and enforce a program to detect and eliminate illicit discharges into the City’s municipal separate storm sewer systems (MS4s). The Illicit Discharge Detection and Elimination (IDDE) program shall be comprised of the following measures listed below to address permit requirements.

- **MS4 Mapping.** The City was required to develop a map of the MS4 showing the location of all known and new connections to the MS4 authorized or approved by the City; all known outfalls; the names and locations of all waters of the State that receives discharges from these outfalls; and areas served by discharges to the ground. The permit current permit requires the Permittee, by August 1, 2021, to have its MS4 map in a Geographical Information System, CAD drawings, or other software that can map and store points with a fully described mapping standard. Originally, in December 2007, the City contracted with Benton County to construct and maintain a city-wide GIS mapping system. City staff collected MS4 data for inclusion into the GIS map. The mapping of the City's MS4 system was completed and submitted to Ecology on December 30, 2008; nearly 3 years before the February 2012 deadline. The City continually updates the MS4 data and map as new stormwater infrastructure is installed, the current software that is used is Civil 3D.
- **IDDE Ordinance or Resolution.** The City was required to adopt an ordinance or other regulatory mechanism by August 16, 2009 to prohibit non-stormwater discharges into the City's MS4. The ordinance needed to establish the legal authority to carry out inspections, surveillance, monitoring, and enforcement procedures necessary to ensure compliance. An ordinance meeting the permit requirements was to be adopted before the August 16, 2009 deadline. On August 3, 2009, the West Richland City Council adopted Ordinance 24-09 that prohibits non-stormwater discharges into the City's MS4. A copy of Ordinance 24-09 is attached in Appendix C.
- **Illicit Discharge Detection Program.** The City was required to develop and implement an ongoing program to detect and address non-stormwater discharges into the City's MS4, including spills, illicit connections and illegal dumpings. The permit required the program to be fully implemented by August 16, 2011. On August 3, 2009, the West Richland City Council adopted Ordinance 24-09 that prohibits non-stormwater discharges into the City's MS4. A copy of Ordinance 24-09 is attached in Appendix C.
- **Illicit Discharge Spill Response Plan.** An illicit discharge spill response plan has been developed and implemented identifying the appropriate actions to take when an illicit discharge spill occurs. The plan includes recordkeeping and reporting requirements so each spill, the response, and the outcome are documented. As part of this plan, the City has established a public hotline to report spills and illicit discharges. The City has established a 24 hour public hotline (509) 967-5434 prior to the February 16, 2009 deadline. The City has also been documenting reports received of illicit discharges or spills. Please see Appendix C for a summary.
- **Staff Training.** General training for City staff, office and field personnel, responsible for the identification, investigation, enforcement, cleanup, and reporting of illicit discharges has been developed and administered by August 16, 2009. As the City adds staff members in the engineering, sanitary sewer, and stormwater departments the City provides IDDE & O&M Training. The City encourages continuing follow-up training as needed to address changes in procedures, methods, and when stormwater requirements change.

#### **4.4 Construction Site Stormwater Runoff Control (Permit Requirement S5.B.4)**

The permit requires jurisdictions develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the City's MS4 from construction activities disturbing greater than or equal to one acre and to construction projects of less than one acre that are part of a common plan

of development or sale. The Construction Site Stormwater Runoff Control program shall be comprised of the following measures listed below to address permit requirements.

- **Ordinance or resolution.** The City was required to adopt an ordinance or other regulatory mechanism by February 16, 2010 to require erosion and sediment controls, and other construction-phase stormwater pollution controls at new development projects. On April 5, 2010, the City formally adopted Ordinance 6-10 that requires erosion and sediment controls, and other construction-phase stormwater pollution controls at new development projects. These types of issues are also currently covered during a project's SEPA process. A copy of Ordinance 6-10 is attached in Appendix D.
- **Construction Stormwater Pollution Prevention Plans (Construction SWPPP).** The City was required to adopt and implement procedures for site plan reviews which incorporate consideration of potential water quality impacts, procedures for site inspection, and enforcement of construction stormwater pollution control measures. On April 5, 2010, the City formally adopted Ordinance 6-10 that requires erosion and sediment controls, and other construction-phase stormwater pollution controls at new development projects. These types of issues are also currently covered during a project's SEPA process. A copy of Ordinance 6-10 is attached in Appendix D.
- **Information for Contractors on Erosion & Sediment Control Training.** As of the effective date of the permit, February 16, 2007, the City was required to provide information to construction site operators about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements are included in Appendix 1 of the current permit and apply the BMPs described in Chapter 7 of the Stormwater Management Manual for Eastern Washington (2019). This is also addressed in all pre-construction meetings and the City provides brochures on the website.

#### **4.5 Post Construction Stormwater Controls (Permit Requirement S5.B.5)**

The permit requires jurisdictions develop, implement, and enforce a program to address post-construction stormwater runoff to the City's MS4 from new development and redevelopment projects disturbing greater than or equal to one acre and to construction projects of less than one acre that are part of a common plan of development or sale. The program shall ensure that controls to prevent or minimize water quality impacts are in place and shall be comprised of the following measures listed below to address permit requirements.

- **Ordinance or resolution.** The City was required to adopt an ordinance or other regulatory mechanism by February 16, 2010 to require post-construction controls at new development and redevelopment projects. On April 5, 2010, the City formally adopted Ordinance 6-10 that requires erosion and sediment controls, and other post-construction stormwater pollution controls at new development projects. A copy of Ordinance 6-10 is attached in Appendix D.
- **Construction Stormwater Pollution Prevention Plans (Construction SWPPP).** The City was required to adopt and implement procedures for site plan reviews which incorporate consideration of potential water quality impacts, procedures for site inspection, and enforcement of construction stormwater pollution control measures. On April 5, 2010, the City formally adopted Ordinance 6-10 that requires erosion and sediment controls, and other post-construction stormwater pollution controls at new development projects. A copy of Ordinance 6-10 is attached in Appendix D.

- **Information for Design Professionals.** As of the effective date of the permit, February 16, 2007, the City provides information in the how to comply with the requirements of Appendix 1 of the current permit and apply the BMPs described in the Stormwater Management Manual for Eastern Washington (2019). This information is provided in the “Public Infrastructure Construction Plan Requirements and Design Guidelines”.

**4.6 Municipal Operations and Maintenance (Permit Requirement S5.B.6).** The permit requires jurisdictions to develop and implement an operations and maintenance plan that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The Operation and Maintenance (O&M) plan shall be comprised of the following measures listed below to address permit requirements.

- **Operation and Maintenance Plan.** The City was required to develop a schedule of municipal Operation and Maintenance (O&M) activities by February 16, 2011 and implement an O&M schedule by August 16, 2011. The schedule does include BMPs that, when applied to the municipal activity or facility, will protect water quality, reduce the discharge of pollutants to the maximum extend practicable (MEP), and satisfy State requirements under RCW Chapter 90.48 to apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). An O&M Plan that meets the permit requirements was developed and implemented and has been updated several times since, it was currently updated on January 2020.
- **Staff Training.** General training for City staff was provided to those who have primary construction or operations and maintenance job functions likely to impact stormwater quality. On March 10, 2011 three City staff overseeing operations, stormwater and streets attended a Stormwater Supervisor Training Course at the City of Moses Lake, Washington meeting the requirements of the August 16, 2011 deadline that addressed the importance of protecting water quality, permit requirements, operation and maintenance requirements, inspection procedures, job performance activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns, including potential illicit discharges. Follow-up training shall be attended and provided as needed to address changes in procedures, methods and or staffing. Since the initial 2011 trainings several courses and events have been attended through various venues that have pertained to stormwater and stormwater management.

Appendix A  
Public Education and Outreach

**WEST RICHLAND  
STORMWATER PROGRAM**

EDUCATION AND OUTREACH PLAN

## **Education and Outreach Plan**

The Nation Pollutant Discharge Elimination System (NPDES) Phase II permit program requires local governments to apply for a permit to discharge stormwater runoff from a municipal separate storm sewer system (MS4s). This program is a federal requirement developed under the Clean Water Act. The Washington State Department of Ecology (Ecology) is responsible for administering the NPDES program in this state. The program requires the development of local controls to reduce stormwater pollutant discharges to surface water. The City of West Richland is required to comply with the requirements of that program.

As part of the efforts to comply with the Eastern Washington Phase II Municipal Stormwater Permit issued by Ecology, the City of West Richland has developed an education and outreach plan (“Plan”). This Plan is an important element of the local and regional efforts to develop a stormwater management program (SWMP). Outreach will be focused on both the general public and targeted audiences of stakeholders.

The public education and outreach component is designed to educate the public about stormwater and actions they may take to prevent stormwater pollution.

### ***Public Education and Outreach Plan***

The objective of this public education plan is to develop and implement a public education and outreach program to distribute educational materials to the community and or conduct equivalent outreach activities on the impacts of stormwater discharges to water bodies, and the steps the public may take to reduce pollutants in stormwater. Outreach and educational efforts include a multimedia approach and are targeted to specific audiences for increased effectiveness.

#### **Components of the Public Education and Outreach Program**

The components of the public outreach and education program are described in this section:

- Information for the general public about the importance of improving water quality and protecting beneficial uses of waters of the State; potential impacts from stormwater discharges; methods for avoiding, minimizing, reducing and/or eliminating the adverse impacts of stormwater discharges; and actions individuals may take to improve water quality, including encouraging participation in local stewardship activities.
- Information for business and the general public about preventing illicit discharges, including 1) what constitutes illicit discharges, 2) the impacts from illicit discharges, and 3) the proper management and disposal of toxic materials.
- Information for engineers, construction contractors, developers, development review staff, municipal maintenance personnel, and land use planners about technical standards, development of stormwater site plans and erosion control plans, and stormwater best management practices for reducing adverse impacts from stormwater runoff during construction.

#### **Identify and Characterize Target Audiences**

The NPDES Phase II stormwater permit requires permittees to identify and provide outreach to target audiences. The city maintains our own list(s) of target audiences, including residents, visitors, students, schools, public employees, businesses, industries, construction contractors, and developers. The individual list may be combined into a quad-city regional list to identify shared

contracts. Each city will be responsible for communicating to their respective target audiences, except for shared contacts which may be contacted at the regional or semi-regional level to avoid duplicative efforts.

The permit required that target audiences be identified and characterized by February 16, 2010. A general list of commercial businesses is provided in Attachment A and will be updated annually.

### **City's Website**

The City's website is used to support public education and outreach efforts by providing a description of the Storm Water Management Plan, downloadable education materials, such as brochures, and a schedule of upcoming program activities.

### **Educational and Outreach Materials**

The City will prepare educational and outreach materials to distribute to target audiences that will accomplish three main goals:

- Educate the public about general stormwater issues,
- Educate the public about illicit discharges and best management practices that may prevent them,
- Educate the public about what they may do to help reduce stormwater runoff and reduce water pollution.

### **General Stormwater Education and Outreach Materials**

Education and outreach materials related to personal stewardship are targeted to all City residents. The intent is to provide the public and businesses with general stormwater information and best management practices which may be implemented to lessen impacts on stormwater. The educational materials may be developed regionally and semi-regionally. Materials will be posted on the City's website and also distributed as hard copies, as appropriate.

### **General Stormwater Informational Brochures**

*Target Audience:* All Residents

*Content of Message:* Explanation of what stormwater is, why stormwater may be a problem, practices that may protect water quality, and practices that should be avoided.

*Delivery Mechanism(s):* These brochures will be available at City offices, at appropriate public events, and as a billing insert when appropriate. They may be delivered every two to three years to re-inform residences of stormwater issues and water quality efforts.

### **Stormwater Education for Construction Sites**

*Target Audience:* Construction Contractors and Developers.

*Content of Message:* Storm drain discharge to water bodies, stormwater treatment requirements prior to discharge, control of stormwater runoff from construction sites, explanation of the impacts stormwater may have on surface water, understanding of stormwater drainage in the Quad City area.

*Delivery Mechanism(s):* All pre-construction meetings, and City of West Richland Design Guidelines.

### **Franklin Conservation District (Wheat Week & Drain Rangers, and Jr. Drain Rangers) Programs**

*Target Audience:* Elementary and Middle School Students (Grades K-5th)

*Content of Message:* Wheat Week focuses on the impacts of water, soil, watersheds, energy, systems, salmon and wheat, in our lives. Drain Rangers and Jr. Drain Rangers program focuses on the serious issues facing our community from stormwater pollution and to share specific actions we can take to improve the quality of our water. The Drain Ranger/Jr. Drain Ranger program has been developed to meet the Washington State Elementary Stormwater Curriculum. The programs help kids better understand our natural resources of our region.

*Delivery mechanism(s):* Message content is given through a series of classroom lesson, involving games, hands on demonstrations and experiments.

### **Illicit Discharge Education and Outreach Materials**

Education and outreach materials related to illicit discharges will be available for all residents within the permit coverage area, and specific materials will be made available to target homeowners and commercial businesses. The intent is to educate the public about illicit discharges and provide them with a mechanism to report such discharges.

#### **Best Management Practices for Illicit Discharges Brochure – Residential Activities**

*Target Audiences:* All City residents.

*Content of Messages:* What illicit discharges are, the typical homeowner action that may result in illicit discharges, best management practices for illicit discharges and actions and precautions for those who live along drainage areas. The procedure for residents to report illicit discharges.

*Delivery Mechanism(s):* Brochures may be distributed as a utility bill insert and to residents setting up new utility accounts as well as at appropriate public events. Brochures will be made available at the City offices.

#### **Commercial Business Brochure Addressing Illicit Discharges**

*Target Audience:* Commercial businesses.

*Content of Message:* What illicit discharges are, general best management practices for illicit discharges, and how to report illicit discharges. Specific best management practices for commercial properties, industrial operations, and agricultural operations will also be provided in the brochure.

*Delivery mechanism(s):* Brochures will be delivered to new businesses and existing businesses upon renewing their City business license information. The brochures will also be available at the City offices.

## **Attachment A**

### **Target Audience: General List of Commercial Businesses**

The City of West Richland has developed a target list of commercial businesses as part of their public education efforts. The commercial businesses include the following types of businesses:

- Restaurants
- Wineries and Distilleries
- Home Health Care Facilities
- Child Care Facilities
- Grocery Stores and Outlets
- Health Services
- Distributing and Freight Services
- Manufacturing Services
- Antique Shops
- Cleaning, Maintenance, Laundry, and Restoration Services
- Lawn Care
- Electrical, Plumbing, Refrigeration and Heating Services
- Beauty Salons and Barber Shops
- Construction Services
- Transportation Services:
  - Sales and Recreational
  - Rentals
  - Trucking Services
  - Gas Stations
  - Repair and Service
  - Car Washes

Franklin Conservation District Education Report 2018-2019  
 Drain Rangers, Jr. Drain Rangers and Wheat Week  
 January – June 2019

Jr. Drain Rangers	# Students	# Teachers	# of Lessons
<b>Benton County</b>	<b>295</b>	<b>35</b>	<b>17</b>
<b>Kennewick</b>	<b>58</b>	<b>8</b>	<b>4</b>
Cottonwood Elementary	58	8	4
<b>Richland</b>	<b>168</b>	<b>27</b>	<b>9</b>
Marcus Whitman Elementary	99	19	5
Lewis and Clark Elementary	69	4	4
<b>West Richland</b>	<b>69</b>	<b>4</b>	<b>4</b>
William Wiley Elementary	69	4	4
<b>Franklin County</b>	<b>249</b>	<b>13</b>	<b>12</b>
<b>Pasco</b>	<b>249</b>	<b>13</b>	<b>12</b>
Maya Angelou Elementary	114	5	5
St. Patrick's Elementary	68	4	3
Rowena Chess Elementary	67	4	4
<b>Grand Total</b>	<b>544</b>	<b>48</b>	<b>29</b>

Drain Rangers	# Students	# Teachers	# of Lessons
<b>Benton County</b>	<b>144</b>	<b>6</b>	<b>6</b>
<b>Kennewick</b>	<b>103</b>	<b>4</b>	<b>4</b>
Cascade Elementary	103	4	4
<b>Richland</b>	<b>41</b>	<b>2</b>	<b>2</b>
Lewis & Clark	41	2	2
<b>Franklin County</b>	<b>123</b>	<b>5</b>	<b>5</b>
<b>Pasco</b>	<b>123</b>	<b>5</b>	<b>5</b>
Ruth Livingston Elementary	123	5	5
<b>Grand Total</b>	<b>267</b>	<b>11</b>	<b>11</b>

Wheat Weeks	# Students	# Teachers	# of weeks
<b>Kennewick</b>	<b>164</b>	<b>7</b>	<b>2</b>
Lincoln Elementary	82	3	1
Ridge View Elementary	82	4	1
<b>Pasco</b>	<b>305</b>	<b>15</b>	<b>3</b>
Mark Twain Elementary	93	6	1
Ruth Livingston Elementary	131	6	1
Maya Angelou Elementary	81	3	1
<b>Richland</b>	<b>216</b>	<b>8</b>	<b>2</b>
White Bluffs Elementary	135	5	1
Jason Lee Elementary	81	3	1
<b>Grand Total</b>	<b>685</b>	<b>30</b>	<b>7</b>

Franklin Conservation District Education Report 2018-2019  
Drain Rangers, Jr. Drain Rangers and Wheat Week  
January – June 2019

Drain Rangers Teacher Workshops held in Pasco:

January 23, 2019 – 28 teachers

March 13, 2019 – 11 teachers

**Total** Drain Ranger, Jr. Drain Ranger & Wheat Week in the Quad Cities (Jan-Jun 2019)

Students = 1,496

Teachers – 128

Franklin Conservation District Education Report  
 Drain Rangers, Jr. Drain Rangers and Wheat Week  
**September – December 2019**

<b>Jr. Drain Rangers</b>	<b># Students</b>	<b># Teachers</b>	<b># of Lessons</b>
<b>Benton County</b>	<b>739</b>	<b>52</b>	<b>34</b>
<b>Kennewick</b>	<b>103</b>	<b>6</b>	<b>6</b>
Amistad Elementary	45	2	2
Sunset View Elementary	58	4	4
<b>Richland</b>	<b>545</b>	<b>35</b>	<b>24</b>
Amon Creek Elementary	121	6	5
Jason Lee Elementary	91	10	5
Lewis and Clark Elementary	103	4	3
White Bluffs Elementary	133	8	6
Badger Mountain Elementary	97	7	5
<b>West Richland</b>	<b>91</b>	<b>11</b>	<b>4</b>
William Wiley Elementary	91	11	4
<b>Franklin County</b>	<b>64</b>	<b>5</b>	<b>3</b>
<b>Pasco</b>	<b>64</b>	<b>5</b>	<b>3</b>
Edwin Markham Elementary	64	5	3
<b>Grand Total</b>	<b>803</b>	<b>57</b>	<b>37</b>

<b>Drain Rangers</b>	<b># Students</b>	<b># Teachers</b>	<b># of Lessons</b>
<b>Pasco</b>	<b>53</b>	<b>1</b>	<b>2</b>
Maya Angelou	53	1	2
<b>Grand Total</b>	<b>53</b>	<b>1</b>	<b>2</b>

<b>Wheat Week</b>	<b># Students</b>	<b># Teachers</b>	<b># of Weeks</b>
<b>Benton County</b>	<b>620</b>	<b>36</b>	<b>6</b>
<b>Kennewick</b>	<b>109</b>	<b>4</b>	<b>1</b>
Amon Creek Elementary	109	4	1
<b>Richland</b>	<b>312</b>	<b>19</b>	<b>3</b>
Jason Lee Elementary	84	6	1
Orchard Elementary	120	6	1
Sacajawea Elementary	108	7	1
<b>West Richland</b>	<b>199</b>	<b>13</b>	<b>2</b>
Tapteal	107	8	1
Wiley Elementary	92	5	1
<b>Franklin County</b>	<b>373</b>	<b>20</b>	<b>5</b>
<b>Pasco</b>	<b>373</b>	<b>20</b>	<b>5</b>
Emerson Elementary	94	4	1
Kingspoint Christian	5	1	1
Marie Curie Elementary	93	4	1
Mark Twain Elementary	102	8	1
McGee Elementary	79	3	1
<b>Grand Total</b>	<b>993</b>	<b>56</b>	<b>11</b>

Franklin Conservation District Education Report  
Drain Rangers, Jr. Drain Rangers and Wheat Week  
September – December 2019

Drain Rangers Teacher Workshops held in Pasco:

September 25, 2019 – 11 teachers

October 29, 2019 – 19 teachers

Total Drain Ranger, Jr. Drain Ranger & Wheat Week in the Quad Cities  
(September – December 2019)

Students = 1,849

Teachers – 144

Appendix B  
Public Involvement and Participation

**CITY OF WEST RICHLAND  
RESOLUTION NO. 14- 08**

**A RESOLUTION OF THE CITY OF WEST RICHLAND,  
WASHINGTON, ESTABLISHING A PUBLIC PARTICIPATION  
AND INVOLVEMENT POLICY FOR THE STORM WATER UTILITY**

**WHEREAS**, in 1999, the Environmental Protection Agency (EPA) introduced Phase II of the National Pollutant Discharge Elimination System (NPDES) program requiring a permit for storm water discharges to certain municipal separate storm water systems (MS4s) and construction sites greater than one acre of land; and

**WHEREAS**, in Washington State, the Washington State Department of Ecology (Ecology) administers the NPDES program on behalf of EPA; and

**WHEREAS**, on January 17, 2007, Ecology issued the Eastern Washington Phase II Municipal Storm Water Permit (hereinafter referred to as "permit"); and

**WHEREAS**, the permit, which expires on February 15, 2012 contains certain requirements that must be met throughout its duration, one of which is a requirement that MS4s implement a Storm Water Management Program (SWMP) composed of the following six elements: 1) Public education and outreach, 2) Public involvement and participation, 3) Illicit discharge detection and elimination, 4) Construction site storm water runoff control, 5) Post-construction storm water management for new development and redevelopment, and 6) Pollution prevention and good housekeeping for municipal operations; and

**WHEREAS**, each element of the SWMP has specific milestones/deadlines to be met by the City; and

**WHEREAS**, the City Council seeks and values public participation in all programs administered by the City; and

**WHEREAS**, development and implementation of the City's SWMP will result in new City regulations requiring compliance by persons living, developing, and conducting business in the City; and

**WHEREAS**, development and implementation of the City's SWMP will result in new City services funded through revenue derived from persons living, developing, and conducting business in the City;

**NOW, THEREFORE**, The City Council of the City of West Richland, Washington, does hereby resolve as follows:

**Section 1.** The City Council hereby directs the Public Works Director to seek public participation in the development, implementation, and update of the City's Storm Water Management Program complying with all permit requirements and considering the following general public involvement goals: 1) Build understanding of the program and credibility for the process leading to decision, 2) Establish and maintain productive partnerships with citizens, other public and private agencies, developers, businesses, and organizations that have a stake in or have shown interest in the program, 3) Promote early involvement with stakeholders in identifying issues and opportunities, 4) Provide information to the public, developers, businesses, and media, and 5) Maintain a record of public involvement in the decision making process.

**Section 2.** The City Council is hereby designated as the primary forum for soliciting and receiving public participation and involvement in the development, implementation, and updates of the City's SWMP and Storm Water Utility including development and adoption of all required ordinances and regulatory mechanisms.

**Section 3.** This resolution shall be in effect immediately upon approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON,** this 16th day of June, 2008.

  
Dale E. Jackson, Mayor

ATTEST:

  
Julie Richardson, City Clerk

APPROVED AS TO FORM:

  
Terry Tanner, City Attorney

Appendix C  
Illicit Discharge Detection and Elimination

## CITY OF WEST RICHLAND

### Illicit Discharge Summary Report

#### **2010 Discharges:**

September 27, 2010; a fuel spill in a residential neighborhood was reported to the City. City staff inspected the site, placed absorbent socks on the area, and the asphalt was removed and replaced. There were no other agencies notified of the situation.

#### **2011 Discharges:**

September 27, 2011; a anti-freeze spill occurred near the intersection of Bombing Range Rd. and Victoria Ct. when a truck hose broke spilling approximately 2 gallons of anti-freeze. City staff inspected the site, cleaned the spill with floor dry, swept and disposed of material. There were no other agencies notified.

#### **2012 Discharges:**

March 7, 2012; employees of Entrust Community Services dumped approximately 40 gallons of pollutants associated with the stripping and waxing of the floors of the West Richland Police Department into the City's parking lot storm drainage system. Due to the unknown pollutants dumped, elevated groundwater in the immediate area and proximity to the Yakima River, the violation was considered an immediate threat to health, safety, and well-being of the public. The City's illicit detection and elimination crew was dispatched to abate the discharge. City crews removed the pollutants from the catch basin and drywell drainage system using a shop-vac and a 55-gallon drum to contain the pollutants until they could be disposed of properly.

#### **2013 Discharges:**

April 24, 2013; Western Materials (WM) had a hydraulic hose break on one of there rigs spraying hydraulic oil on the roadway near 6199 Teak Lane. The City initially responded and cleaned up the spill preventing any oil from entering the storm drain system. Western Materials was contacted about the incident and Joe Ness (WM dispatcher) arrived and helped clean up the spill. The City provided a bag of floor dry and spent an hour cleaning the spill. WM was also advised that they would need to call the spill response number and report the spill and notify the City once the spill had been reported. The City received notification from Joe that the spill had been reported and WM also removed contaminated soil from the lot.

April 28, 2013; Goodman & Mehlenbacher Enterprises, Inc. (GAME) had a diesel leak from their water truck that was parked at the end of Belmont Blvd. one lot north of 1399 Belmont. The diesel leaked into the gutter and off the end of the roadway into the soil. Chuck with GAME was contacted about the spill and advised that the spill would need to be reported to Ecology and the City would need to receive notification that the spill was reported. The City did receive notification that the spill had been reported and GAME cleaned up the diesel in the gutter pan and removed all contaminated soils storing the soil on plastic sheeting at their shop until it could be disposed of properly.

October 4, 2013; Dakota Concrete was pouring a concrete patio at 6003 Kilawea Drive. Upon completion of pumping concrete their concrete pumper truck began washing out their equipment out in the roadway near two catch basins (CB's). The CB's were roughly located at 6003 and 6102 Kilawea Drive. The concrete residue was all over the roadway, in the gutter pan, being highly visible on the roadway and in the CB's. The City arrived after receiving a tip from a City resident and found Dakota Concrete still at the scene. The City talked with Dakota Concrete about the discharges and explained that this was unacceptable and considered an illicit discharge and could be subject to punitive fines, giving them direction on how they would need to rectify the situation. They acknowledge that they would take care of the mess, but unfortunately did not comply that day, or the over the next couple of days when give repeated opportunities. The City then stepped in and cleaned up the discharge sweeping and washing the roadway and then pumped out the CB's, removing 4" of solidified concrete on the bottom of the CB. The City has an agreement with the City of Kennewick to use/bring waste material to their decant facility, which is where the City takes its waste material.

#### **2014 Discharges:**

July 29, 2014; Viking Homes in contract with Columbia Pumping had a hydraulic hose break and leak out onto the roadway near 6043 Holly Way. The Contractor was made aware of the leak and issues associated with the spill and their responsibility to clean it up. The driver of the pump truck (Columbia Pumping) decided to wash the spill into the gutter. The City called Viking Homes to inform them that the situation was potentially more severe and now needed to isolate the nearest catch basin and Vactor any catch basin where the wash water had reached. When the City was able to meet with the contractor on-site it was determined that due to the large amount of sediment and sand in the gutter line that none of the wash water, or hydraulic fluid had made it into any of the catch basins being absorbed by much of the sand and sediment in the gutter pan. They were informed at that time that they would need to shovel out all the contaminated sediment and sand and dispose of properly. They were also required to apply absorbent material over the oil spots in the roadway. The total area was approximate 25 square feet at three different spots on the roadway. The City observed the contractor spreading out the absorbent material and scooping out the sand and sediment into 5-gallon buckets for disposal.

#### **2017 Discharges**

May 11, 2017; the City was notified of sewage being discharged into the City's stormwater system on Fallon Drive in front of the West Richland Golf Course. The discharged began on May 4 and continued through May 11, 2017 when it was reports. During our onsite assessment it was determined that the drywell would hold approximately 1000 gallons and the drywell was full. The City's crews were tasked with the clean-up of the drywell. The sewage was removed/pumped with the sewer Vactor truck from the storm drainage drywell and disposed of at the City's Wastewater Treatment Plant. The drywell was then filled/flushed with potable water and pumped with the Vactor truck and disposed of at the City's treatment plant. The filling/flushing process occurred 3 times. The City pursued and took action as per our adopted Ordinance 24-09.

May 12, 2017; the City was notified that sewage was backing up out of a manhole and into the City of West Richland's stormwater system on N. 62<sup>nd</sup> Ave. From our site assessment it was determined approximately 200 gallons of sewage made it to the storm system. Our City crews were tasked with unplugging the sewer line and clean-up of the catch basin and drywell. The sewage was removed/pumped with the sewer Vactor truck from the storm drainage catch basin and drywell which was then disposed of at the City Wastewater Treatment Plant. The catch basin and drywell were then filled/flushed with potable water and pumped using the sewer Vactor truck and disposed of at the City's treatment plant. The filing/flushing process occurred 2thre times. The City notified the owner/manager of the mobile home park verbally of the debris from their private sewer mains which caused the blockage. The City requested they camera and clean their private lines to prevent this from happening again.

## **Eliminated Outfall Summary Report**

### **Ironton Drive Outfall:**

In, April of 2019, as part of the City's *Ironton Stormwater Retro-fit Project*, the City became aware of another outfall to the CID canal that collects runoff from Ironton Drive and discharges to the canal, and outfalls to the Columbia River. This portion of the City was installed 20-30 years ago and there were no records or knowledge of this outfall. Through continual updating of the City's MS4 maps and some ongoing construction activities nearby the City was able to identify this issue and was awarded a grant from Ecology to retrofit this system to eliminate the outfall. The design was completed with the construction funds secured, due to issues with the State of Washington's budget in 2018, the City's funding was held until there was a budget resolution and the funds could be obligated. Construction was completed by June 2019.

### **Luanne Estates Outfall:**

The City became aware of an outfall that collected stormwater runoff from an existing 47 lot subdivision development known as Luanne Estates, this was discovered during the City's efforts to update the City MS4 map. This outfall had been installed several decades ago and discharged to the Yakima River Flood Plain, or what appeared to be a small tributary of the Yakima River. It was usually dry throughout the year only seeing runoff, or water during months of high water, or flooding. The City initially submitted a stormwater grant application to the Department of Ecology for the FY 2011 State Stormwater Grant, but wasn't initially selected due to scoring and as well as funding availability. However, in 2013 more funding become available the City's project was selected by Ecology to be a recipient for that grant fund cycle.

Since receipt of the grant from Ecology, the City designed a retrofit system to eliminate the outfall from collecting and conveying to the Yakima River system; this project was named *Yakima River Outfall Elimination Project*. The project changed the existing system by reconfiguring catch points of the stormwater runoff, providing treatment, and infiltrating the runoff by rock galleries with infiltration trenches. The new reconfigured system allowed for the elimination of the Luanne

Estates outfall. The project was successfully constructed and accepted by the Department of Ecology in January 2015.

**Bombing Range Road Outfall:**

This outfall was initially installed as part of the *Bombing Range Road Reconstruction Project* in 1998 prior to the City being required to obtain a National Pollutant Discharge Elimination System (NPDES) Phase-II Permit which requires local governments to apply for coverage when discharging stormwater runoff from a Municipal Separate Storm Sewer System, or MS4 to "waters of the state". The City considered how to eliminate this outfall which discharged to the Columbia Irrigation District (CID) canal and subsequently into the Columbia River since being subject to the conditions of the NPDES Phase-II permit. In May of 2012 the City was awarded a stormwater grant that would allow the City to retrofit this system and eliminate all stormwater discharge at this outfall.

Since receipt of the grant from Ecology, the City designed the retrofit system that eliminated the outfall; the project was named *Bombing Range Outfall Elimination Project*. The new stormwater collection and conveyance system for Bombing Range Road corridor system is collected, stored, treated and infiltrates all collected road runoff on-site. The City accomplish these goals through the use of large underground corrugated metal pipe (CMP) storage and infiltration facilities in combination with continuous deflection separator (CDS) systems that perform these functions. The outfall was disconnected and the outfall structure abandoned to fully eliminate the outfall from being used. The project was successfully constructed and accepted by the Department of Ecology in November of 2013.

**Yakima River Bridge Crossing Outfall:**

In April of 2011, as part of the City's *Van Giesen Water and Sewer Enhancements Project*, the City eliminated this outfall to the Yakima River from a thought to be abandoned stormwater system. The City discovered this outfall near the Yakima River Bridge which connects the City of West Richland to the City of Richland during preliminary design and planning of the City water/sewer project. It was through this investigative work that the City discovered there was still one remaining catch basin that had not been disconnected from this old existing stormwater system that discharge directly to the Yakima River. Once discovered the City eliminated the possibility of stormwater discharges from this outfall by intercepting the stormwater line next to the City's detention pond and installing a drywell system to capture and infiltrate any future runoff this isolated catch basin may capture, thus eliminating the outfall from the City's MS4 system.

**CITY OF WEST RICHLAND  
ORDINANCE NO. 24-09**

**AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON, RELATING TO  
ILLICIT DISCHARGE DETECTION AND ELIMINATION ADDING CHAPTER 13.82 TO  
THE WEST RICHLAND MUNICIPAL CODE**

**WHEREAS**, on January 17<sup>th</sup>, 2007 the Washington State Department of Ecology issued a general permit, the National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington, commonly known as the Eastern Washington NPDES Phase II Municipal Stormwater Permit; and

**WHEREAS**, the Eastern Washington NPDES Phase II Municipal Stormwater Permit requires the City of West Richland to develop, implement and enforce a program by August 16, 2009 to detect and eliminate illicit discharges in the municipal separate storm sewer system (MS4); and

**WHEREAS**, on June 18<sup>th</sup>, 2008, the West Richland City Council adopted Resolution 14-08 establishing a public participation and involvement policy for the City' Stormwater Utility and Stormwater Management Plan (SWMP); and

**WHEREAS**, Resolution 14-08 designates the City Council as the primary forum for soliciting and receiving public participation and involvement in the development, implementation, and updates of the City's SWMP and Stormwater Utility including development and adoption of all required ordinances and regulatory mechanisms; and

**WHEREAS**, the West Richland City Council on July 6, 2009 adopted Resolution 11-09 setting July 20, 2009 as the date for a public hearing on the proposed ordinance adding Chapter 13.82 Illicit Discharge Detection and Elimination to the West Richland Municipal Code; and

**WHEREAS**, the West Richland City Council held a duly advertised public hearing on July 20, 2009, at which the public was given an opportunity to participate and provide comment, and the comments were reviewed and considered by the City Council;

**NOW, THEREFORE**, the City Council of the City of West Richland, Washington does hereby resolve as follows:

**Section 1.** Chapter 13.82, "Illicit Discharge Detection and Elimination", which follows, is hereby added to the West Richland Municipal Code and shall read as follows.

**Chapter 13.82**  
**Illicit Discharge Detection and Elimination**

**Sections:**

<b>13.82.010</b>	<b>Purpose</b>
<b>13.82.020</b>	<b>Definitions</b>
<b>13.82.030</b>	<b>Administration</b>
<b>13.82.040</b>	<b>Prohibition of Illicit Discharges</b>
<b>13.82.050</b>	<b>Allowable Discharges</b>
<b>13.82.060</b>	<b>Conditional Discharges</b>
<b>13.82.070</b>	<b>Prohibition of Illicit Connections</b>
<b>13.82.080</b>	<b>Compliance with other NPDES Permits</b>
<b>13.82.090</b>	<b>Notification of Spills</b>
<b>13.82.100</b>	<b>Enforcement Procedures</b>
<b>13.82.110</b>	<b>Appeal Notice of Violation</b>
<b>13.82.120</b>	<b>Abatement by the City</b>
<b>13.82.130</b>	<b>Injunction</b>

**13.82.010 Purpose.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of West Richland, Washington through the regulation of non-stormwater discharges to the storm drainage system in compliance with the provisions of the Federal Water Pollution Control Act (Clean Water Act), Title 33 United States Code, Section 1251 et seq., and the State of Washington Water Pollution Control Law, Chapter 90.48 Revised Code of Washington. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the Washington State Department of Ecology issued National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington, commonly known as the Eastern Washington NPDES Phase II Municipal Stormwater Permit. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater dischargers by any user;
2. To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
3. To establish legal authority to carry out all inspections, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

**13.82.020 Definitions**

For the purposes of Chapter 13.82 of the West Richland Municipal Code (WRMC), the following definitions apply:

- A. "Best Management Practices" or "BMPs" shall mean schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters,

or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

- B. "City" shall mean the City of West Richland, Washington, a municipal corporation.
- C. "Clean Water Act" means the federal Water Pollution Control Act (33 USC Section 1251 et seq.) and any subsequent amendments thereto.
- D. "Construction Activities" means any activities subject to the National Pollutant Discharge Elimination System (NPDES) construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.
- E. "Director" shall mean the Public Works Director and/or designees.
- F. "Discharge" means adding, introducing, releasing, leaking, spilling, casting, throwing or emitting any pollutant to waters of the state or placing any pollutant in a location where it is likely to pollute waters of the state.
- G. "Ecology" means the Washington State Department of Ecology.
- H. "Erosion" means the process by which ground surface is worn away by action of wind, water, ice or gravity.
- I. "Groundwater" means water in a saturation zone or stratum beneath the surface of the land or below a surface water body.
- J. "Hazardous Substance" 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.
- K. "Hyper-chlorinated" means water that contains more than 10 mg/L chlorine.
- L. "Illicit Connection" means any drain or conveyance, whether on the surface or subsurface, which allow an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater and wash water to enter the storm drain system and any connection to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by the city or any government agency. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by the City.

- M. "Illicit Discharge" or "Illegal Discharge" means any direct or indirect non-stormwater discharge to the City's separate storm sewer system (MS4), except as expressly allowed by this chapter.
- N. "Industrial Activity" means any activities subject to the NPDES Industrial Permits as defined in 40 CFR Section 122.26(b)(14).
- O. "Industrial Waste" means any liquid, gaseous, solid, slurry or other waste substance or any combinations of these resulting from any process or industry, manufacturing, trade or business.
- P. "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, man-made channels, or storm drains):
  - a. Owned or operated by the City of West Richland;
  - b. Designed or used for collecting or conveying stormwater;
  - c. Which is not part of a Publicly Owned Treatment Works (POTW).
- Q. "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Washington State 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 area-wide basis.
- R. "Non-Point Source" means a diffuse source of pollution that does not result from a pollutant discharge at a specific single location (such as a single pipe) but generally results from human or human induced activities which introduce pollutants into waters of the state through land runoff, precipitation, atmospheric deposition or percolation.
- S. "Non-Storm Water Discharge" means any discharge to the storm drain system that is not composed entirely of storm water.
- T. "Point Source" means any discernable confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock or other vessel or other floating craft, from which any pollutant is or maybe discharged.
- U. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents, oil and other automotive fluids, non-hazardous liquid, solid wastes and yard wastes, refuse rubbish, garbage, litter or other discarded or abandoned objects, articles 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 (including but not limited to sediments, slurries and concrete rinses); and noxious or offensive matter of any kind.
- V. "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

- W. "Sediment" means soils or other particulate materials eroded or otherwise separated by parent materials and transported or deposited by the action of wind, water, ice or gravity or by illegal dumping.
- X. "Storm Drain System" means the City's municipal storm drain system that discharges to the waters of the State.
- Y. "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.
- Z. "Waters of the State" means any surface watercourses and water bodies as defined in 40 CFR § 122.2 including all natural waterways and defined channels and depressions in the earth that may carry water.

**13.82.030 Administration**

The Director shall administer, implement and enforce the provisions of this chapter.

**13.82.040 Prohibition of Illicit Discharges**

No person shall discharge or cause to be discharged into the waters of the State via the City's storm drain system, other than as provided for herein, any materials, contaminants or pollutants, other than stormwater.

No person shall connect any apparatus discharging any pollutant, in any quantity, to any part of the storm drain system or waters of the state except as explicitly authorized by an approved NPDES discharge permit or by an approved plan for compliance or BMP.

The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES Permit, waiver, or waste discharge order issued by Ecology, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order.

**13.82.050 Allowable Discharges**

Discharges from the following activities shall be considered allowable discharges unless the Director determines the type of discharge, whether singly or in combination with others is causing, or is likely to cause, pollution of waters of the state. They include but are not limited to:

1. diverted stream flows;
2. rising ground water;
3. uncontaminated ground water infiltration;
4. uncontaminated pumped ground water;
5. foundation drains;
6. air conditioning condensation;
7. irrigation water from agricultural sources that is commingled with urban stormwater; springs;
8. water from crawl space pumps;
9. footing drains;
10. flows from riparian habitats and wetlands;
11. discharges for fire fighting activities; and

12. potable water, including water from routine water line flushing and fire hydrant maintenance.

#### **13.82.060 Conditional Discharges**

The following types of conditional discharges shall not be considered illegal or illicit discharges for the purposes of this chapter if the discharges meet the stated conditions, or unless the Director determines the type of discharge, whether singly or in combination with others is causing, or is likely to cause, pollution of waters of the state:

- A. Hyper-chlorinated water discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH adjusted to between 5.5 and 9.0, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the storm drain system;
- B. Swimming pool and hot tub water discharges. Water discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH adjusted to between 5.5 and 9.0, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the storm drain system;
- C. Other conditional discharges including non-stormwater discharges in compliance with the requirements of a stormwater pollution prevention plan, reviewed and approved by the Director, which addresses control of such discharges by applying approved BMPs to prevent contaminants from entering waters of the state.

#### **13.82.070 Prohibition of Illicit Connections**

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. This 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.

#### **13.82.080 Compliance with other NPDES Permits**

Any person or company subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan.

#### **13.82.090 Notification of Spills**

As soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of substances in volumes that exceed during any 24 hour period of time, the reportable quantity (RQ) values listed at Title 40 Code of Federal Regulations Part 302, Table 304.2, which are resulting or may result in illegal discharges of pollutants discharging into the MS4 or waters of the State from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

In the event of such a release of a hazardous substance said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous substances, said person shall notify the City's Public Works Department in person or by phone, email or fax within 24 hours. If the discharge of prohibited

materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

### **13.82.100 Enforcement Procedures**

When the Director finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the Director may order compliance through one or more of the following procedures. The Director may, at his discretion choose the following enforcement procedures appropriate to the violation:

- A. **Verbal Warning.** The Director, or his designee, may direct compliance with this ordinance through a verbal warning issued to the violator. A verbal warning will include specific information describing the violation, specific actions required to remedy the violation, an expected time for performance and referral to technical guidance available to the violator.
- B. **Written Warning.** The Director, or his designee, may direct compliance with this ordinance through a written warning issued to the violator. A written warning will include specific information describing the violation, specific actions required to remedy the violation, an expected time for performance and referral to technical guidance available to the violator.
- C. **Written Notice of Violation.** The Director may require compliance by written notice of violation to the responsible person. Such notice may require without limitation:
  - a. The elimination of illicit connections or discharges;
  - b. The violating discharges, practices or operations shall cease;
  - c. The performance of the monitoring, analyses and reporting;
  - d. The abatement and remediation of stormwater pollution or contamination hazards and the restoration of the MS4 facilities;
  - e. Implementation of source control or treatment BMPs;and/or
  - f. Payment of a fine. Any person who fails to comply with any provision of this chapter or any regulation, rule, or permit of the City, issued pursuant to this chapter shall be guilty of a civil infraction and pay a monetary fine, which is punitive in nature and not a cost or compensation to the City for services, of up to \$1,000 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such monetary fines may be recovered by judicial actions and/or, to the extent permissible by State law, and by administrative procedures. Any person who knowingly and intentionally fails to comply with any provision of this chapter or any regulation, rule, or permit of the City, issued pursuant to this chapter shall be guilty of a misdemeanor.

If notice of a violation and/or restoration of the MS4 facilities is required, the notice shall set forth a date within which remediation or restoration must be completed. Such notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by the City or a contractor designated by the Director and expense thereof shall be charged to the violator.

- D. **Show Cause Hearing.** The Director may order the responsible person which has violated or continues to violate this chapter to appear before the Director and show

cause why the proposed enforcement action should not be taken. Notice of the hearing shall be served on the responsible person specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. A show cause hearing shall not be a bar against, or prerequisite for, taking any action against the responsible person.

#### **13.82.110 Appeal Notice of Violation**

Any person receiving a Notice of Violation may appeal the determination of the Director.

Persons desiring to appeal notice of violation and/or fines must file a written request with the City Clerk for the City to reconsider the violation and/or fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Mayor shall convene a hearing on the matter within thirty (30) days of receiving the request from the violator. In the event the person's appeal is successful, the payment together with any interest accruing thereto, shall be returned to the person.

#### **13.82.120 Abatement by the City**

The Director is authorized to direct abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public, or results from persistent non-compliance by a violator. Any expense related to such abatement undertaken by the City shall be fully reimbursed by the property owner and/or responsible party.

Within 30 days after the abatement by the City, the Director shall notify the property owner and/or responsible person of the cost of abatement, including administrative costs. Unpaid charges shall, after 30 calendar days, be assessed an additional penalty of 5% of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the violator's property will be sought for unpaid charges, penalties, and interest.

Violators desiring to dispute such charges must file a written request with the City Clerk for the City to reconsider the charges along with full payment of the charges within thirty (30) days of being notified of the charges. Where a request has merit, the Mayor shall convene a hearing on the matter within thirty (30) days of receiving the request from the violator. In the event the person's appeal is successful, the payment together with any interest accruing thereto, shall be returned to the person.

#### **13.82.130 Injunction**

It shall be unlawful for any person to violate any provisions or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this ordinance, the City may:

- A. Petition for a preliminary or permanent injunction restraining the person from activities, which would create further violations, or compelling the person to perform abatement or remediation of the violation.

**Section 2. Severability.** If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or

unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance of the application of the remainder to other persons or circumstances.

**Section 3.** This ordinance shall become effective five (5) days after its passage and publication as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON,** this 3rd day of August, 2009.

  
Dale E. Jackson, Mayor

ATTEST:

  
Julie Richardson, City Clerk

APPROVED AS TO FORM:

  
Bronson Brown, City Attorney

Appendix D  
Construction and Post-Construction Stormwater  
Regulations

**CITY OF WEST RICHLAND  
ORDINANCE NO. 6-10**

**AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON,  
ADDING CHAPTER 13.86 STORMWATER MANAGEMENT TO THE WEST  
RICHLAND MUNICIPAL CODE AND AMENDING SECTION 16.16.260  
UTILITIES-STORM SEWER OF THE WEST RICHLAND MUNICIPAL CODE**

**WHEREAS**, on January 17<sup>th</sup>, 2007 the Washington State Department of Ecology issued a general permit, the National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington, commonly known as the Eastern Washington NPDES Phase II Municipal Stormwater Permit; and

**WHEREAS**, the Eastern Washington NPDES Phase II Municipal Stormwater Permit requires the City of West Richland to develop, implement and enforce a program by February 16, 2010 to reduce pollutants in stormwater runoff to the municipal separate storm sewer system (MS4) from construction activities that disturb one acre or more and from construction projects of less than one acre that are part of a common plan of development or sale; and

**WHEREAS**, on June 18th, 2008, the West Richland City Council adopted Resolution 14-08 establishing a public participation and involvement policy for the City' Stormwater Utility and Stormwater Management Plan (SWMP); and

**WHEREAS**, Resolution 14-08 designates the City Council as the primary forum for soliciting and receiving public participation and involvement in the development, implementation, and updates of the City's SWMP and Stormwater Utility including development and adoption of all required ordinances and regulatory mechanisms; and

**WHEREAS**, with respect to the State Environmental Policy Act of 1971, a determination of non-significance was issued on February 26, 2010 with a 14 day comment period pursuant to WAC 197-11; and

**WHEREAS**, the proposed ordinance adding Chapter 13.86 Stormwater Management was sent to the Washington State Department of Commerce on February 26, 2010, with a request for expedited review in accordance with RCW Chapter 36.70A; and

**WHEREAS**, the West Richland City Council on March 15, 2010 adopted Resolution 11-10 setting April 5, 2010 as the date for a public hearing on the proposed ordinance adding Chapter 13.86 Stormwater Management to the West Richland Municipal Code; and

**WHEREAS**, the West Richland City Council held a duly advertised public hearing on April 5, 2010, at which the public was given an opportunity to participate and provide comment, and the comments were reviewed and considered by the City Council;

**NOW, THEREFORE**, the City Council of the City of West Richland, Washington does hereby resolve as follows:

**Section 1.** Chapter 13.86, "Stormwater Management", which follows, is hereby added to the West Richland Municipal Code and shall read as follows.

**Chapter 13.86  
Stormwater Management**

**Sections:**

<b>13.86.010</b>	<b>Purpose</b>
<b>13.86.020</b>	<b>Definitions</b>
<b>13.86.030</b>	<b>Applicability</b>
<b>13.86.040</b>	<b>Responsibility for Administration</b>
<b>13.86.050</b>	<b>Ultimate Responsibility</b>
<b>13.86.060</b>	<b>General Requirements</b>
<b>13.86.070</b>	<b>Specific Requirements</b>
<b>13.86.080</b>	<b>Review of Documents</b>
<b>13.86.090</b>	<b>Right of Entry</b>
<b>13.86.100</b>	<b>Enforcement Procedures</b>
<b>13.86.110</b>	<b>Appeal Notice of Violation</b>
<b>13.86.120</b>	<b>Abatement by the City</b>
<b>13.86.130</b>	<b>Injunction</b>
<b>13.86.140</b>	<b>Compatibility with other Regulations</b>
<b>13.86.150</b>	<b>Effective Date</b>

**13.86.010 Purpose.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of West Richland, Washington by establishing minimum stormwater management requirements and controls to regulate stormwater runoff from construction, development and redevelopment. This ordinance establishes methods for controlling the introduction of runoff and pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the Washington State Department of Ecology issued National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington, commonly known as the Eastern Washington NPDES Phase II Municipal Stormwater Permit. The objectives of this ordinance are:

1. To regulate the contribution of runoff and pollutants to the municipal separate storm sewer system (MS4) from stormwater discharges from land-disturbing activities, construction activities, new land development and redevelopment; and
2. To establish legal authority to carry out all inspections, surveillance, monitoring procedures and enforcement necessary to ensure compliance with this ordinance; and
3. To provide long term responsibility for and maintenance of stormwater BMPs.

### **13.86.020 Definitions**

For the purposes of Chapter 13.86 of the West Richland Municipal Code (WRMC), the definitions provided in WRMC Section 13.80.030 Definitions shall apply.

### **13.86.030 Applicability.**

WRMC Chapter 13.86 shall be applicable to all land-disturbing activities, new subdivisions, and redevelopment projects disturbing greater than or equal to one (1) acre and to projects of less than one (1) acre that are part of a common plan of development or sale where the disturbed area of the entire plan is greater than or equal to one (1) acre that drain to the City of West Richland's Municipal Separate Storm Sewer System (MS4) as determined by the City Engineer.

Partial exemptions or exceptions may be granted in accordance with the Stormwater Management Manual for Eastern Washington (SWMMEW) published by the Washington State Department of Ecology dated September 2004 or latest edition thereof. Jurisdiction-wide exceptions to the requirements in the SWMMEW shall be approved by the Washington State Department of Ecology.

The following practices shall be exempted from the requirements of WRMC chapter 13.86:

1. Forest practices regulated under Title 222 WAC.
2. Commercial agriculture practices involving working the land for production.
3. Oil and gas field activities including construction of drilling sites, waste management pits, access roads, transportation and treatment infrastructure.
4. Road and parking area preservation and maintenance including:
  - a. Pothole and square cut patching;
  - b. Crack sealing;
  - c. Resurfacing with in-kind material without expanding the road prism;
  - d. Overlaying existing asphalt or concrete pavement with bituminous surface treatment (BST or "chip seal"), asphalt or concrete without expanding the area of coverage;
  - e. Shoulder grading;
  - f. Reshaping or re-grading drainage systems;
  - g. Vegetation maintenance.

### **13.86.040 Responsibility for Administration**

Administration, implementation, interpretation and enforcement of this ordinance shall be the responsibility of the Public Works Director or the Public Works Director's designated representative. The Public Works Director shall adopt, and revise as necessary, such instructions, policies and forms as are necessary to carry out the provisions of this title. Any powers granted or duties imposed upon the City may be delegated by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City.

### **13.86.050 Ultimate Responsibility**

Any person who undertakes or causes to be undertaken any land disturbing activities, new development or redevelopment shall ensure soil erosion, sedimentation and increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution. The standards set forth herein and promulgated pursuant to WRMC Chapter 13.86 are minimum standards and are not intended to ensure compliance by any person or to ensure there will be no contamination, pollution, or unauthorized discharge of pollutants.

#### **13.86.060 General Requirements**

All land-disturbing activities, new development and redevelopment unless otherwise exempted in accordance with WRMC Section 13.86.030 shall be required to comply with the standards and requirements set forth by WRMC Chapter 13.86 and the:

- a. City of West Richland Standard Plans and Specifications; and
- b. Stormwater Management Manual for Eastern Washington (SWMMEW).

#### **13.86.070 Specific Requirements**

The following specific requirements apply to all land-disturbing activities, new development, and redevelopment unless exemptions or exceptions are approved in accordance with WRMC Section 13.86.030. These requirements shall be implemented in accordance with the SWMMEW.

- a. Core Element #1: Prepare a Stormwater Site Plan.
- b. Core Element # 2: Construction Stormwater Pollution Prevention. Prepare and maintain a Construction Stormwater Pollution Prevention Plan.
- c. Core Element #3: Source Control of pollution. Apply all known, available and reasonable source control BMPs. Operational and structural source control BMPs shall be selected, designed and maintained according to the SWMMEW.
- d. Core Element #4: Preservation of Natural Drainage Systems. Preserve natural drainage systems to the extent possible at the site.
- e. Core Element #5: Runoff Treatment. When the technical thresholds/requirements for basic treatment, metals treatment, oil treatment or phosphorus treatment are met, the property owner(s) shall select, design, size, construct, operate, and maintain runoff treatment at the site.
- f. Core Element #6: Flow Control. Projects that result in 10,000 square feet or more of new impervious surfaces and are located in a flow restricted basin shall construct stormwater flow control facilities for any discharge or stormwater directly, or through a storm drainage system, into surface water.
- g. Core Element #7: Operation and Maintenance of Stormwater Facilities.
  - i. The property owner(s) shall be responsible for the continual performance, operation and maintenance of all private stormwater facilities in accordance with the standards and requirements of the City and remain responsible for any liability as a result of these duties.
  - ii. New private stormwater facilities shall have a written operation and maintenance (O&M) plan. Furthermore, existing facilities may be required to develop a written O&M plan.

- The O&M plan shall at a minimum address all stormwater facilities and BMPs at the site and address the long-term funding mechanism to support O&M.
  - The O&M plan shall be retained onsite or within reasonable access to the site, and shall be transferred with the property to the new owner(s).
  - The property owner(s) shall maintain a log of maintenance activities.
  
- iii. All stormwater facilities, BMPs, O&M plans, and records shall be subject to inspection by the City Engineer.
  
- iv. The City may assume ownership of privately-owned facilities where there is a regional benefit to the utility and if the following conditions have been met:
  - All necessary easements or dedications entitled the City to properly maintain the facility have been conveyed to the City;
  - The City Engineer has determined the facility is in the dedicated public road right-of-way or maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
    1. Flooding,
    2. Downstream erosion,
    3. Property damage due to improper function of the facility,
    4. Safety hazard associated with the facility,
    5. Degradation of water quality,
    6. Degradation to the general welfare of the community;
  - The City Engineer has inspected the facility and any construction deficiencies have been repaired at the property owner(s) expense; and
  - The City has declared in writing acceptance of maintenance responsibility by the City.
  
- v. The City Engineer may terminate the City's assumption of maintenance responsibility or decline the acceptance of a facility in writing to the property owner(s) after determining maintenance by the City will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
  1. Flooding;
  2. Downstream erosion;
  3. Property damage due to improper function of the facility;
  4. Safety hazard associated with the facility;

5. Degradation of water quality; or
6. Degradation to the general welfare of the community.

h. Core Element #8: Local requirements.

- i. All new stormwater systems and facilities shall be in accordance with the most current City Standard Details and Specifications.
- ii. Additional requirements for all land-disturbing activities:
  1. Construction site operators shall control all waste including but not limited to discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at construction sites to prevent stormwater pollution and non-stormwater discharges.
  2. Construction site operators shall implement and maintain erosions and sediment control BMPs to reduce or eliminate stormwater pollution.

**13.86.080 Review of Documents**

The City Engineer shall review documents required under WRMC Section 13.86.070 and submitted as part of an application for a proposed land-disturbing activity, development or redevelopment project. Review of required documents must be completed by the City Engineer and a Notice to Proceed Letter issued by the City Engineer prior to the start of construction.

**13.86.090 Right of Entry**

a. Inspection and Sampling

The City shall be permitted to enter and inspect sites subject to regulation under this ordinance as often as may be necessary to determine compliance. Inspections may occur before, during and after construction.

- i. The City shall have access to all parts of the site for the purposes of inspection, sampling and examination of discharges to the MS4, and the performance of additional duties as defined by State and Federal law.
- ii. The City has the right to set up such devices as are necessary to conduct monitoring and/or sampling of the site's stormwater discharge.
- iii. The City has the right to require an owner or occupier of sites to install such sampling and monitoring equipment, as the City deems necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or occupier at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure accuracy.
- iv. Any temporary or permanent obstruction to safe and easy access to the sites shall be promptly removed by the owner or occupier upon the written or oral request of the director and shall be replaced. The costs of clearing such access shall be paid by the owner or occupier.
- v. Property owner(s) shall upon request provide the City Engineer access to all records related to the operation and maintenance of the stormwater facilities

and BMPs including but not limited to Stormwater Site Plans, Stormwater Pollution Prevention Plans, and Operation & Maintenance Plans.

b. Search Warrants

If the City Engineer has been refused access to any part of the premises from which a discharge has occurred or is likely to occur, and the City Engineer is able to demonstrate probable cause to believe there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

**13.86.100 Enforcement Procedures**

When the Director finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the Director may order compliance through one or more of the following procedures. The Director may, at his discretion choose the following enforcement procedures appropriate to the violation:

- A. **Verbal Warning.** The Director, or his designee, may direct compliance with this ordinance through a verbal warning issued to the violator. A verbal warning will include specific information describing the violation, specific actions required to remedy the violation, an expected time for performance and referral to technical guidance available to the violator.
- B. **Written Warning.** The Director, or his designee, may direct compliance with this ordinance through a written warning issued to the violator. A written warning will include specific information describing the violation, specific actions required to remedy the violation, an expected time for performance and referral to technical guidance available to the violator.
- C. **Compensatory Action.** In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Director may impose alternative compensatory actions such as storm drainage stenciling, attendance at compliance workshops, cleanup, or other alternative actions deemed appropriate by the Director.
- D. **Written Notice of Violation.** The Director may require compliance by written notice of violation to the responsible person. Such notice may require without limitation:
  - a. The elimination of illicit connections or discharges;
  - b. The violating discharges, practices or operations shall cease;
  - c. The performance of the monitoring, analyses and reporting;
  - d. The abatement and remediation of stormwater pollution or contamination hazards and the restoration of the MS4 facilities;
  - e. Implementation of source control or treatment BMPs;and/or
  - f. Payment of a fine. Any person who fails to comply with any provision of this chapter or any regulation, rule, or permit of the City, issued pursuant to this chapter shall be guilty of a civil infraction and pay a monetary fine, which is punitive in nature and not a cost or compensation to the City for services, of up to \$1,000 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such monetary fines may be recovered by judicial actions and/or, to the extent permissible by State law, and by administrative procedures. Any person who knowingly and intentionally fails to comply with any

provision of this chapter or any regulation, rule, or permit of the City, issued pursuant to this chapter shall be guilty of a misdemeanor.

If notice of a violation and/or restoration of the MS4 facilities is required, the notice shall set forth a date within which remediation or restoration must be completed. Such notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by the City or a contractor designated by the Director and expense thereof shall be charged to the violator.

- E. **Show Cause Hearing.** The Director may order the responsible person which has violated or continues to violate this chapter to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice of the hearing shall be served on the responsible person specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. A show cause hearing shall not be a bar against, or prerequisite for, taking any action against the responsible person.

#### **13.86.110 Appeal Notice of Violation**

Any person receiving a Notice of Violation may appeal the determination of the Director.

Persons desiring to appeal notice of violation and/or fines must file a written request with the City Clerk for the City Council to reconsider the violation and/or fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Mayor shall convene a hearing with the City Council on the matter within thirty (30) days of receiving the request from the violator. In the event the person's appeal is successful, the payment together with any interest accruing thereto, shall be returned to the person.

#### **13.86.120 Abatement by the City**

The Director is authorized to direct abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public, or results from persistent non-compliance by a violator. Any expense related to such abatement undertaken by the City shall be fully reimbursed by the property owner and/or responsible party.

Within 30 days after the abatement by the City, the Director shall notify the property owner and/or responsible person of the cost of abatement, including administrative costs. Unpaid charges shall, after 30 calendar days, be assessed an additional penalty of 5% of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the violator's property will be sought for unpaid charges, penalties, and interest.

Violators desiring to dispute such charges must file a written request with the City Clerk for the City to reconsider the charges along with full payment of the charges within thirty (30) days of being notified of the charges. Where a request has merit, the Mayor shall convene a hearing on the matter within thirty (30) days of receiving the request from the violator. In the event the person's appeal is successful, the payment together with any interest accruing thereto, shall be returned to the person.

#### **13.82.130 Injunction**

It shall be unlawful for any person to violate any provisions or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this ordinance, the City may:

**13.86.140 Compatibility with other Regulations**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulations, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**13.86.150 Effective Date**

This ordinance shall take effect on February 16, 2011.

**Section 2.** Section 16.16.260, "Utilities-Storm Sewers", is hereby amended to read as follows:

16.16.260 Utilities – Storm Sewers. Stormwater runoff from streets, impervious areas, and other others areas shall be disposed of through stormwater drainage facilities complying with the City of West Richland's Standard Plans and Specifications, Ecology's Stormwater Management Manual for Eastern Washington, and Chapter 13.86 of the West Richland Municipal Code. Design of the stormwater drainage facilities shall be subject to approval by the City.

**Section 3. Severability.** If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON, this 5<sup>th</sup> day of April, 2010.**

  
Donna Noski, Mayor

ATTEST:

  
Julie Richardson, City Clerk

APPROVED AS TO FORM:

  
Bronson Brown, City Attorney

Appendix E  
S8 Monitoring and Program Evaluation

## S8. MONITORING AND PROGRAM EVALUATION

### S8.C.1.a.iv Stormwater Monitoring

West Richland has a population of approximately 15,340 residents and is therefore subject to the requirements of the Eastern Washington Phase II Municipal Stormwater Permit (Permit) requiring cities with a population between 10,000 and 75,000 to identify any outfalls. The City of West Richland eliminated its last remaining outfall in June of 2019, which was an outlet to the Columbia Irrigation District Canal, which released to the Columbia River.

The City of West Richland's Stormwater System is primarily comprised of catch basins piped to drywells, infiltration trenches, and grass lined detention ponds (which are sized to hold 100% of the storm event). The City's stormwater system does not outfall to waters of the state. Permit and the permittees are to work together on an effectiveness study as part of the Stormwater Management Program (SWMP) activities. In the past the City has applied to the Department of Ecology for grant money to eliminate its outfalls. The City no longer has any outfalls, as the City has worked to eliminate them from the City's MS4 system.

### S8.C.1.b Targeted SWMP Effectiveness Monitoring

The City of West Richland will be partnering with the Eastern Washington Stormwater group and is participating in effectiveness studies with the City of Ellensburg, the City of Wenatchee and City of Kennewick. This has been a long process, and the group has been working with the Department of Ecology on the Effectiveness Studies and Analysis. The effectiveness study that the City partnered with the City of Wenatchee has been completed. The two remaining studies are about half completed, and at the end of their data gathering stages.

# Mobile Contractor Illicit Discharge Education & Outreach Effectiveness Study

City of Wenatchee (Lead Agency)

Participating Partners: City of East Wenatchee, Douglas County, Chelan County, City of Kennewick, City of Pullman, City of West Richland, City of Richland, City of Spokane Valley

Study Completed January 30, 2020

## Project Description

In 2010, the Dump Smart program for mobile contractors was implemented in six eastern Washington Communities. The goal of this study was to assess the effectiveness of the Dump Smart education and outreach program in eastern Washington specifically for carpet cleaners. Carpet cleaning businesses in jurisdictions were surveyed as well as business in areas that did not participate in the Dump Smart Program. A separate survey of mobile contractor education and outreach and illicit discharges was also conducted with the jurisdictions in the test and control areas.

The effectiveness of the program was evaluated based on the number of businesses who were disposing of wastewater in accordance with the “Dump Smart Tips for Properly Handling Waste Water when Carpet Cleaning” and how many businesses were carrying spill kits. Responses from the test population were compared to the control population to determine if there was a significant difference in the wastewater disposal practices and spill preparedness between the two groups.



Carpet cleaner emptying waste water into driveway, Wenatchee.



Example of carpet cleaning van showing different phone number than website

## Study Methods

Action Research was hired to conduct the surveys and provide all statistical analysis of results. All of the data was collected by the consultant following standard operating procedures provided by the Lead Agency.

### Activities Implemented:

- A pilot test was conducted in the City of Pullman to validate the survey instrument for both mobile contractors and the jurisdiction.
- Following the survey in Pullman, the survey procedure was modified to include a postcard to be sent to carpet cleaning businesses in the test and control areas from the lead agency to assure respondents that this was not a scam or telemarketing.
- The consultant administered the mobile contractor survey and the jurisdiction survey in the test areas, City of Wenatchee, City of East Wenatchee, Douglas County, and Chelan County, which had implemented the Dump Smart Program
- The consultant also administered the mobile contractor survey and the jurisdiction survey in the control area, City of Kennewick, City of Richland, and City of West Richland, which had not implemented the Dump Smart Program.

## Study Results

Action Research compiled and analyzed the survey data. The final report was prepared by the City of Wenatchee.

- All seven of the jurisdictions completed the survey. All of jurisdictions had extensive general illicit discharge prevention education and outreach programs but specific education for mobile contractors was less frequent.
- A total of 83 businesses in the test and control group were provided to the consultant with only 16 completed surveys. Due to the limited number of surveys, the consultant was unable to complete a statistical analysis. The limited number of completed surveys was due in part to a high volume of wrong, disconnected, and out of business phone numbers. While double-checking the list of phone numbers, it was discovered that different websites had different phone numbers for the same business and pictures of carpet cleaning vans displayed different phone numbers than what was listed on the websites.
- A total of 35 business were called in the test area, with 9 completed surveys. Seven of the respondents carry a spill kit. Of the 9 respondents, 1 disposes of wastewater on the job site, 3 report disposing of wastewater off site, and 5 report disposing both on and off the job site. Disposal locations ranged from “In storm grate near client’s location” to the “clients’s location sewer system or RV dump”.
- In the control area, 48 businesses were called, with 7 completed surveys. In the control area, 6 of the businesses carry a spill kit. Of the 7 respondents, 5 report disposing of waste water off-site and two report both on-site and off-site disposal. Disposal locations in the control area ranged from “business dump station” to “large gravel pit- fibers are filtered out with screens”

## Recommendations for the Dump Smart Education & Outreach Program

More education for proper wastewater disposal methods for carpet cleaning wastewater are required in the test area. Based on this study, the recommended improvements to the Dump Smart Education and Outreach Program include:

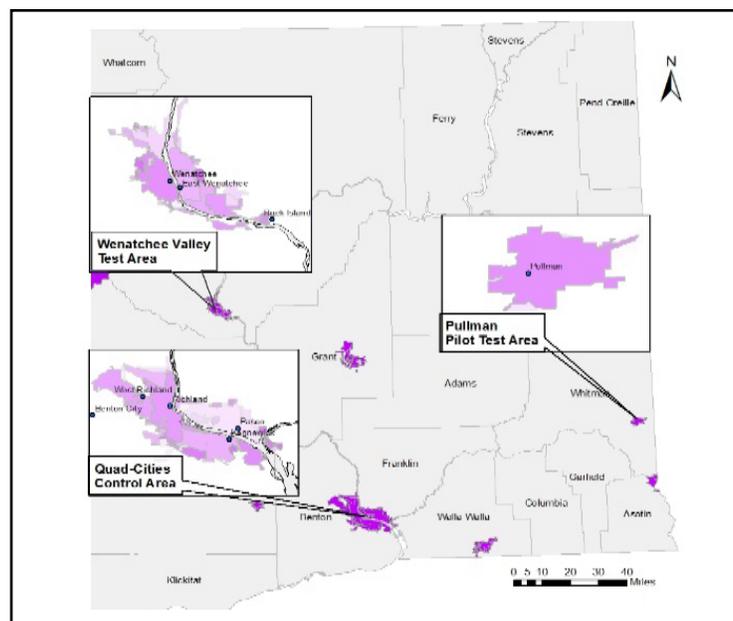
- Edits to literature to clarify disposal practices, especially concerning discharging wastewater to the ground.
- Consider limiting the number of tips and focus on no more than three issues. The current tip sheet includes three tips for waste disposal and six tips for spill prevention and cleanup
- Provide jurisdiction contact information on the tip sheet
- Convert the tip sheet into a magnet or sticker that could be placed inside the van to prompt employees to use the correct disposal methods and evaluate other types of stickers in lieu of the Dump Smart window cling to reinforce the company’s implementation of best management practices

### Lead Agency Contact Information



P.O. Box 519  
Wenatchee, WA 98807  
(509) 888-3200

Final Report Available at  
Wenatchee Valley Stormwater  
Program webpage:  
[www.wenatcheewa.gov/WVSTAC](http://www.wenatcheewa.gov/WVSTAC)



Project Areas: Pilot Test Area, Test Area, and Control Area.