5/23/2022
6/06/2022

ORDINANCE NO. M-4372

AN ORDINANCE relating to water resources protection, amending certain sections of Chapter 14.26 of the City of Vancouver's Municipal Code regarding minimum standards to reduce the risk of contaminants entering surface waters and groundwaters, as last amended by Ordinance M-4179, and providing clauses for savings, severability, and an effective date.

WHEREAS, the federal Clean Water Act requires states and their local governments to take steps to implement the National Pollutant Discharge Elimination System ("NPDES") permit program; and

WHEREAS, Chapter 90.48 RCW, the Washington State Water Pollution Control Act, authorizes the Washington State Department of Ecology ("Ecology") to issue municipal stormwater permits to designated communities throughout the state; and

WHEREAS, on January 17, 2007, Ecology issued the City of Vancouver (the "City") a Western Washington Phase II Municipal Stormwater Permit under the NPDES program ("NPDES Permit"), authorizing the City to discharge stormwater to surface and ground waters of the state; and

WHEREAS, on July 1, 2019, Ecology issued a new NPDES Permit which became effective on August 1, 2019; and

WHEREAS, as a condition of discharging stormwater to waters of the state under the current NPDES Permit, Ecology requires the City to develop a Stormwater Management Plan ("SWMP"), which includes a set of mandatory actions and activities that are aimed at protecting water quality, reducing the discharge of pollutants to surface waters and groundwaters of the state, and complying with national discharge standards; and

WHEREAS, as part of the City's SWMP, the City must implement a program to prevent and reduce pollutants in runoff from areas that discharge to the municipal separate storm sewer system, including by adopting and making effective an ordinance, or other enforceable documents, requiring the application of source control best management practices ("BMPs") for pollutant generating sources associated with existing land uses and activities; and

WHEREAS, the City's Water Resources Protection ordinance contains certain technical standards which are duplicated in the adopted Stormwater Manual; and

WHEREAS, as related in Staff Report 069-22, the City's Water Resources Protection ordinance needs revision to meet the requirements of the NPDES Permit, the Department of Public Works proposed amendments to the Water Resources Protection code to meet the requirements of the NPDES Permit and simplify the code; and

WHEREAS, the City held informational webinars with stakeholders on January 13, January 20, and January 24, 2022, to discuss the proposed code amendments, and made available an online open house from December 22, 2021, through February 9, 2022, to consider comments from stakeholders; and

WHEREAS, the environmental impacts of the proposed code amendments have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council finds that adoption of this ordinance for municipal stormwater control and pollution prevention prevents harm to the health or safety of the public, and promotes the public health, safety, and general welfare; and

WHEREAS, the City Council finds that it is within the police power of the City Council to adopt this ordinance for these purposes; and

WHEREAS, on May 16, 2022, the Council held a workshop to review the proposed ordinance and on May 23, 2022, conducted a public hearing to consider whether to adopt the proposed ordinance, the Council adopts the amendments to VMC Chapter 14.26, incorporating additional water resources protection standards into the City's code.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 50, and is codified as VMC 14.26.100, is hereby amended to read as follows:

14.26.100 Purpose.

A. The purpose of this chapter is to protect water resources in the City by establishing development regulations and minimum standards to reduce the risks of contaminants entering water resources as defined at VMC Section 14.26.110.

B. In furtherance of this purpose, the City prohibits the discharge of contaminants to water resources as set forth in VMC section 14.26.117 and requires certain operations to utilize best management practices as set forth in VMC sections 14.26.120, .125, and .130.

C. The City also recognizes that achieving successful pollution control must include a water resources pollution prevention education component for businesses, industries, and the general

public. In implementing this chapter, the City will offer education and technical assistance to businesses, industries, and the general public to explain how to implement water resources protection and pollution control practices. Enforcement actions will normally be implemented when:

1. Education and technical assistance measures are unsuccessful at protecting the public interest;

2. Best management practices are not followed; or

3. Persons willfully contaminate the water resources of the City.

D. It is not the intent of this chapter to have the City pursue enforcement actions against businesses, industries, or persons whose actions or activities result in the discharge of de ~~minimus~~ minimis amounts, as defined at VMC section 14.26.110 herein, of contaminants into the water resources of the City.

E. The City finds this chapter is necessary to protect the health, safety and welfare of the residents of the City and the integrity of the City's water resources for the benefit of all by:

1. Minimizing or eliminating surface and ground water quality degradation;

2. Preserving and enhancing the suitability of waters for recreation, fishing, wildlife habitat, aquatic life and other beneficial uses; and

3. Preserving and enhancing the aesthetic quality and biotic integrity of the water.

F. The City recognizes the importance of maintaining economic viability while providing necessary environmental protection. This chapter helps achieve both goals.

G. It is the purpose of the 2016 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the City of Vancouver's Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program,

through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2016 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. On January 17, 2007, the Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt low impact development principles and best management practices, stormwater control and pollution prevention measures, with the goal of improving waters of the state.

2. The Underground Injection Control (UIC) program was created by Congress to protect underground sources of drinking water from discharges of fluids to the ground. Chapter 173-218 WAC was adopted by the Washington State Department of Ecology to regulate stormwater discharges to groundwater through drywells and other types of underground infiltration systems that are not regulated under the NPDES permit.

H. It is the purpose of the 2022 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for continued compliance with the City of Vancouver's Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. On July 1, 2019, the Washington State Department of Ecology re-issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires the City of Vancouver to carry out a program to prevent and reduce pollutants in runoff from areas that discharge to the

Stormwater Drainage System by implementing a source control program that applies BMPs to pollution generating sources associated with existing land uses and activities. The goal of the program is to reduce degradation of water resources.

Section 2. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 51, and is codified as VMC 14.26.110, is hereby amended to read as follows:

14.26.110 Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the City's Stormwater Permit and its mandatory incorporated provisions of the ~~2016~~ 2019 Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the City of Vancouver that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Bulk Petroleum Fuel Operation" means an operation that manages a cumulative total of 12,000 gallons or more of petroleum fuel on-site in tanks capable of holding volumes of at least 4,000 gallons.

"Chemical Lagoons and Pits" means any earthen basin or uncovered concrete basin or depression containing hazardous materials. "City" means the City of Vancouver.

"Closure of Operation" means the cessation of activity such that hazardous materials are no longer managed at the operation. For the purposes of this chapter, an operation is considered closed if it has been non-operational for a continuous period of 2 years.

“Connection” means a link or channel between two otherwise separate conveyance systems whereby there may be flow from one system to the other.

“Container” means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

“Dangerous Waste” means waste designated in the Washington State Dangerous Waste Regulations (WAC 173-303) as dangerous or extremely hazardous due to its physical, chemical or biological properties.

“De ~~Minimus~~ Minimis Amounts” means a small or miniscule amount of contaminant in a discharge that is demonstrated to be non-harmful to the environment.

“Direct Infiltration Facility” means, for the purposes of this chapter, any mechanism that is intended to direct stormwater or process wastewater directly into the ground without providing treatment in accordance with VMC chapters 14.10 and 14.25. Examples include, but are not limited to, drywells, ponds, trenches and perforated pipe systems.

"Director" means the director of the City of Vancouver public works department or designee.

“Discharge” means, for purposes of this chapter only, the release of materials such that the materials may enter or be emitted to the air, land or water resources.

“Disposal” means discharging, discarding or abandoning materials into or on any land, air or water resources.

“Disposal Site” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site as defined at VMC Section 14.26.110 herein, surface impoundment, injection well or waste pile.

“Drywell” means a precast concrete manhole with perforations and installed with drain rock or other material for exfiltration of surface water runoff or other drainage to the subsurface.

~~"Existing Operations, Uses, Activities" means operations, uses or activities established prior to the effective date of this chapter.~~

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

"Hard Chrome Plating" means chrome plating applied in a sufficient thickness to provide a hardened protective surface rather than merely a decorative surface. A hard chrome shop is more likely to be a large single-purpose plating shop with higher quantities of hazardous plating materials onsite, whereas facilities which do decorative plating may do so as just one of the steps in their manufacturing process.

"Hazardous Material" means any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all "dangerous wastes" and "hazardous substances" that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

"Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets or outlets that are connected directly to the stormwater drainage system.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of ~~storm water~~ stormwater except discharges pursuant to a NPDES permit (other than the

Stormwater permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

“Land Application Site” means a place where wastes such as sludge or gray water are applied to the land.

“Leachable Constituents” means these constituents are determined using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846.

"Low Impact Development" or "LID" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"LID ~~Vest~~ Best Management Practices (BMPs)" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

"LID Principles" means land management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

“Manage” means a general term that includes, but is not limited to, the use, transfer, storage, processing and re-packaging of materials. This does not include the active or immediate transportation of materials.

"Municipal Waste" means general residential and commercial wastes including the waste collected by garbage haulers and the waste delivered to transfer or disposal sites by the waste generators themselves (self-haul).

“Municipal Water Supply Well” means a City or Clark Public Utility (CPU) owned drinking water well meeting the definition of a Group A community water system as defined by WAC 246-290-020. Locations of such wells are depicted on the Water Resources Protection Ordinance Critical Area and Special Protection Area map as maintained by the City.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“New development” means land-disturbing activities, including Class IV-general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

~~“New Operations, Uses, Activities” means operations, uses or activities established on or after the effective date of this chapter on February 3, 2003. Development or activities requiring a building or other permit are new operations, uses or activities. In addition, when a change in an operation places that operation into a higher classification per VMC Table 14.26.125A, the operation shall be considered and treated as a new operation.~~

"Operation(s)" means industrial, commercial, institutional or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary or mobile facilities, equipment, transport vehicles or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state or local government entities.

"Outdoor Wood Preservation" means the act of pressure treating wood products for weather resistance and outdoor use, using organic-based preservatives such as creosote or pentachlorophenol, typically used to treat poles or heavy timbers, and inorganic-based preservatives such as chromium, copper and arsenic, typically used to treat dimension lumber.

"Person" means any human being, firm, labor organization, partnership, corporation, unincorporated association, trustee, trustee in bankruptcy, receiver or any other legally recognized entity.

"Pervious surface" means a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

"Petroleum Fuel" means petroleum-based liquid products that are refined from crude oil specifically for fuel purposes. Fuel includes, but is not limited to, all grades of automotive gasoline, aviation gasoline, diesel, heating oils and kerosene.

"Potentially Harmful Materials" means hazardous materials as defined at VMC Section 14.26.110 as well as other materials including, but not limited to, the following which, if discharged or improperly disposed, may present a risk to water resources:

Petroleum products including but not limited to petroleum fuel and petroleum-based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids,

alkalis or bases; paints, stains, resins, lacquers or varnishes; degreasers; solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; collected lawn clippings, leaves or branches; trash or debris; silt, sediment or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

"Process Wastewater" means wastewater discharged from one or more industrial processes or industrial cleanup procedures.

"Redevelopment" means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

"Releasing" or "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including but not limited to the abandonment or discarding of barrels, containers, and other closed receptacles.

"Responsible Government Official" means a person employed by the federal, state or a local government with authority to protect the public health and safety or water resources. Examples include, but are not limited to, persons employed by the police and fire departments, and employees

of the Washington State Department of Ecology, the United States Environmental Protection Agency, Clark County, and Clark County Public Health.

“Sewage Disposal Cesspool” means a lined excavation in the ground which receives the discharge of a drainage system, designed to retain solids and organic matter while permitting liquids to seep through the sides and bottom.

“Source Control BMP” means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Stormwater Management Manual for Western Washington separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.

“Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface waterbody, or a constructed infiltration facility.

“Stormwater Drainage System” means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.

"Stormwater ~~facility~~ Facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices,

catch basins, manholes, dry wells, oil/water separators, biofiltration swales, sediment basins, bioretention, permeable pavements, and vegetated roofs.

“Stormwater Manual” means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality Program, ~~December 2014~~ July 2019 , Publication No. ~~14~~ 19-10-~~055 (a revision of Publication No. 12-10-030),~~ 021, 5 volumes, and as hereafter amended.

"Stormwater Permit" means the City Vancouver National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued ~~August 1, 2013, which was modified~~ July 1, 2019, Effective ~~January 16, 2014~~ August 1, 2019, by the Washington State Department of Ecology, and as hereafter modified or reissued.

~~“Stormwater Treatment Facility” means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment facilities include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.~~

“Surface Water” means water that flows across the land surface, in channels or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

“Tank” means a stationary device designed to contain liquids used or stored at an operation which may include hazardous materials, chemicals or dangerous wastes, and which is constructed primarily of non-earthen materials to provide structural support.

“Toxicity” means having properties that cause or significantly contribute to death, injury or illness in humans or wildlife. A material exhibits the characteristic of toxicity if it contains certain leachable constituents at sufficient concentrations to be considered dangerous to human health and the environment. Leachable constituents and toxicity concentrations are referenced in the Toxicity Characteristic List of WAC 173-303-090(8) as amended.

"Transfer Warehouse" means any enclosed and covered transportation-related warehouse where shipments of products, which may be hazardous materials but not dangerous wastes, are held in portable containers for transfer.

"Treatment BMP" means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

"Underground Injection Control" or "UIC" well means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles or other similar mechanisms or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

"Water Resources" means surface water, ~~storm water~~ stormwater and groundwater.

Section 3. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 52, and is codified as VMC 14.26.112, is hereby amended to read as follows:

14.26.112 Authority.

The City shall retain the authority to require implementation of any portion of this chapter, as defined herein to comply with the City's Stormwater Permit. The City also retains the authority to impose additional water protection measures when the City becomes aware of and documents that specific circumstances applicable to an operation threaten water resources, public health or safety. The City may inspect all operations subject to this chapter at all reasonable hours for the purposes of ensuring compliance with any provision of this chapter and with the consent of the owner or occupant or pursuant to a lawfully issued warrant.

Section 4. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 54, and is codified as VMC 14.26.117, is hereby amended to read as follows:

14.26.117 Discharges to water resources.

A. Prohibited Discharges: No person or operation shall discharge any potentially harmful materials as set forth at VMC Section 14.26.110 herein into the water resources of the City. Persons or operations shall use all known, available, and reasonable means to prevent the discharge of any potentially harmful materials into the water resources of the City.

B. Illicit Connections:

1. Any connection that could allow conveyance of any solid, liquid or gas material not composed entirely of surface and ~~storm water~~ stormwater directly to water resources is considered an illicit connection and is prohibited, except:

a. Connections conveying allowable discharges as set forth at VMC Section 14.26.117.C and D herein;

b. Connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or a state waste discharge permit; and

c. Connections conveying effluent from permitted or authorized onsite sewage disposal systems to subsurface soils.

2. Floor drains shall not be installed inside an operation which stores or uses hazardous materials unless approved by the City for connection to sanitary sewer. Existing floor drains connected to storm drains or to surface water drains located in or near indoor hazardous material storage or use areas are considered unauthorized connections and shall be sealed or removed to prevent liquid entry, piped to the sanitary sewer (with approval and appropriate shut-off valves),

be routed to blind sumps or be directed to additional containment or treatment systems meeting the standards of this chapter.

C. Allowable Discharges to Stormwater Drainage System: The following types of discharges shall be permitted unless the City determines that these discharges (whether singly or in combination with others) are causing significant contamination of water resources:

1. Uncontaminated water from crawl space pumps or footing drains;
2. Materials placed as part of an approved habitat restoration or bank stabilization project;
3. Natural uncontaminated surface water or ground water;
4. Flows from riparian habitats and wetlands;
5. City-approved dye testing following verbal notification to the City at least one day prior to the date of test. The City and the Clark County Public Works Department are exempt from this requirement;
6. Any discharge allowed by an operation's National Pollutant Discharge Elimination System (NPDES) permit or other authorized discharge permit;
7. Any discharge specifically allowed in writing by a local, state or federal agency for remedial action in an agreed order, a consent decree or in a voluntary cleanup effort.

D. Allowable Discharges to Pervious Surfaces. The following types of discharges shall be permitted onto a pervious surface unless the City determines that these discharges (whether singly or in combination with others) contain greater than de ~~minimus~~ minimis amounts of contaminants:

1. All allowable discharges specified in VMC 14.26.117.C;
2. Potable water;
3. Potable water line flushing;
4. Landscape watering;

5. Residential car and boat washing;

6. Residential swimming pool and spa water;

7. Common discharge practices from water well disinfection.

E. Non-stormwater Discharges to the Stormwater Drainage System Prohibited Unless Conditions Met. The following categories of non-stormwater discharges are prohibited discharges to the Stormwater Drainage System unless the stated conditions are met:

1. Discharges from potable water sources, including 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 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System.

2. Discharges from landscape watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities and water conservation efforts.

3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the Stormwater Drainage System.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the Stormwater Drainage System, the City must minimize the amount of street wash and dust control water used.

5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of the stormwater pollution prevention plan received by the City, which addresses control of construction site de-watering discharges.

F. A UIC well may be used to manage stormwater when pollutant concentrations that reach ground water are not expected to exceed Washington state ground water quality standards (chapter 173-200 WAC). This section shall not be construed to authorize any discharge to a UIC that does not conform to the requirements of WAC 173-218 – Underground Injection Control Program.

Section 5. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 55, and is codified as VMC 14.26.120, is hereby amended to read as follows:

14.26.120 Minimum standards.

~~A. Operational Best Management Practices (BMPs).~~ All operations shall adopt the following best management practices to ensure their operations minimize potential risks to water resources.

A. ~~1. Precautions.~~ Pollution Prevention. The owner/operator shall ~~take precautions~~ implement all applicable source control BMPs from the Stormwater Manual to prevent ~~accidental releases of hazardous~~ potentially harmful materials~~. Hazardous~~ from coming into contact with stormwater. Potentially harmful materials shall be separated and prevented from entering Stormwater Drainage Systems, septic systems, and drywells.

~~2~~ B. Hazardous Materials Management. Hazardous materials shall be managed so that they do not threaten human health or the environment or enter water resources.

~~3~~ C. Hazardous Material Releases. All hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials recycled or disposed of properly. The City shall be notified of any release of hazardous materials that ~~clearly~~ may impact water

resources, as soon as possible but no later than 24 hours after the release. The Stormwater Manual provides applicable operational BMPs for spills of oils and hazardous substances.

~~4. Oil/Water Separators. Oil/water separators shall be inspected, cleaned and maintained as stipulated in the Stormwater Manual. The City may allow an operation to modify the regularity of cleanouts if the operation can demonstrate to the City's satisfaction that the separator operates effectively at less frequent cleaning intervals.~~

~~5. Pesticide and Fertilizer Management. All pesticides, herbicides, fungicides and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the Stormwater Manual, VMC 20.760 Shoreline Management Area, and VMC 20.740 Critical Areas Protection.~~

~~6. Stormwater Treatment Systems. Stormwater drainage systems and treatment.~~ D. Maintaining Stormwater Facilities. Stormwater facilities, including, but not limited to, catch basins, wetponds and vaults, biofilters, settling basins, bioretention, pervious pavements, and infiltration systems, shall be cleaned and maintained by the responsible party designated in VMC 14.25.209 according to the applicable operational BMPs for the maintenance of stormwater~~,~~ drainage and treatment systems in the Stormwater Manual.

~~7~~ E. Decommissioning Water Wells. Any water well which is unusable, abandoned or whose use has been permanently discontinued or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned according to the provisions of the Washington Administrative Code WAC 173-160-381.

~~8~~ F. Operation Closure. At the closure of an operation, all hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state and federal laws.

~~9. Mobile Washing and Pressure Cleaning. Operations which engage in activities such as pressure washing, carpet cleaning, and equipment and vehicle washing shall apply best management practices according to applicable BMPs for washing and steam cleaning in the Stormwater Manual. Mobile washing operations shall ensure that all of their employees are knowledgeable of proper discharge practices. Washwater from such operations shall be captured and directed to an approved discharge location. Non-approved wash water shall not be discharged into the City's stormwater drainage system.~~

~~B. Commercial Operations Requiring Additional BMPs. Operations which engage in the following commercial operations shall implement the applicable source control BMPs from the Stormwater Manual: commercial animal handling, commercial composting, printing operations, fueling stations, log sorting, railroad yards, recyclers, scrap yards, and wood treatment facilities.~~

~~C. Specific Activities Requiring Additional BMPs. Operations performing the following activities shall implement the applicable source control BMPs from the Stormwater Manual and shall comply with the requirements of VMC 20.760, Shorelines Management Area, and 20.740, Critical Areas Protection: construction/repair/maintenance of boats/ships, airfield/street deicing, dust control, landscaping, loading/unloading of trucks and railcars, repair/maintenance/parking of vehicles/equipment, erosion control at industrial sites, maintenance of utility corridors, maintenance of roadside ditches/culverts, outdoor manufacturing, mobile fueling of vehicles/equipment, painting/coating of vehicles/buildings/equipment, storing dangerous wastes, or managing raw materials.~~

Section 6. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.125, is hereby amended to read as follows:

14.26.125 Application of greater standards.

A. Classifications: Certain non-residential operations present a greater potential risk to water resources because of the volume and type of hazardous materials that are managed. These non-residential operations are classified in VMC Table 14.26.125A and are subject to the stipulated actions defined in this section.

Table 14.26.125A – CLASSIFICATIONS

Classification	Definition
Class I Operations	Operations that at any time within a year time period will or do manage over 220 pounds in total of the following: A. Hazardous materials, including any mixtures thereof, that contain constituents referenced in the Code of Federal Regulations, 40 CFR 302.4 (referenced in Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)); or B. Hazardous materials, including any mixtures thereof, that contain constituents from the lists specified in VMC Table 14.26.125A, Class II (below). Concentration Declassification. A Class I operation shall no longer be a classified operation if the Class I constituents (40 CFR 302.4) contained in a product or waste are individually present at less than 1% by weight for non-carcinogenic hazardous materials~~, and less than 0.1% by weight for known or suspected carcinogenic hazardous materials. (Operators should review the Material Safety Data Sheet for the hazardous materials to make this determination)~~. Operator shall submit Safety Data Sheets for all products used or stored onsite and a detailed product inventory for review to be eligible for declassification. Consumer Quantity Declassification.

Table 14.26.125A – CLASSIFICATIONS	
Classification	**Definition**
	A Class I operation shall no longer be a classified operation if both of the following conditions are met: A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material. <u>Metal and Metal Alloy Declassification.</u> Solid metals and solid metal alloys, including but not limited to roll stock, bar stock, sheet stock, and manufactured articles such as equipment, parts, building materials, and piping, that contain one or more metals listed in 40 CFR 302.4 or WAC 173-303-090(8) shall be declassified; EXCEPT, that where machining, forming, grinding, cutting, melting or other activities produce residues such as shavings, grindings, swarf, fume or other finely divided particulate forms of a listed metal or metal alloy that may present a threat to water resources, such residues shall not be declassified. Personal and Commercial Vehicle Fuel Tank Declassification. The greater standards of VMC 14.26.125.B and VMC 14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).
Class II Operations	Operations that at any time within a one year time period will or do manage over 2,200 pounds in total of the following: A. Hazardous materials, including any mixtures thereof, that exhibit the characteristic of toxicity as defined at VMC Section 14.26.110KK because they contain leachable constituents

Table 14.26.125A – CLASSIFICATIONS	
Classification	**Definition**
	as defined at VMC Section 14.26.110T from the Toxicity Characteristic List of WAC 173-303-090(8) as amended; or B. Hazardous materials, including any mixtures thereof, that contain constituents that are referenced on the Halogenated Solvent List set forth in VMC Table 14.26.165A. Site Cleanup Reclassification. A Class II operation shall be reclassified as a Class I operation if the primary activity is site remediation or cleanup pursuant to an approved settlement agreement or a remedial action under 70.105B RCW. Concentration Reclassification. A Class II operation shall be reclassified as a Class I operation if the Class II constituents (from WAC 173-303-090(8) or the Halogenated Solvent List set forth in Table 14.26.165A) are present in the hazardous materials being managed at concentrations of less than 5% by weight. Operator shall submit product Safety Data Sheets and a detailed material inventory for review to determine eligibility for this provision. Transfer Warehouse Reclassification. A Class II operation shall be reclassified as a Class I operation if the following conditions are met: A. The operation is a transfer warehouse as defined in VMC Section 14.26.110LL; and B. Containers of hazardous materials are not opened at the site under any circumstance; and C. Products containing Class II hazardous materials are managed in containers with individual capacities of no more than 400 gallons. Consumer Quantity Declassification. A Class II operation shall no longer be a classified operation if both of the following conditions are met:

Table 14.26.125A – CLASSIFICATIONS	
Classification	**Definition**
	A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material. Personal and Commercial Vehicle Fuel Tank Declassification. The greater standards of VMC 14.26.125B and VMC 14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).

B. *Stipulated Actions and Timelines.* Class I and II operations shall adopt the Greater Standards for Hazardous Material Operations defined in VMC Section 14.26.130, according to the following stipulations:

1. *New Operations.* New Class I and Class II operations shall adopt the Greater Standards beginning the date of issuance of certificate of occupancy or as otherwise specified in accordance with the provisions of this chapter.

2. *Existing Operations.* Existing Class I and Class II operations shall adopt the Greater Standards (or some portion thereof), within a time period specified by the City, if the City becomes aware of and documents specific circumstances which demonstrate that Greater Standards (or some portion thereof) are necessary to protect public health and safety or reduce the risk of contamination to water resources.

3. Change of Class or Tenant: The City shall be notified as soon as possible and no later than 30 days after:

a. A change in classification of an operation as defined in VMC Table 14.26.125A.

b. Occupation of an existing Class I or II operation by a new tenant.

Section 7. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.130, is hereby amended to read as follows:

14.26.130 Greater standards for hazardous materials operations.

A. *Best Management Practices (BMPs).* All new Class I and II operations shall implement the provisions of this section within ninety (90) days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II.

1. *Design and Construction.* Operations shall be designed, constructed, maintained and operated to minimize the possibility of an unplanned release of hazardous materials to soil or water resources.

2. *Container/Tank Management.* A container or tank holding a hazardous material shall always be closed, except to add or remove materials. Hazardous materials shall also be managed so that they do not damage the structural integrity of the operation or devices containing the material.

3. *Container/Tank Condition.* All containers and tanks shall be maintained in such a manner as to assure effective operation and prevent the release of hazardous materials.

4. *Container/Tank Identification.* The owner/operator shall label all containers and tanks containing hazardous materials to identify the major risk(s) associated with the contents. This

labeling shall conform to applicable sections of the Uniform Fire Code, Occupational Safety and Health standards, and/or the State of Washington's Dangerous Waste Regulations.

5. *Ancillary Equipment.* Any leaking pipe, pump or other ancillary equipment shall be repaired or replaced promptly. Ancillary equipment associated with hazardous materials shall be supported and protected against physical damage and excessive stress.

6. *Compatibility.* The owner/operator shall use a container or tank made of or lined with materials which are compatible with the hazardous materials to be stored.

~~7. Containment: Container and tank storage areas shall have a containment system that is capable of collecting and holding spills and leaks. This containment shall:~~

~~a. Be constructed of an impervious surface with sealed joints.~~

~~b. Joints between concrete slabs and slab/foundation interfaces should be eliminated or minimized in the operation;~~

~~c. Provide pollution control measures to protect water resources, including run-off collection and discharge from active areas;~~

~~d. Be designed to provide secondary containment of 110% of the container's or tank's capacity; or in areas with multiple tanks, 110% of the largest tank or 10% of the aggregate tank volumes, whichever is larger. Secondary containment shall be provided in all areas where hazardous materials are loaded/unloaded, transferred, accumulated or stored;~~

~~e. Be compatible with the materials that are being handled; and~~

~~f. Be routinely inspected as defined at VMC section 14.26.130C.~~

~~8. Loading Areas: Loading and unloading areas shall be designed, constructed, operated and maintained to:~~

~~a. Contain spills and leaks that might occur during loading/unloading;~~

~~b. Prevent releases of hazardous materials to water resources;~~

~~c. Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and~~

~~d. Allow for removal as soon as possible any collected hazardous materials resulting from spills, leaks, and equipment cleaning.~~

~~9~~ 7. *Closure.* At closure of an operation, all remaining structures, containers, tanks, liners, and soil containing or contaminated with hazardous materials at concentrations above state and federal regulatory thresholds shall be decontaminated and properly disposed of or managed.

B. ~~*Spill and Emergency Response Plan (SERP).*~~

~~1. All new Class I and II operations shall develop and implement a Spill and Emergency Response Plan (SERP) within 90 days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations may also be required to develop and implement a SERP if the City determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. The SERP shall be maintained on site, and shall be made available to the City upon request.~~

~~3. The SERP shall be updated at least every 5 years or as needed to reflect significant changes in operation or practices.~~

~~4. At a minimum, the SERP shall include the following information:~~

~~a. *Spill Prevention.*~~

i. Drawings including the layout of the operation, a floor plan, direction of drainage, entrance and exit routes, and areas where hazardous materials are received, stored, transported, handled or used in operations.

ii. Listings of all hazardous materials on site including types, volumes, locations and container types and sizes.

iii. Spill prevention related equipment including equipment which serves to detect releases of potential water resources contaminants.

b. *Emergency Response.*

i. Chain of command and procedures for spill response.

ii. Phone list of response agencies including federal, state and city emergency contact numbers and environmental cleanup companies.

iii. Procedures for treating and disposing of spilled hazardous materials.

c. *Certification.* The SERP shall include a certification signed by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete, and the spill prevention equipment and emergency response measures described herein are as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

C. *Operational Inspections.*

1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations

~~may also be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. *Schedule*. The owner/operator shall develop a written schedule for inspecting all monitoring equipment, safety or emergency equipment, security devices, and any other equipment that helps prevent, detect or respond to water resource-related hazards.~~

~~3. *Regular Inspections*. The owner/operator shall perform site inspections to identify malfunctions and deterioration of equipment or containers, operator errors, discharges or any other condition that may cause or lead to the release of hazardous materials to water resources. The owner/operator shall conduct these inspections often enough to identify problems in time to correct them before they impact water resources. Inspections shall be completed in all areas where hazardous materials are managed and a written record of those inspections made at least annually.~~

~~4. *Water Resource-Related Hazard Mitigation*. The owner/operator shall remedy any problems revealed by the inspection. Where a water resource-related hazard is imminent or has already occurred, remedial action shall be taken immediately.~~

~~D. *Training Program.*~~

~~1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other facilities also may be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. Operations shall develop a training program or amend an existing program that informs employees at least once each year of any possible risks to water resources associated with on-site operations. The owner/operator shall ensure that employees know or understand:~~

~~a. The location of hazardous materials managed at the operation and the associated potential risks to water resources;~~

~~b. The location of material safety data sheets (MSDS) at the operation;~~

~~c. How employees can detect the presence or release of hazardous materials;~~

~~d. How employees can protect themselves through work practices, emergency procedures, and with personal protective equipment;~~

~~e. How to locate and use the operation's Spill and Emergency Response Plan; and~~

~~f. How to prevent the pollution or contamination of water resources.~~

~~E.~~ *Closure Plan.*

1. Each new Class II operation shall prepare and submit to the City a Closure Plan within 6 months of the date of issuance of the certificate of occupancy. Each existing Class II operation shall prepare and submit such a plan within 6 months of a request by the City. Class II operations shall ensure that their facilities are closed in a manner that prevents the release of hazardous materials during closure, protects water resources, and prevents post-closure escape of hazardous materials to water.

2. Plan Requirements: The Closure Plan shall detail the means by which the operation will, upon any closure anticipated to be longer than 2 years, remove and properly dispose of hazardous materials, and perform an investigation to confirm the presence or absence of hazardous materials in the soil and ground water, if potential contamination is indicated. Specifically, the Closure Plan shall include the following:

a. A listing of the types and quantities of hazardous materials reasonably expected to be present on-site during the operating life of the operation.

b. A description of the plan for removal and disposal of hazardous materials.

c. A description of the plan to decontaminate containment systems and ancillary equipment.

d. An estimate of the cost to implement the Closure Plan, using the assumption that a third party will conduct removal and disposal activities.

e. A certification signed by an authorized representative of the business/industry submitting the Closure Plan stating, "I certify that the information provided in this document is to the best of my knowledge accurate and the closure measures described herein will be implemented as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

3. *Report Update.* The owner/operator of an operation shall update the Closure Plan every 5 years or re-certify the current information and estimates. The Closure Plan shall also be updated if operating procedures change in such a way that the volume/mass of hazardous material is increased by 25% or more.

~~F~~ C. *Engineering and Operating Report.* When the City recognizes and demonstrates a need for additional information on an operation's practices, the City may require the operation to submit an engineering and operating report to accommodate the City's review of operations and to prevent releases of hazardous materials to water resources. If required, the report shall provide the following:

1. The type of industry or business including the kind and quantity of finished products.

2. A process flow diagram illustrating the process flow of water and materials in a normal operating day. This will include details on the operation's plumbing and piping and where specific chemicals are added to processes.

3. A discussion of any discharges to the Stormwater Drainage System.

4. A discussion of any discharges through land applications, including seepage lagoons, irrigation, and subsurface disposal. As applicable, this discussion should also include the depth to ground water and anticipated overall effects of the operations on the quality of water resources.

5. Provisions for any plans for future expansion or intensification.

6. A certification signed and dated by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

~~G. *Records & Reports.*~~

~~1. Operations shall maintain records of required inspection, training, cleaning and maintenance events. Where operations are otherwise required by the City or another agency to maintain such records, those records shall satisfy this requirement. All operations shall maintain these records on site for at least 3 years and shall make them available to the City upon request.~~

~~2. Plans, reports or other documentation concerning the management of hazardous materials shall also be made available to the City upon request.~~

~~3. Information provided to the City will be available to the public. Information may be claimed as confidential by the operation as outlined at VMC section 14.26.150 herein. If no claim is made at the time of submission, the City will make the information available to the public when requested.~~

~~H. *Protections for Stormwater*. All new Class I and II operations shall implement the applicable structural Best Management Practices (BMPs) of the Stormwater Manual prior to the date of issuance of the certificate of occupancy.~~

Section 8. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.140, is hereby amended to read as follows:

14.26.140 Administrative programs.

A. ~~*Educational and Technical Assistance Program.*~~ *Compliance Inspections.*~~:~~

~~1. The City will work in conjunction with other agencies to implement an Education and Technical Assistance Program to assist property owners, business and industry owners and managers, residents, and other interested parties in understanding the importance of protecting the City's water resources and in employing best management practices in pursuit of that goal.~~

~~2. The program directed toward business and industry will include but not be limited to technical assistance visits, informational fact sheets, self-audits or workshops.~~

~~3. Additional education and assistance programs aimed at residences, public institutions and low-risk businesses shall include:~~

~~a. Education on the proper use of pesticides, herbicides, fungicides, and fertilizers;~~

~~b. Discussions of the impacts of unauthorized discharges to drywells, catch basins, storm basins and sanitary sewer; and~~

~~c. Activities to explain and promote the proper management and disposal of used oil and other contaminants.~~

~~B. Compliance Inspections:~~

1. City personnel may inspect any operation in the City that is known to manage (or may potentially manage) ~~hazardous~~ potentially harmful materials or is reasonably believed to be a potential source of an illicit discharge and/or a risk to water resources.

2. Inspections may be initiated as the result of a complaint or referral, ~~or~~ as defined by a routine schedule for compliance, or if an operation is identified by the City as an operation that has the potential to release pollutants to water resources. Inspections will be used to determine if there is any risk to water resources, and to determine if an operation is in compliance with this chapter.

3. Inspections may involve a review of BMPs, process equipment, structures, and operating practices; records or plan review; interviews with operators; photo documentation and sampling. As such, operators shall allow representatives of the City, upon presentation of credentials, to:

a. Enter the premises where ~~hazardous~~ potentially harmful materials are being managed, or where records may be kept under the provisions of this chapter. The owner/operator shall make necessary arrangements to allow access without delay. Unreasonable delay may constitute a violation of this chapter;

b. Have access to and copy, at reasonable times, any records that must be kept under the provisions of this chapter;

c. Inspect at reasonable times any facilities, equipment (e.g., safety, monitoring, operating, or other equipment), practices or operations regulated or required under the provisions of this chapter;

d. Sample and monitor at reasonable times, any substances or parameters at any location for the purposes of assuring compliance or as otherwise authorized by the provisions of this chapter. This requirement may involve the City's installation or erection of equipment

to conduct sampling, inspection, compliance monitoring or metering operations. As such, at the written or verbal request of the City, operators shall remove any temporary or permanent obstruction to safe and easy access to an operation to be inspected and/or sampled. The operator shall not replace such an obstruction without the City's consent.

Section 9. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 57, and is codified as VMC 14.26.145, is hereby amended to read as follows:

14.26.145 Enforcement.

A. *Enforcement.* It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC Title 22.

B. *Supplemental Enforcement Provisions for Water Resources Protection.* In addition to civil and criminal enforcement as authorized under VMC Title 22, enforcement of this chapter may utilize the following authority:

1. The City Council of the City of Vancouver finds that an operation not in compliance with the requirements of this chapter constitutes a public nuisance under RCW 7.48, Nuisances.

2. The City may use field notes, observations, photo documentation, sample logs, analytical results or other information to define risk and to establish that an operation is in violation of this chapter.

3. The City may require the implementation of the operational ~~or~~ source control BMPs, structural ~~best management practices, as defined~~ source control BMPs, or treatment BMPs through the provisions of this chapter. Implementation of remedies to meet compliance standards shall be performed on a timeline approved by the City.

4. The City may also require the operator to sample and analyze any discharge, surface and ~~storm water~~ stormwater, ground water and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the City. If the operator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City.

5. The City may impose additional requirements whenever documented specific circumstances (applicable to the operation) threaten water resources.

6. Notwithstanding any other provisions of this chapter, whenever it appears to the City that conditions regulated by this chapter require immediate action to protect the public health and/or safety, the City is authorized to enter such property for the purpose of inspecting and investigating such emergency conditions.

7. When necessary corrective actions are not undertaken as directed by the City, an owner, operator or contractor can be held liable for abatement costs to remedy noncompliance as set forth in VMC 14.20.010(D).

Section 10. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.160, is hereby amended to read as follows:

14.26.160 Appeals.

A. Appeals of enforcement of this chapter under VMC 14.26.145 and VMC Title 22 shall be governed by VMC Title 22.

B. Appeals under VMC 14.26.135 relating to special protection areas shall be consolidated with any open record hearing or appeal related to any underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type II applications in VMC 20.210.020. ~~Where there is no underlying new development or~~

~~redevelopment application requiring an open record hearing or appeal, appeals under VMC 14.26.135 relating to special protection areas shall be processed according to the procedures set forth in VMC 14.20.070.~~

C. Appeals under VMC 14.26.155 relating to special exceptions shall be consolidated with any open record hearing or appeal related to the underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type III applications in VMC 20.210.020. ~~Where there is no underlying application requiring an open record hearing or appeal, appeals under VMC 14.26.155 relating to special exceptions shall be processed according to the procedures set forth in VMC 14.20.070.~~

Section 11. Savings. Those sections of any ordinances amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 12. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 13. Effective date. This ordinance shall become effective on July 31, 2022. Read first time: May 23, 2022

Ayes: Councilmembers Harless, Perez, Fox, Paulsen, Stober, Hansen, Mayor McEnerny-Ogle

Nays: None

Absent: None

Read second time: June 6, 2022

PASSED by the following vote:

Ayes: Councilmembers Harless, Perez, Fox, Paulsen, Stober, Mayor McEnerny-Ogle

Nays: None

Absent: Councilmember Hansen

SIGNED this 6th day of June, 2022.

DocuSigned by:
Anne McEnerny-Ogle
6C89D9089EC5424...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:
9A7DC2E31F694A2...
Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4372

AN ORDINANCE relating to water resources protection, amending certain sections of Chapter 14.26 of the City of Vancouver's Municipal Code regarding minimum standards to reduce the risk of contaminants entering surface waters and groundwaters, as last amended by Ordinance M-4179, and providing clauses for savings, severability, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).