

ORDINANCE NO. 2422

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING RMC 13.07.100 IN ORDER TO REVISE THE REGISTRATION REQUIREMENTS FOR EXISTING STORMWATER INFILTRATION SYSTEMS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, stormwater infiltration systems located in the City of Redmond are owned and maintained by both the City and private property owners; and

WHEREAS, RMC 13.07.100(2) requires that all stormwater infiltration systems existing as of November 2003 be certified as meeting the requirements of the 2001 Washington Department of Ecology Stormwater Management Manual for Western Washington no later than November 2008; and

WHEREAS, the Department of Ecology has recently adopted new requirements for protecting groundwater from untreated stormwater infiltration and has required registration of infiltration systems by February 3, 2009, and an assessment of each system by February 3, 2011, with remedial action for those systems threatening groundwater to be taken thereafter; and

WHEREAS, in order to coordinate the timing and substance of the City's regulations with those recently adopted by the Department of Ecology, the City's public works staff have

recommended that RMC 13.07.100 be amended as provided in this ordinance; and

WHEREAS, staff have consulted with affected property owners in the development of the ordinance and have received the support of those owners for the changes.

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

Section 1. Performance Standards. RMC 13.07.100 is hereby amended to read as follows:

13.07.100 Performance standards.

A. General Standards. Within five (5) years, any facility or activity existing as of the effective date of this chapter within which hazardous materials or other deleterious substances are present shall comply with the relevant performance standards in RCDG 20D.140.50-040 or equivalent best management practices acceptable to the City.

B. Specific Performance Standards. The following specific performance standards apply to the following listed facilities within Wellhead Protection Zone 1 or 2:

1. Sewer Pipelines. Should the Director have reason to believe that the operation of a sewer

pipeline and conveyance system appurtenances existing as of the effective date of this chapter may be degrading groundwater quality, the Director may require that leak testing be conducted. Should leakage be detected, the Director shall require correction to his/her satisfaction.

2. Stormwater Infiltration Systems.

Owners or operators of [~~S~~]stormwater infiltration systems existing as of the effective date of this chapter [~~LOCATED AT REGULATED FACILITIES~~] must address specific [~~RELEASES~~] risks posed by hazardous material storage or processing. These risks may be mitigated by physical means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan for the [~~REGULATED~~] facility.

a. [~~WITHIN FIVE (5) YEARS OF THE EFFECTIVE DATE OF THIS CHAPTER~~] Any stormwater infiltration system[~~S~~] [~~EXISTING AS OF THE EFFECTIVE DATE OF THIS CHAPTER~~] shall be [~~CERTIFIED BY A PROFESSIONAL ENGINEER OR ENGINEERING GEOLOGIST REGISTERED IN THE STATE OF WASHINGTON AS CONFORMING TO THE REQUIREMENTS OF THE WASHINGTON DEPARTMENT OF ECOLOGY STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2001), AS~~

~~ADOPTED BY THE CITY OF REDMOND. IF A SYSTEM CANNOT BE MODIFIED SUCH THAT THE CERTIFICATION IS ATTAINED.]~~
registered with the Director by February 3, 2009, using a registration form to be developed by the Director. Certain stormwater infiltration systems are regulated by the state as Underground Injection Control (UIC) wells under WAC 173-218 and may meet the city's registration requirement by registering their systems as separately required by the Washington Department of Ecology by February 3, 2009, and providing a copy of the Ecology registration to the Director.

~~[B. PROVISIONS TO PREVENT RELEASES OF HAZARDOUS MATERIALS INTO STORMWATER SYSTEMS SHALL BE UPDATED IN THE HAZARDOUS MATERIALS MANAGEMENT PLAN AND SUPPORTED BY UPGRADED OR NEW INFILTRATION SYSTEM DESIGNS, AS NECESSARY, TO REFLECT SIGNIFICANT CHANGES IN TYPES, QUANTITIES, AND HANDLING OF HAZARDOUS MATERIALS.]~~

~~[C. THE OWNER OR OPERATOR OF A REGULATED STORMWATER INFILTRATION FACILITY SHALL NOTIFY THE PUBLIC WORKS DEPARTMENT THAT A STORMWATER INFILTRATION SYSTEM HAS BEEN DECOMMISSIONED WITHIN SIXTY (60) DAYS OF ITS DECOMMISSIONING.]~~

d. An assessment of the potential risks to groundwater from any registered stormwater infiltration system shall be completed by the owner or operator and submitted to the Director by February 3, 2011. Assessment criteria shall be developed by the Director in consultation with affected facility owners or operators. The assessment shall be completed by a professional engineer or engineering geologist registered in the State of Washington. Stormwater infiltration systems must conform to the standards developed in the assessment criteria.

e. If through the assessment process, a stormwater infiltration system is determined to pose a significant groundwater hazard based on the assessment criteria, the Director shall require the system to be modified or decommissioned to protect groundwater quality, pursuant to the standards developed in the assessment criteria and a schedule to be developed by the Director in consultation with affected facility owners or operators.

f. Provisions to prevent releases of hazardous materials into stormwater systems shall be updated in the Hazardous Materials Management Plan and supported by upgraded or new infiltration system

designs, as necessary, to reflect significant changes in types, quantities, and handling of hazardous materials.

g. The owner or operator of a stormwater infiltration system shall notify the Director of the intent to modify or decommission a stormwater infiltration system and shall obtain all appropriate approvals and permits prior to any modification or decommissioning.

3. Underground Hydraulic Elevator Cylinders. The owner or operator of any facility with an underground hydraulic elevator pressure cylinder shall inspect the annulus at least once every six (6) months for evidence of hydraulic fluid leakage and report the results to the Director. If leakage is detected, the facility owner or operator shall complete repairs within thirty (30) days of discovery of leakage, and document such repairs to the Director within thirty (30) days of completion of repairs.

C. Residential Users. Residential users of hazardous materials living in the city of Redmond shall reduce contamination risks to groundwater by:

1. Following storage, use, and disposal instructions on all household hazardous chemical containers;

2. Following storage, use, application, and disposal instructions for pesticides, herbicides, and fertilizers;

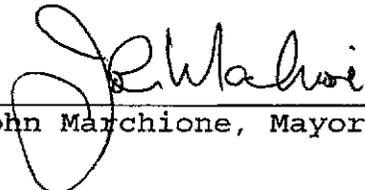
3. Following storage, use, and disposal instructions for automotive fuels, lubricants, and cleaning products; and

4. Reporting unauthorized releases of hazardous materials into the environment.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

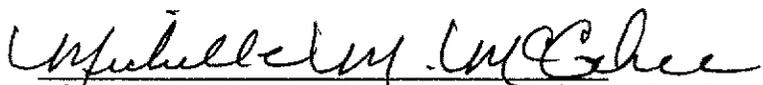
Section 3. Effective date. This ordinance shall take effect and be in full force five days after its passage and publication of a summary as provided by law.

ADOPTED by the Redmond City Council this 21st day of October, 2008.



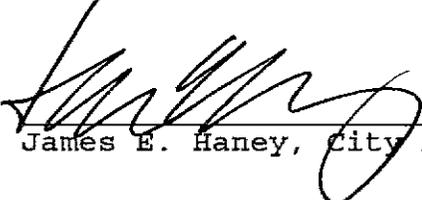
John Marchione, Mayor

ATTEST:



Michelle M. McGehee, CMC, City Clerk (SEAL)

Approved as to form:



James E. Haney, City Attorney

FILED WITH THE CITY CLERK: October 15, 2008
PASSED BY THE CITY COUNCIL: October 21, 2008
PUBLISHED: October 27, 2008
EFFECTIVE DATE: November 1, 2008
ORDINANCE NO. 2422