

CITY OF REDMOND  
ORDINANCE NO. 2473

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER RMC 13.06, STORMWATER MAINTENANCE CODE, TO BE RETITLED AS "STORMWATER MANAGEMENT CODE," AND TO BE COMPLIANT WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT, AND TO UPHOLD EXISTING STRATEGIES TO MANAGE STORMWATER IMPACTS

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WHEREAS, the City of Redmond and its citizens value natural water bodies and their ecological function; and

WHEREAS, the City of Redmond recognizes that stormwater drainage systems can convey pollutants to receiving water bodies, degrading and limiting habitat and function of natural systems; and

WHEREAS, the City of Redmond has been and will continue to be proactive when protecting natural features of our community and support similar regional efforts; and

WHEREAS, the State of Washington issued the National Pollution Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit to the City of Redmond January 17, 2007, effective February 16, 2007; and

WHEREAS, the City of Redmond is required by the NPDES Phase II Municipal Stormwater Permit to prohibit non-stormwater, illicit discharges, illicit connections, and/or dumping of pollutants into the public stormwater drainage system; and

WHEREAS, the City of Redmond shall meet and intentionally exceed the requirements set forth in the NPDES Phase II Municipal Stormwater Permit to protect natural habitat and wildlife from impacts from stormwater.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1.      Classification.      This ordinance is of a general and permanent nature, and shall become a part of the City Code.

Section 2.      Amendment of Chapter. RMC 13.06, Stormwater Maintenance Code, is hereby amended to read as follows:

*Chapter 13.06*

STORMWATER [~~MAINTENANCE~~] MANAGEMENT CODE

Sections:

13.06.010      Findings.

13.06.020      Statement of need.

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13.06.160      Enforcement policy.

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13.06.180      Penalty for violations.

13.06.190      Penalties due.

~~[13.06.200 — SEVERABILITY.]~~

13.06.210      Abrogation and restrictions.

13.06.220      Interpretation.

13.06.230      Conflicts.

13.06.240      State statutes and regulations adopted by  
reference.

13.06.010 Findings.

The Redmond City Council hereby finds that:

A. Stormwater [FACILITIES] drainage systems are a common feature of urban development.

B. Stormwater [FACILITIES] drainage systems must be regularly inspected, maintained, and repaired as necessary in order to function and perform as designed and to [PREVENT] reduce or remove pollution and/or to reduce flooding.

C. If not adequately maintained, stormwater [FACILITIES] drainage systems can become less effective in preventing pollutants from entering surface waters and groundwater.

D. If not adequately [MAINTAINED] managed, stormwater [FACILITIES] drainage systems can [FAIL AND] cause considerable damage to public and private property and natural habitat [RESOURCES], as well as creating a health and safety risk for the public and wildlife.

E. Stormwater can potentially transport a significant amount of pollution to surface water bodies. Stormwater needs to be adequately managed to

protect Redmond's natural habitats and wildlife and reduce the impacts of urbanization on natural systems.

13.06.020 Statement of need.

The Redmond City Council finds that this chapter is necessary in order to:

A. Ensure proper maintenance of all stormwater facilities within Redmond by setting minimum operating standards for inspection, maintenance, and repair of stormwater facilities.

B. Comply with Washington Department of Ecology (Ecology) [~~AND PUGET SOUND WATER QUALITY AUTHORITY (PSWQA)~~] regulations and requirements for local governments, including requirements of the Western Washington National Pollution Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit (NPDES Phase II Permit).

C. Prevent contamination and/or degradation of [~~THE LOCAL DRINKING WATER SUPPLY,~~] surface waters, groundwater, and/or wildlife habitats within the contiguous city limits.

13.06.030 Purpose.

The provisions of this chapter are intended to:

A. Provide standards and procedures for inspection, maintenance and repair of stormwater facilities in Redmond to help contribute to an effective, functional stormwater drainage system.

B. Authorize the Redmond Stormwater Utility to require that stormwater drainage systems [FACILITIES] be managed, inspected, maintained, and repaired in conformance with this chapter.

C. Establish the minimum level of compliance which must be met.

D. Guide and advise all who conduct inspection, maintenance, and repair of stormwater facilities.

E. Prevent pollutants [~~HARMFUL MATERIALS~~] from leaking, spilling, draining or being dumped into any public or private stormwater drainage system, into groundwater, or directly into surface water bodies.

#### 13.06.040 Definitions.

For the purpose of this chapter, the following definitions shall apply:

- "AKART" means all known, available and reasonable methods of prevention, control, and treatment. Terminology from Washington State Pollution Control Act, 90.40.010 and 90.48.520 RCW.

- "Clean Water Act" means the federal Water Pollution Control Act (33 USC Section 1251 et seq.), and any subsequent amendments thereto.

- [B-] "Director" means the Director of Public Works and/or his or her designees [~~MANAGER OF THE STORMWATER UTILITY OR HIS/HER AUTHORIZED REPRESENTATIVE~~].

- "Groundwater" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

- [~~C- "HARMFUL~~] "Hazardous materials" [~~ARE SUBSTANCES THAT MAY CREATE A PUBLIC NUISANCE OR CONSTITUTE A HAZARD TO HUMANS, ANIMALS, FISH OR FOWL, OR ANY SOLID, DANGEROUS OR EXTREMELY HAZARDOUS WASTE, AS DEFINED BY THE CHAPTER 173-304 OF THE WASHINGTON ADMINISTRATIVE CODE (WAC) (MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING) OR CHAPTER 173-303 WAC (DANGEROUS WASTE REGULATIONS). "HARMFUL MATERIALS" ALSO INCLUDE SUBSTANCES THAT, WHEN RELEASED INTO THE ENVIRONMENT, MAY CAUSE NON-COMPLIANCE WITH CHAPTERS 246-290 WAC (PUBLIC WATER SUPPLIES), 173-200 WAC (WATER QUALITY STANDARDS FOR GROUND WATERS OF THE STATE OF WASHINGTON), 173-201 WAC (WATER QUALITY~~

~~STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON), 173-204 WAC (SEDIMENT MANAGEMENT STANDARDS), OR 173-340 WAC (THE MODEL TOXICS CONTROL ACT CLEANUP REGULATION).~~] 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.

• "Hyperchlorinated" means water that contains more than 10mg/Liter chlorine.

• "Illicit discharge" means any direct or indirect non-stormwater discharge to any portion of any stormwater drainage system, groundwater, or surface water except as expressly allowed by this chapter.

• "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer that discharges non-stormwater. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, hoses, above

ground piping, or outlets that are connected directly to the municipal separate storm sewer system.

- ~~[D-]~~ "Minimum ~~[OPERATING]~~ Maintenance Standards" means the ~~[CONSTRUCTION,]~~ maintenance, inspection and repair standards that are described in the currently adopted City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook.

~~[STORMWATER MANAGEMENT MANUAL AND ARE CONSIDERED MINIMUM.]~~

- "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

- "Non-stormwater discharge" means any discharge to the storm drainage system that is not composed entirely of stormwater.

- ~~[E. "NON-STORMWATER DISCHARGES TO THE STORMWATER SYSTEM" ARE DISCHARGES TO ANY PORTION OF~~

~~THE PUBLIC OR PRIVATELY OWNED STORMWATER SYSTEM THAT ARE NOT COMPOSED ENTIRELY OF RAINFALL OR SNOW MELT. EXAMPLES MAY INCLUDE, BUT ARE NOT LIMITED TO, SANITARY WASTEWATER, LAUNDRY WASTEWATER, NONCONTACT COOLING WATER, VEHICLE WASH WASTEWATER, RADIATOR FLUSHING WASTEWATER, SPILLS FROM ROADWAY ACCIDENTS, AND IMPROPERLY DISPOSED MOTOR OIL, SOLVENTS, LUBRICANTS, AND PAINTS.]~~

• ~~[F-]~~ "Person" means any individual, partnership, corporation, association, organization, cooperative, public or Municipal Corporation, agency of the state, ~~or~~ local government unit, ~~[HOWEVER DESIGNATED.]~~ or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

• "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; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and

wastes; sewage, fecal coliform and pathogens;  
dissolved and particulate metals; animal wastes;  
wastes and residues that result from constructing a  
building or structure; and noxious or offensive matter  
of any kind.

• "Premises" means any building, lot, parcel  
of land, or portion of land, whether improved or  
unimproved, including adjacent sidewalks and parking  
strips.

• [A-] "Source control best management  
practice" or "BMP" [MEANS PHYSICAL, STRUCTURAL, AND/OR  
MANAGERIAL PRACTICES THAT, WHEN USED SINGLY OR IN  
COMBINATION, PREVENT OR REDUCE POLLUTION OF  
STORMWATER.] means schedules of activities,  
prohibitions or 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 drainage  
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. [BMPS ARE

~~LISTED AND DESCRIBED IN THE STORMWATER MANAGEMENT MANUAL]~~

- "Stormwater drainage system" means the system that collects, conveys, and stores surface water and stormwater runoff, both publicly or privately owned systems, including but not limited to any roads with drainage systems, gutters, curbs, inlets, storm drains, pipes, ditches, pumping facilities, infiltration facilities, retention and detention facilities, water quality treatment facilities, streams, swamps, closed depressions, wetlands, Lake Sammamish, and other drainage structures and appurtenances, both natural and artificial.

- "Stormwater" means that portion of precipitation that does not naturally infiltrate, evaporate, or becomes transpired by vegetation, that becomes surface runoff, interflow, infiltrated by a constructed infiltration facility, or collected by the stormwater drainage system.

~~[C. "STORMWATER" MEANS THAT PORTION OF PRECIPITATION THAT DOES NOT NATURALLY PERCOLATE INTO THE GROUND OR EVAPORATE, BUT FLOWS VIA OVERLAND FLOW,~~

~~INTERFLOW, CHANNELS OR PIPES INTO A DEFINED SURFACE WATER CHANNEL, OR A CONSTRUCTED INFILTRATION FACILITY.~~

H. ~~"STORMWATER FACILITY" MEANS A CONSTRUCTED COMPONENT OF A STORMWATER SYSTEM, DESIGNED OR CONSTRUCTED TO PERFORM A PARTICULAR FUNCTION, OR MULTIPLE FUNCTIONS. STORMWATER FACILITIES INCLUDE, BUT ARE NOT LIMITED TO, PIPES, SWALES, DITCHES, CULVERTS, STREET CUTTERS, DETENTION BASINS, RETENTION BASINS, CONSTRUCTED WETLANDS, INFILTRATION DEVICES, CATCH BASINS, OIL/WATER SEPARATORS, AND SEDIMENT BASINS. STORMWATER FACILITIES ARE DESCRIBED IN THE STORMWATER MANAGEMENT MANUAL. "STORMWATER FACILITY" INCLUDES BOTH PUBLIC AND PRIVATELY OWNED FACILITIES.]~~

• "Stormwater pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

~~[I. "STORMWATER MANAGEMENT MANUAL" OR "MANUAL" MEANS THE STORMWATER MANAGEMENT TECHNICAL AND GUIDANCE~~

~~MANUAL FOR THE PUGET SOUND BASIN PREPARED BY THE STATE DEPARTMENT OF ECOLOGY AND DATED FEBRUARY, 1992 (OR A TECHNICALLY EQUIVALENT MANUAL APPROVED BY THE STATE DEPARTMENT OF ECOLOGY AND/OR ADOPTED BY THE CITY OF REDMOND).~~

~~J. "STORMWATER SYSTEM" MEANS CONSTRUCTED AND NATURAL FEATURES WHICH FUNCTION TOGETHER AS A SYSTEM TO COLLECT, CONVEY, CHANNEL, HOLD, INHIBIT, RETAIN, DETAIN, INFILTRATE, DIVERT, TREAT OR FILTER STORMWATER. "STORMWATER SYSTEM" INCLUDES BOTH PUBLIC AND PRIVATELY OWNED FEATURES.~~

~~13.06.050 MAINTENANCE REQUIREMENTS.~~

~~A. ALL STORMWATER FACILITIES IN THE CITY OF REDMOND SHALL BE MAINTAINED ACCORDING TO THIS CHAPTER AND THE STORMWATER MANAGEMENT MANUAL.~~

~~B. THE REDMOND STORMWATER DIVISION SHALL PREPARE A CONCISE INFORMATION HANDOUT OUTLINING MINIMUM REQUIREMENTS FOR MAINTENANCE AND SHALL DISTRIBUTE THIS INFORMATION (OR NOTICE OF ITS AVAILABILITY) TO ALL APPROPRIATE UTILITY BILLING ACCOUNTS. THE STORMWATER DIVISION SHALL ALSO PREPARE MINIMUM OPERATING STANDARDS AND INCLUDE THEM IN THE STORMWATER MANAGEMENT MANUAL.]~~

13.06.054 Prohibited discharges

A. Non-stormwater discharges to the stormwater drainage system, surface water bodies, or groundwater, are prohibited, unless such discharges are authorized in accordance with Chapter 173-216 WAC (State Waste Discharge Permit Program) or Chapter 173-220 WAC (National Pollutant Discharge Elimination System Permit Program).

B. Discharging pollutants to the stormwater drainage system, surface water bodies, or groundwater, is prohibited. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or otherwise discharge into a stormwater drainage system, surface water or groundwater any materials other than stormwater. Pollutant discharges shall be reported to the Stormwater Utility within 24 hours.

Examples of prohibited pollutants include, but are not limited to:

1. Trash or debris
2. Construction materials, including soil
3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil, electrical transformer fluid.

4. Antifreeze and other automotive products.
5. Metals in particulate or dissolved form.
6. Flammable or explosive materials.
7. Radioactive materials.
8. Batteries.
9. Acids, alkalis, or bases.
10. Paints, stains, resins, lacquers, or  
varnishes.
11. Degreasers and/or solvents
12. Drain cleaners.
13. Pesticides, herbicides, or fertilizers.
14. Steam cleaning wastes.
15. Soaps, detergents, ammonia.
16. Swimming pool or spa filter backwash
17. Chlorine, bromine, and other disinfectants.
18. Heated water.
19. Domestic animal waste.
20. Sewage.
21. Recreational vehicle waste.
22. Animal carcasses.
23. Food waste.
24. Bark, lawn clippings, leaves, and branches.
25. Silt, turbid runoff, concrete, concrete wash  
water, cement, or gravel.

26. Dyes, excluding municipal operations dye testing.

27. Chemicals not normally found in uncontaminated water.

28. Any other process-associated discharge except as otherwise allowed in this chapter, including car washing effluent.

C. Hazardous materials, as defined in this chapter, shall not be allowed to enter any stormwater drainage system, infiltrate into the ground, or enter any surface water body within the contiguous city limits. All such substances shall be stored, handled and disposed in a manner that will prevent them from entering the stormwater drainage system, groundwater, or surface water bodies. Storage, handling and disposal shall be conducted in accordance with Chapters 173-304 and 173-303 WAC. Appropriate quantities of spill equipment shall be kept on site, and spill response training documented, for any site within the City that uses, stores, or otherwise handles hazardous materials on a commercial basis.

13.06.058 Conditional Discharges

A. The following types of discharges shall not be considered illicit discharges for the purpose of this chapter if they meet the stated conditions, or unless the director and/or his or her designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 mg/L (ppm) or less, pH adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

2. Lawn watering and other irrigation runoff are permitted but shall be minimized.

3. De-chlorinated swimming pool discharges. These discharges are allowed only if no other option, such as discharging to a sanitary sewer, is available. These discharges shall be de-chlorinated to a concentration of 0.1 mg/L (ppm) or less, pH adjusted, if necessary and in volumes and

velocities controlled to prevent re-suspension of sediments in the stormwater system.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents or chemicals of any kind. Wash water is required to be kept at a minimum. Pressure washing that results in paint or other building materials in wash water is prohibited from entering the stormwater drainage system. Street flushing at construction sites is prohibited in Redmond.

5. Fire Sprinkler System Flushing. These discharges are allowed only if no other option, such as discharging to a sanitary sewer, is available. Sprinkler system flushing water with any chemicals added is prohibited in the stormwater drainage system. Sprinkler system flushing water discharges shall be de-chlorinated to a concentration of 0.1 mg/L (ppm) or less, pH adjusted, if necessary and discharged in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

6. Non-stormwater discharges covered by an individual or general NPDES permit, provided, that the discharge is in full compliance with all requirements

of the permit, waiver, or order and other applicable laws and regulations.

7. Other non-stormwater discharges. The discharges shall be in compliance with requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the City of Redmond, which addresses control of such discharges by applying all known and reason technologies (AKART) to prevent contaminants from entering surface water and groundwater. The City of Redmond shall require a SWPPP in the event that non-stormwater discharges are not being controlled.

~~[13.06.060 MINIMUM REQUIREMENTS.]~~

~~A. ALL STORMWATER FACILITIES SHALL BE INSPECTED AT REGULAR INTERVALS AND MAINTAINED AND REPAIRED AS NEEDED TO COMPLY WITH THE MINIMUM OPERATING STANDARDS, THE APPROVED DESIGNS FOR STORMWATER FACILITIES, STORMWATER PERMITS WHICH MAY BE ISSUED BY THE CITY OF REDMOND, THE STATE DEPARTMENT OF ECOLOGY, OR THE ENVIRONMENTAL PROTECTION AGENCY (EPA), APPLICABLE CONSTRUCTION STANDARDS, AND THE MINIMUM REQUIREMENTS AS STATED IN THE STORMWATER MANAGEMENT MANUAL.~~

~~B. ALL STORMWATER FACILITIES SHALL BE INSPECTED BY THE CITY ON A PERIODIC BASIS, AS DESCRIBED IN SECTION 13.06.130 (INSPECTION SCHEDULE). FOR EXAMPLE, FACILITIES SUCH AS GRASSY SWALES SHALL BE INSPECTED MORE FREQUENTLY THAN PIPED STORMWATER CONVEYANCE SYSTEMS AS SPECIFIED IN THE MINIMUM OPERATING STANDARDS. IF, DURING AN INSPECTION, A FACILITY IS FOUND NOT TO BE IN COMPLIANCE WITH THE MINIMUM OPERATING STANDARDS, ALL SUBSEQUENT INSPECTION AND MAINTENANCE INTERVALS SHALL BE SCHEDULED MORE FREQUENTLY IF DETERMINED BY THE DIRECTOR TO BE NECESSARY IN ORDER TO ASSURE FUTURE COMPLIANCE.~~

~~C. WHERE MAINTENANCE AND REPAIR IS FOUND NECESSARY TO CORRECT HEALTH OR SAFETY PROBLEMS, TO CONTROL HARMFUL MATERIALS ENTERING THE STORMWATER SYSTEM, OR TO REMOVE HARMFUL MATERIALS THAT HAVE ENTERED THE STORMWATER SYSTEM, SUCH WORK SHALL BE COMPLETED BY THE OWNER OR OPERATOR OF THE STORMWATER SYSTEM OR STORMWATER FACILITY WITHIN 24 HOURS. WHEN MAINTENANCE AND REPAIR IS FOUND NECESSARY TO PREVENT WATER QUALITY DEGRADATION, SUCH WORK SHALL BE COMPLETED WITHIN 14 CALENDAR DAYS. FOR OTHER RELATED PROBLEMS, MAINTENANCE OR REPAIRS SHALL BE COMPLETED WITHIN 30 CALENDAR DAYS.~~

~~D. NONSTORMWATER DISCHARGES TO THE STORMWATER SYSTEM ARE PROHIBITED, UNLESS SUCH DISCHARGES ARE AUTHORIZED IN ACCORDANCE WITH CHAPTER 173-216 WAC (STATE WASTE DISCHARGE PERMIT PROGRAM) OR CHAPTER 173-220 WAC (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM).~~

~~E. HARMFUL AND PROHIBITED MATERIALS, AS DEFINED IN THIS CHAPTER AND THE MINIMUM OPERATING STANDARDS, SHALL NOT BE ALLOWED TO ENTER ANY STORMWATER SYSTEM. ALL SUCH SUBSTANCES SHALL BE STORED, HANDLED AND DISPOSED IN A MANNER THAT WILL PREVENT THEM FROM ENTERING THE STORMWATER SYSTEM. STORAGE, HANDLING AND DISPOSAL SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTERS 173-304 AND 173-303 WAC.]~~

13.06.062 Allowable Discharges

A. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the director and/or his or her designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Diverted stream flows.
2. Rising groundwater.

3. Uncontaminated groundwater infiltration  
-as defined in 40 CFR 35.2005(20).
4. Uncontaminated pumped groundwater.
5. Foundation drains.
6. Air conditioning condensation.
7. Irrigation water from agricultural  
sources that is commingled with urban stormwater.
8. Springs.
9. Water from crawl space pumps.
10. Footing drains.
11. Flows from riparian habitats and  
wetlands.
12. Discharges from emergency fire fighting  
activities.

13.06.064 Prohibition of Illicit Connections

A. The construction, use, maintenance, or  
continued existence of illicit connections to the  
stormwater drainage system is prohibited. This  
prohibition expressly includes, without limitation,  
illicit connections made in the past, regardless of  
whether the connection was permissible under law or  
practices applicable or prevailing at the time of  
connection. Illicit connections shall be corrected

immediately upon discovery. Once an illicit connection is identified, the person responsible for the connection shall immediately cease to discharge waste through the connection.

B. A person is considered to be in violation of this ordinance if the person connects a line, inclusive of temporary connections, conveying waste water to the stormwater drainage system, or allows such connection to continue with knowledge of such connections.

13.06.066 Requirement of Source Control Best

Management Practices

A. Operational source control best management practices (BMPs), adopted by the City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook, shall be used to reduce or eliminate pollution generated by the land use(s) and/or pollution generating activities. The director and/or his or her designee may require operational source control BMPs to eliminate the entrainment of pollutants to the maximum extent practical.

B. Structural source control BMPs, as adopted by the current City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook, shall be used to reduce or eliminate pollution generated by defined land use(s) and pollution generating activities. The City may require structural source control BMPs if such structures/facilities are deemed necessary by the director and/or his or her designee to eliminate entrainment of pollutants in stormwater runoff.

13.06.068 Maintenance requirements.

A. All stormwater drainage systems in the City of Redmond shall be maintained according to this chapter and the minimum maintenance standards detailed in the currently adopted City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook.

B. The Redmond Stormwater Utility shall provide a concise document outlining minimum requirements for maintenance and repair of the stormwater drainage system.

C. All stormwater drainage systems shall be inspected by the City on a periodic basis, as

described in Section 13.06.130(Inspection Schedule).  
If, during an inspection, a facility is found not to  
be in compliance with the minimum maintenance  
standards, all subsequent inspection and maintenance  
intervals may be scheduled more frequently if  
determined by the Director and/or his or her designees  
to be necessary in order to assure future compliance.

D. Where abatement and/or repair is found  
necessary to correct health or safety problems, to  
control pollutants from entering the stormwater  
drainage system, to prevent surface water or  
groundwater quality degradation, or to remove  
pollutants that have entered the stormwater drainage  
system, such work shall be completed immediately by  
the owner or operator of the stormwater drainage  
system.

E. Where maintenance and/or repair is found  
necessary during inspection, and the maintenance is  
not of emergency nature as detailed in subsection (D)  
above, maintenance shall be performed in accordance  
with the maintenance schedule established by the  
current City of Redmond Clearing, Grading, and  
Stormwater Management Technical Notebook.

13.06.070 Disposal of waste from maintenance activities.

A. Disposal of waste from maintenance activities shall be conducted in accordance with the current City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook. Disposal of solid waste generated from maintenance activities required by the City of Redmond shall be documented and provided to the Stormwater Utility after maintenance occurs. Failure to provide documentation shall be a violation of this chapter. Water collected and used in maintenance activities shall be disposed of in compliance with the City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook.

~~[CHAPTERS 173-304 AND 173-303 WAC, THE STATE DEPARTMENT OF ECOLOGY GUIDELINES FOR DISPOSAL OF WASTE MATERIALS FROM STORMWATER MAINTENANCE ACTIVITIES, AND THE STORMWATER MANAGEMENT MANUAL.]~~

B. In addition to any of the above mentioned existing regulations and guidelines, the Stormwater Utility may develop additional requirements for handling and disposal of waste generated from maintenance activities within Redmond which, upon

adoption, shall also apply. [~~ADDITIONAL REQUIREMENTS  
WILL BE PLACED IN THE STORMWATER MANAGEMENT MANUAL.~~]

**13.06.080 Compliance required.**

Property owners are responsible for the maintenance, operation and repair of stormwater drainage systems and source control BMPs within their property. Property owners shall maintain, operate and repair [~~these FACILITIES~~] stormwater drainage systems and source controls in compliance with the requirements of this chapter and the current City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook. [~~STORMWATER MANAGEMENT MANUAL.~~]

**13.06.090 Inspection requirements.**

The Director and/or his or her designee is authorized to develop inspection procedures and maintenance requirements for all stormwater [~~FACILITIES~~] drainage systems in the City of Redmond who do not have a maintenance manual developed by the stormwater drainage system design engineer.

**13.06.100 Inspection authority.**

Whenever implementing the provisions of this chapter or whenever there is cause to believe that a violation of this chapter has been or is being committed, the director and/or his or her designee [~~CITY'S INSPECTOR~~] is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within Redmond to determine compliance with the provisions of this chapter.

**13.06.110 Inspection procedures.**

A. Prior to making any inspections on private property, the director and/or his or her designee [~~INSPECTOR~~] shall present identification credentials, state the reason for the inspection and request entry.

B. If the property or any building or structure on the property is unoccupied, the director and/or his or her designee [~~INSPECTOR~~] shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

C. If after reasonable effort the director and/or his or her designee [INSPECTOR] is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the director and/or his or her designee [INSPECTOR] may enter.

D. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the director and/or his or her designee [INSPECTOR] shall obtain a search warrant, prior to entry, as authorized by the laws of the State of Washington.

E. The director and/or his or her designee [INSPECTOR] may inspect the stormwater system without obtaining a search warrant provided for in subsection (D) above, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

F. The City of Redmond shall investigate illicit discharges in an effort to identify the source. If such discharges are tracked to a specific connection to the public stormwater drainage system, or directly

to surface water or groundwater, inspection and investigation of that site will be initiated in compliance with the inspection procedures defined in this section. If the discharge is an imminent threat to public safety or the environment, emergency action shall be taken in accordance with this section.

13.06.120 Adjustment of utility fees.

In the event any person, whose property has previously been provided ~~[WITH]~~ utility fee credits for on-site water quantity/quality control, refuses to allow the Director and/or his or her designees to inspect said facility or commits a violation of this code ~~[OR THE UTILITY STANDARDS AND REGULATIONS]~~, the Director and/or his or her designee shall cancel the water quality/quantity credits for the said property and adjust the billing rate for the said property accordingly. Whenever the Director and/or his or her designee shall make such an adjustment, a notice ~~and order~~ of adjustment shall be mailed to the owner of said property by certified ~~[AND REGULAR]~~ mail or in person. The notice shall be deemed received when signed for by the owner or, if the owner fails or

refuses to sign for the notice within the time provided by the postal service, within three days of mailing or delivery in person. The owner may request the Director and/or his or her designee to reconsider the notice and order by filing a request for such reconsideration within 10 days of receipt of the notice. The Director's and/or his or her designees' decision on any such reconsideration shall be final.

#### 13.06.130 Inspection and maintenance schedule.

The Director and/or his or her designee shall establish inspection and maintenance scheduling and standards for all publicly and privately owned stormwater facilities. At a minimum, [~~FOR ALL PRIVATELY OWNED STORMWATER FACILITIES,~~] the base frequency for inspection and maintenance shall be in accordance with the current City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook. [~~ANNUALLY. FOR ALL PUBLICLY OWNED STORMWATER FACILITIES, THE BASE FREQUENCY FOR INSPECTION AND MAINTENANCE SHALL BE EVERY THREE YEARS.~~] Adjustment to the maintenance and inspection frequency may be

authorized when found appropriate by the Director and/or his or her designee.

13.06.140 Inspection and maintenance records.

Private stormwater drainage system owners shall keep a maintenance log and maintenance manual on-site or within reasonable access to the site. Maintenance Manuals, as defined by the City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook, shall be transferred with ownership of the property, clearly indicating the party responsible for maintenance, and include a log of maintenance activities. Maintenance logs, and any record drawing or drainage system plan, shall be provided to the director and/or his or her designee upon request.

~~[OWNERS OF STORM DRAINAGE SYSTEMS WILL BE REQUIRED TO PROVIDE THE DIRECTOR WITH ALL EXISTING INSPECTION, MAINTENANCE AND REPAIR RECORDS, AS WELL AS ANY RECORD DRAWINGS OR DIAGRAMS THAT THEY MAY HAVE FOR THEIR STORM DRAINAGE SYSTEMS.]~~

13.06.150 Enforcement authority.

The Director and/or his or her designee [OR ~~HIS/HER DESIGNEE~~] shall administer and enforce this chapter and shall have the authority to adopt and implement administrative procedures for such enforcement.

#### 13.06.160 Enforcement policy.

Enforcement action shall be taken whenever a person has violated any provision of this chapter. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the degree of bad faith of the persons subject to the enforcement action.

#### 13.06.170 Orders.

The Director and/or his or her designee shall have the authority to issue to an owner or person(s) representing an owner an order to maintain or repair a component of a stormwater drainage system, [FACILITY OR] operational source control BMP, or structural source control BMP, to bring the stormwater drainage system [IF] in compliance with this chapter. [AND THE ~~STORMWATER MANAGEMENT MANUAL AND/OR OTHER CITY~~

~~REGULATIONS.] The order shall include all requirements detailed in RMC 1.14.100. [THE ORDER SHALL INCLUDE:~~

~~A. A DESCRIPTION OF THE SPECIFIC NATURE, EXTENT AND TIME OF THE VIOLATION AND THE DAMAGE OR POTENTIAL DAMAGE THAT REASONABLY MIGHT OCCUR.~~

~~B. A NOTICE THAT THE VIOLATION OR THE POTENTIAL VIOLATION CEASE AND DESIST AND, IN APPROPRIATE CASES, THE SPECIFIC CORRECTIVE ACTION TO BE TAKEN.~~

~~C. A REASONABLE TIME TO COMPLY, DEPENDING ON THE CIRCUMSTANCES.~~

~~D. PENALTIES THAT MAY BE INCURRED BY ANY OWNER OF A STORMWATER SYSTEM NOT IN COMPLIANCE WITH THIS CHAPTER.~~

~~E. AN ORDER TO THE OWNER TO PROVIDE TO THE DIRECTOR A DETAILED PLAN SHOWING DRAWINGS AND STEPS THAT WILL BE TAKEN TO ACHIEVE COMPLIANCE WITHIN A SPECIFIED TIME. THIS PLAN IS SUBJECT TO APPROVAL BY THE DIRECTOR. ]~~

**13.06.180 Penalty for violations.**

A. Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an approval or order issued by the Mayor, the

Director, and/or his or her designee, shall be subject to a civil penalty [~~TO BE ADMINISTERED BY THE CODE COMPLIANCE HEARING EXAMINER~~] as provided in Chapter 1.14 of the Redmond Municipal Code. Each day of continued violation shall constitute a separate violation for purposes of this penalty.

B. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of [~~THE~~] civil penalty.

C. Procedure for Imposing Penalty. The procedure for notice of violation and imposition of penalties under this chapter shall be the same as for other code violations as described in Chapter 1.14 of the Redmond Municipal Code; provided, that such procedures may be initiated by either the Director and/or his or her designee. [~~OR THE CODE COMPLIANCE OFFICER UPON REQUEST OF THE DIRECTOR.~~]

D. Community Service Alternative. The Director and/or his or her designee may, at his/her discretion, provide the option for payment of all or part of any penalties incurred by any person(s) to be made in the form of community service that will be of benefit to the environment and the City. If a person decides to

avail themselves of this option when offered by the Director and/or his or her designee, the Director and/or his or her designee and the person shall enter into a formal, written agreement providing for the community service. This agreement shall include in detail the description of the service(s) to be rendered by the person(s) in penalty for noncompliance of this chapter. The description shall include the hours of service needed to offset the above mentioned penalties based on a mutually agreed upon hourly rate for service.

E. Re-Inspection Fees. In addition to the penalties to be imposed by the Code Compliance Hearing Examiner, the Director and/or his or her designee may impose a re-inspection fee for any account or storm drainage facility found not to be within compliance of this chapter. This inspection fee shall be independent of any current or future penalties that may be incurred by the property owner for noncompliance of this chapter. Re-inspection fees shall be applied if re-inspection occurs beyond the normal routine of inspection and verification of maintenance or correction of non-stormwater discharges to the

stormwater drainage system, surface water bodies, or groundwater.

F. Business License Revocation. In addition to any other penalty imposed, the Director and/or his or her designee may seek revocation of any business license held by the person violating this chapter [VIOLATOR]. The Director and/or his or her designee may request that the City Clerk revoke the a person's [VIOLATOR'S] business license for any of the following reasons: (a) noncompliance with this chapter, (b) not allowing for inspection of their stormwater facility, and (c) nonpayment of any fines or inspection fees incurred by the owner of the utility account. The procedures for revocation shall be those described in Chapter 5.04 of the Redmond Municipal Code.

G. Require Source Control Best Management Practices (BMPs).

The City of Redmond may require source control BMPs to reduce or eliminate pollutants and non-stormwater discharges.

H. Reimbursement for Abatement.

If the City of Redmond utilizes Stormwater Utility funds, equipment, or staff to correct a non-stormwater discharge, abate pollution from the stormwater

drainage system, or remove/disconnect an illicit connection, the Stormwater Utility will charge the responsible person for those expenses, and overhead costs, incurred.

13.06.190 Penalties due.

Penalties shall be due in accordance with chapter 1.14 of the Redmond Municipal Code. ~~[PENALTIES IMPOSED BY THE CODE COMPLIANCE HEARING EXAMINER UNDER THIS CHAPTER SHALL BECOME DUE AND PAYABLE 30 DAYS AFTER RECEIVING NOTICE OF PENALTY UNLESS APPLICATION FOR REMISSION OR MITIGATION IS MADE OR AN APPEAL IS FILED. WHENEVER AN APPLICATION FOR REMISSION OR MITIGATION IS MADE, PENALTIES SHALL BECOME DUE AND PAYABLE 30 DAYS AFTER RECEIPT OF THE DECISION REGARDING THE REMISSION OR MITIGATION. WHENEVER AN APPEAL OF A PENALTY IS FILED, THE PENALTY SHALL BECOME DUE AND PAYABLE AFTER ALL REVIEW PROCEEDINGS AND A FINAL DECISION HAS BEEN ISSUED CONFIRMING ALL OR PART OF THE PENALTY. IF THE AMOUNT OF A PENALTY OWED IS NOT PAID WITHIN THE TIME SPECIFIED IN THIS SECTION, THE CITY OF REDMOND MAY TAKE ACTIONS NECESSARY TO RECOVER SUCH PENALTIES.]~~

~~13.06.200 Severability.~~

~~If any portion of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected. ]~~

**13.06.210 Abrogation and restrictions.**

It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

**13.06.220 Interpretation.**

The Director and/or his or her designee shall be responsible for interpreting the provisions of this chapter. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application [~~AND SHALL BE LIBERALLY CONSTRUED TO SERVE THE PURPOSES OF THIS CHAPTER~~].

**13.06.230 Conflicts.**

When any provision of any other chapter of the Redmond Municipal Code or the Redmond Community Development Guide conflicts with this chapter, that

which provides greater environmental protection, as determined by the Director and/or his or her designee, shall apply unless specifically provided otherwise in this chapter.

**13.06.240 State statutes and regulations adopted by reference.**

The following state statutes and administrative regulations are hereby adopted by this reference as if set forth in full, to the extent necessary to interpret and implement this chapter:

<b>A.</b>	<b>RCWs</b>	<b>Title</b>
	43.20	Drinking Water
	70.95	Dangerous and Solid Waste
	70.105	Dangerous Waste, MTCA, Sediment Standards
	90.48	Ground Water, Surface Water, Sediment
	90.54	Ground Water
	90.70	Sediment
<b>B.</b>	<b>WACs</b>	<b>Title</b>
	173-	Water Quality Standards for

200 Ground Waters of the State  
of Washington

173- Water Quality Standards for  
201 Surface Waters of the State  
of Washington

173- State Waste Discharge  
216 Permit Program

173- National Pollutant  
220 Discharge Elimination  
System Permit Program

173- Sediment Management  
204 Standards

173- Dangerous Waste Regulations  
303

173- Minimum Functional  
304 Standards for Solid Waste  
Handling

173- The Model Toxics Control  
340 Act Cleanup Regulation

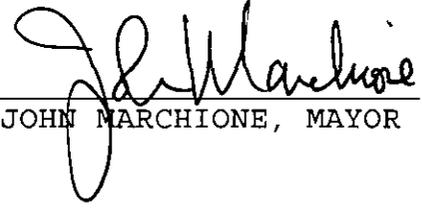
246- Public Water Supplies  
290

Section 5.      Severability.      If any section, sentence, clause or phrase of this ordinance or any code provision adopted hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any such code provision.

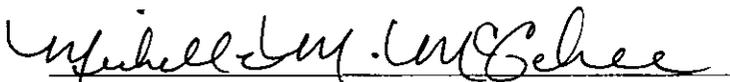
Section 6.      Effective Date.      This ordinance shall take effect and be in full force five days after its passage and publication of a summary as required by law.

ADOPTED by the Redmond City Council this 7<sup>th</sup> day of July,  
2009.

CITY OF REDMOND

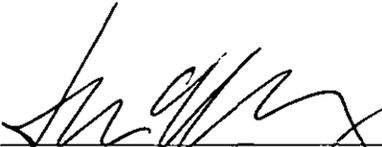
  
JOHN MARCHIONE, MAYOR

ATTEST:

  
MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY: 

FILED WITH THE CITY CLERK:	July 1, 2009
PASSED BY THE CITY COUNCIL:	July 7, 2009
SIGNED BY THE MAYOR:	July 7, 2009
PUBLISHED:	July 13, 2009
EFFECTIVE DATE:	July 18, 2009
ORDINANCE NO. 2473	

APPROVED 7-0: Allen, Carson, Cole, Margeson, McCormick, Myers and Vache