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CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5478

AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING CHAPTER 3, REMEDIES AND PENALTIES, OF TITLE I (ADMINISTRATIVE); CHAPTER 6, STREET AND UTILITY STANDARDS; AND CHAPTER 11, DEFINITIONS, OF TITLE IV (DEVELOPMENT REGULATIONS) OF ORDINANCE NO. 4260 ENTITLED "CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON", TO PROVIDE FOR PUBLIC EDUCATION AND REGULATION OF ILLICIT STORMWATER DISCHARGE, ITS DETECTION AND ELIMINATION, ADOPTION OF THE STORMWATER POLLUTION PREVENTION MANUAL, ADDING DEFINITIONS FOR "BEST MANAGEMENT PRACTICES (BMPs)", "BMPs", "ILLICIT CONNECTION", "ILLICIT DISCHARGE", "MS4", "MUNICIPAL SEPARATE STORM SEWER SYSTEM", "NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT", "NPDES", "POTW" AND "PUBLICLY OWNED TREATMENT WORKS", AMENDING THE STATEMENT OF LEGISLATIVE PURPOSE, PROVIDING THAT VIOLATIONS THEREOF SHALL BE AN INFRACTION AND REPEAT VIOLATIONS A MISDEMEANOR, DECLARING ILLICIT CONNECTIONS AND ILLICIT DISCHARGES A NUISANCE, AMENDING THE NUISANCES CODE TO PROVIDE A REMEDY FOR ILLICIT DISCHARGE OF STORMWATER AND FOR ABATEMENT THEREOF, AND PROVIDING A RIGHT OF APPEAL FROM ADMINISTRATIVE DECISIONS.

THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION I. Section 1-3-4, Definitions, of Chapter 3, Remedies and Penalties, of Title I (Administrative) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add a new subsection 1-3-4A.11.c(23), to read as follows:

(23) Violations of surface and storm water drainage standards and regulations, Chapter 4-6, RMC.

SECTION II. Section 4-6-030, Drainage (Surface Water) Standards, of Chapter 6, Street and Utility Standards, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to read as follows:

A. PURPOSE:

1. The purpose of this Section shall be to promote and develop policies with respect to the City's watercourses and to preserve them by minimizing water quality degradation by previous siltation, sedimentation and pollution of creeks, streams, rivers, lakes and other bodies of water, and to protect property owners tributary to developed and undeveloped land from increased runoff rates and to insure the safety of roads and rights-of-way.

2. It shall also be a purpose of this Section to regulate the Municipal Separate Storm Sewer System (MS4) regarding the contribution of pollutants, consisting of any material other than stormwater, including but not limited to, illicit discharges, illicit connections and/or dumping into any storm drain system, including surface and/or ground water throughout the City that would adversely impact surface and ground water quality of the City and the State of Washington, in order to comply with requirements of the National Pollutants Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit.

B. ADMINISTERING AND ENFORCING AUTHORITY:

The Administrator of the Public Works Department is responsible for the general administration and coordination of this Section. All provisions of this

Section shall be enforced by the Administrator and/or his or her designated representatives.

C. SUBMISSION OF DRAINAGE PLANS:

1. When Required: All persons applying for any of the following permits and/or approvals shall submit for approval, unless expressly exempted under subsection C2 of this Section, a drainage plan with their application and/or request:

a. Mining, excavation and grading permit;

b. Shoreline management substantial development permit;

c. Flood control zone permit;

d. Major plat;

e. Short plat approval, except where each lot contains thirty five thousand (35,000) square feet or more;

f. Special permits;

g. Temporary permits;

h. Building permits. Where the permit relates to a single family residential structure of less than five thousand (5,000) square feet, the Administrator may waive the plan requirement except where the subject property is in a critical area, as determined under subsection D of this Section;

i. Planned urban development;

j. Site plan approvals;

k. Any other development or permit application which will affect the drainage in any way.

The plan submitted during one permit approval process may be subsequently submitted with further required applications. The plan shall be supplemented with additional information at the request of the Public Works Department.

2. When Plans Not Required: The plan requirement established in subsection C1 of this Section shall not apply when the Public Works Department determines that the proposed permit and/or activity:

a. Will not seriously and adversely impact the water quality conditions of any affected receiving bodies of water; and/or

b. Will not substantially alter the drainage pattern, increase the peak discharge and cause any other adverse effects in the drainage area.

c. Additionally, the plan requirement established in subsection C1 of this Section shall not apply to single family residences when such structures are less than five thousand (5,000) square feet, unless the subject property is in a critical area as determined under subsection D of this Section.

D. DEVELOPMENT RESTRICTIONS IN CRITICAL FLOOD, DRAINAGE AND/OR EROSION AREAS:

Development which would increase the peak flow and/or the volume of discharge from the existing flooding, drainage and/or erosion conditions presents an imminent likelihood of harm to the welfare and safety of the surrounding community until such a time as the community hazard is alleviated.

Where applications of the provisions of this Section will deny all reasonable uses of the property, the restriction on development contained in this Section may be waived by the Administrator for the subject property; provided, that the resulting development shall be subject to all of the remaining terms and conditions of this Section.

E. DRAINAGE PLAN REQUIREMENTS AND METHODS OF ANALYSIS:

1. Content: All persons applying for any of the permits and/or approvals contained in subsection C1 of this Section shall provide a drainage plan for surface water flows entering, flowing within and leaving the subject property. The drainage plan and supportive calculation report(s) shall be stamped by a professional civil engineer registered and licensed in the State of Washington. The drainage plan shall be prepared in conformance with the Core and Special Requirements contained in sections 1.2 and 1.3 of chapter 1, the hydrologic analysis methods contained in chapter 3, the hydraulic analysis and design criteria in chapter 4, and the erosion/sedimentation control plan and practices contained in chapter 5 of the 1990 King County Surface Water Design Manual, except where amended or appended by the Department.

2. Special Requirement #13; for Aquifer Recharge and Protection Areas: If a proposed project lies within an Aquifer Recharge and/or Protection Area as defined and designated by City ordinance and as indicated on the Aquifer Recharge and Protection Map at the City Permit Counter, then the proposed project drainage review and engineering plans shall be prepared in accordance

with the special requirements, methods of analysis and design standards that have been adopted for aquifer recharge and protection areas by City ordinance.

3. Additional Requirements in Aquifer Protection Areas - Amendments to King County Surface Water Design Manual, Chapter 1: The following sections of chapter 1 of the 1990 King County Surface Water Design Manual (which has been incorporated in the Renton Municipal Code by reference) is hereby amended to read as follows by adding additional requirements following the end of each section:

a. Section 1.2.1, CORE REQUIREMENT #1: DISCHARGE AT THE NATURAL LOCATION:

i. Requirements that Apply within Zones 1 and 2 of an Aquifer Protection Area: Surface water and stormwater runoff from a proposed project that proposes to construct new, or modify existing drainage facilities must be discharged at the natural location so as not to be diverted onto, or away from, the adjacent downstream property, except that surface and storm runoff from new or existing impervious surfaces subject to vehicular use or storage of chemicals should be discharged at the location and in the manner which will provide the most protection to the aquifer, as directed and approved by the Stormwater Utility and the Water Utility.

ii. Discharge from the project must produce no significant adverse impact to the downhill property. Where no conveyance system exists at the

adjacent downstream property line or other acceptable location and the discharge was previously unconcentrated flow, the runoff must:

Be conveyed across the downstream properties to an acceptable discharge point (see CORE REQUIREMENT #2; OFF-SITE ANALYSIS in § 1.2.2), with drainage easement secured from the downstream owners and recorded at the King County Office of Records and Elections prior to drainage plan approval, OR

Be discharged onto a rock pad shaped in a manner so as to disperse flow (see Figure 4.3.5I) if the runoff is less than 0.2 cfs runoff rate for the one hundred (100) year, twenty four (24) hour duration design storm event existing site conditions.

b. Section 1.2.3, CORE REQUIREMENT #3; RUNOFF CONTROL, "Biofiltration":

i. Requirements for Zone 1 of an Aquifer Protection Area: Proposed project runoff resulting from more than five thousand (5,000) square feet of impervious surface, and subject to vehicular use or storage of chemicals, shall not be treated prior to discharge from the project site by on-site biofiltration measures but shall instead be treated by a wetvault meeting the design criteria contained in § 1.3.5 SPECIAL REQUIREMENT #5; SPECIAL WATER QUALITY CONTROLS. New or existing retrofitted wetvaults and appurtenances shall meet the pipeline requirements specified in RMC 4-3-050H6a, Pipeline Requirements - Zone 1.

ii. Requirements for Zone 2 of an Aquifer Protection Area: Proposed project runoff resulting from more than five thousand (5,000) square feet of impervious surface, and subject to vehicular use or storage of chemicals, shall be treated prior to discharge from the project site by on-site biofiltration measures as described in § 4.6.3 in Chapter 4 of the King County Surface Water Design Manual. Biofiltration facilities may require a liner per the design criteria described in the section "Liner to Prevent Groundwater Contamination" in the introduction to § 4.6, Water Quality Facility Design.

iii. The biofiltration design flow rate shall be based on the peak rate of runoff for the two (2) year, twenty four (24) hour duration design storm event total precipitation. Note, biofiltration facilities installed following peak rate runoff control facilities may be sized to treat the allowable release rate (predeveloped) for the two (2) year, twenty four (24) hour duration design storm event for the peak rate runoff control facility. Biofiltration facilities installed prior to peak rate runoff control facilities shall be sized based on the developed conditions.

c. Section 1.2.3, CORE REQUIREMENT #3; RUNOFF CONTROL, "Detention Facilities":

i. Requirements for Zone 1 of an Aquifer Protection Area: The City of Renton prohibits the construction of new detention ponds to control the peak rate of runoff from new or existing impervious surfaces subject to vehicular use or storage of chemicals.

d. Section 1.2.3, CORE REQUIREMENT #3; RUNOFF CONTROL, "Retention Facilities":

i. Requirements for Zone 1 of an Aquifer Protection Area: The City of Renton prohibits the construction of new retention ponds to control the peak rate of runoff from new or existing impervious surfaces subject to vehicular use or storage of chemicals.

e. Section 1.2.3, CORE REQUIREMENT #3; RUNOFF CONTROL, "Infiltration Facilities":

i. Requirement for Zone 1 of an Aquifer Protection Area: The City of Renton prohibits the construction of new infiltration facilities to control the peak rate of runoff from new or existing impervious surfaces subject to vehicular use or storage of chemicals.

f. Section 1.2.4, CORE REQUIREMENT #4; CONVEYANCE SYSTEM "(4) For new drainage ditches or channels":

i. Requirements for Zone 1 of an Aquifer Protection Area: New drainage ditches or channels shall not be employed to convey the runoff resulting from impervious surface that is subject to vehicular use or storage of chemicals.

ii. Requirements for Zone 2 of an Aquifer Protection Area: New drainage ditches or channels may be employed in lieu of a pipe system. A groundwater protection liner may be required for new drainage ditches or channels per the design criteria, and existing drainage ditches or channels

reconstructed, to convey the peak runoff from the twenty five (25) year design storm using the design criteria described in the section "Liner to Prevent Groundwater Contamination" in the introduction to § 4.6, Water Quality Facility Design, and the methods of analysis described in § 4.3.7 in Chapter 4 of the King County Surface Water Design Manual with a freeboard to overflow of 0.5 feet. In addition, new drainage ditches or channels must be demonstrated to convey the peak runoff from the one hundred (100) year design storm without overtopping.

g. Section 1.2.4, CORE REQUIREMENT #4; CONVEYANCE SYSTEM, "Composition":

i. Requirements for Zone 1 of an Aquifer Protection Area: New conveyance systems shall be constructed in accordance with the pipeline requirements specified in RMC 4-3-050H.6.a, Pipeline Requirements - Zone 1, of the aquifer protection regulations. Proposed projects shall provide an impervious surface for all new or existing areas that will be subject to vehicular use or storage of chemicals. Said impervious surface shall be provided with the proper catch basins and a pipeline storm drainage system in order to collect surface water runoff and direct it into the downstream drainage conveyance system.

ii. Requirements for Zone 2 of an Aquifer Protection Area: A groundwater protection liner may be required for new drainage ditches or channels per the design criteria described in the section "Liner to Prevent Groundwater Contamination" in the introduction to § 4.6, Water Quality Facility

Design. Exception: New drainage ditches or channels do not require a groundwater protection liner following the last water quality facility. Proposed projects shall provide an impervious surface for all new or existing areas that will be subject to vehicular use or storage of chemicals. Said impervious surface shall be provided with the proper catch basins and an approved conveyance system in order to collect surface water runoff and direct it into the downstream drainage conveyance system.

h. Section 1.3.5, SPECIAL REQUIREMENT #5; SPECIAL WATER QUALITY CONTROLS:

i. Requirements for Zone 1 of an Aquifer Protection Area:

Threshold: If a proposed project will discharge runoff from more than one acre of impervious surface that will be subject to vehicular use or storage of chemicals, and:

(1) Proposes direct discharge of runoff to a regional facility, receiving water, lake, wetland, or closed depression without on-site peak rate runoff control; or

(2) The runoff from the project will discharge into a Type 1 or 2 stream, or Type 1 wetland, within one mile from the project site.

Requirement: The wetvault size shall be increased by a factor of 1.5 times the size of the wetvault normally required per § 4.6.2 of the 1990 King County Surface Water Design Manual and shall satisfy the wetvault required by § 1.2.3. CORE REQUIREMENT #3: RUNOFF CONTROL in Zone 1 of the aquifer

protection area. New or existing retrofitted wetvaults and appurtenances shall meet the pipeline requirements specified in RMC 4-3-050H6a, Pipeline Requirements - Zone 1.

ii. Requirements for Zone 2 of an Aquifer Protection Area:

Threshold: If a proposed project will construct more than one acre of impervious surface that will be subject to vehicular use or storage of chemicals, and

(1) Proposes direct discharge of runoff to a regional facility, receiving water, lake, wetland, or closed depression without on-site peak rate runoff control; or

(2) The runoff from the project will discharge into a Type 1 or 2 stream, or Type 1 wetland, within one mile from the project site.

Requirement: Then a wetpond meeting the standards described above shall be employed to treat a project's runoff prior to discharge from the site. A wetvault or water quality swale, as described above, may be used when a wetpond is not feasible. A groundwater protection liner may be required for wetponds and water quality swales per the design criteria described in the section "Liner to Prevent Groundwater Contamination" in the introduction to § 4.6, Water Quality Facility Design.

F. ADOPTION OF STORMWATER POLLUTION PREVENTION MANUAL (SPPM)

The 2009 King County Stormwater Pollution Prevention Manual (SPPM), as now or as hereafter may be amended by King County or the City of Renton, and

hereby referred to as the Stormwater Pollution Prevention Manual, is hereby adopted by reference. One copy of the manual shall be filed with the City Clerk including any amendments thereto.

G. DISCHARGE PROHIBITION

1. Prohibition of Illicit Discharge: Materials, whether or not solids or liquids, other than surface water and storm water shall not be spilled, leaked, emitted, discharged, disposed or allowed to escape into the storm sewer and/or drain system, surface water, ground water, or watercourses.

a. Examples of illicit discharge include, but are not limited to the following:

i. Trash, debris or garbage;

ii. Construction materials or waste water;

iii. Petroleum products, including but not limited to oil, gasoline, greases, fuel oil or heating oil;

iv. Antifreeze, brake fluid, windshield cleaner and other automotive products;

v. Metals in either particulate or dissolved form;

vi. Flammable or explosive materials or substances;

vii. Radioactive materials;

viii. Acids or batteries of any kind;

ix. Alkalis or basis;

x. Paints, stains, resins, lacquers, or varnishes;

xi. Degreasers, solvents or chemicals used in laundries or dry cleaners;

xii. Drain cleaners;

xiii. Pesticides, herbicides and fertilizers;

xiv. Steam cleaning wastes;

xv. Soaps, detergents, ammonias;

xvi. Swimming pool and spa cleaning wastewater and filter backwash containing water disinfectants (chlorine, bromine, or other chemicals);

xvii. Heated water;

xviii. Domestic animal waste;

xix. Sewage;

xx. Recreational vehicle waste water or sewage;

xxi. Animal carcasses;

xxii. Food waste;

xxiii. Bark and other fibrous material;

xxiv. Collected lawn clippings, leaves, branches or other yard waste material;

xxv. Silt, sediment or gravel;

xxvi. Dyes;

xxvii. Chemicals not normally found in uncontaminated water;

xxviii. Waste water or process water (including filtered or purified);

xxix. Any pollution or contaminant as referenced in the Stormwater Pollution Prevention Manual; and

xxx. Any hazardous material as defined in RMC 4-11-080, or waste not listed above and any other process-associated discharge except as otherwise allowed in this Section.

b. The following are examples of allowed discharges by this Section. If the discharges do not contain pollutants and unless the Administrator evaluates and determines that they are causing an adverse impact:

i. Diverted stream flows;

ii. Spring water;

iii. Rising ground water;

iv. Uncontaminated ground water infiltration;

v. Uncontaminated pumped ground water;

vi. Foundation or footing drains;

vii. Water from crawl space pumps;

viii. Air conditioning condensation;

ix. Flows from riparian habitat and wetland;

x. Discharges from emergency fire fighting activities;

xi. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

xii. Irrigation water from an agricultural source that is commingled with stormwater runoff;

xiii. Storm system dye testing is allowable by the City, and any dye testing by others requires verbal notification to the Public Works Department at least one day prior to the date of the test.

c. Activities that may result in illicit discharge, unless the application of Best Management Practices (BMPs) as specified in the Storm Water Pollution Prevention Manual are utilized, include but are not limited to:

i. 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 dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments into the MS4;

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

iii. Dust control with potable water;

iv. Automotive, airplane and boat washing;

v. Pavement and building washing;

vi. 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 MS4;

vii. Auto repair and maintenance;

viii. Building repair and maintenance;

ix. Landscape maintenance;

x. Hazardous waste handling;

xi. Solid and food waste handling;

xii. Application of pesticides;

xiii. Non-stormwater discharge permitted under another NPDES permit, provided that the discharge is in full compliance with all requirements of the permit, waiver, or other applicable requirements and regulations.

d. A person does not violate subsection G if:

i. That person has properly designed, constructed, implemented and is maintaining BMPs as required by this Chapter and Section, but contaminants continue to enter surface and storm water and underground water;

ii. That person can demonstrate that there are no additional contaminants in discharges from the site above the background conditions of water entering the site;

iii. The discharge is a result of an emergency response activity or other action that must be undertaken immediately or within a time too short to allow full compliance with this Chapter or Section in order to avoid an imminent threat to public health or safety. The Administrator by public rule may specify actions that qualify for this exemption in City procedures. A person undertaking emergency response activities shall take steps to assure that the discharges

resulting from such activities are minimized. In addition, this person shall evaluate BMPs to restrict recurrence.

e. Any person who knowingly allows or permits any prohibited discharges, as set forth in subsection G or the Stormwater Pollution Prevention Manual, through illicit connections, dumping, spills, improper maintenance of BMPs or other discharges, that allow contaminants to enter surface and storm water or ground water, shall be in violation of this Section.

2. Prohibition of Illicit Connections: The construction, use, maintenance or continued existence of any connection identified by the Administrator or his or her designees, that may convey any pollution or contaminants or anything not composed entirely of surface water and storm water, directly into the MS4, is prohibited, including without limitation, existing illicit connections regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. Remedy:

a. The person and/or property owner responsible for an illicit connection and/or illicit discharge shall initiate and complete all actions necessary to remedy the effects of such connection or discharge at no cost to the City.

b. If the person responsible for an illicit connection or illicit discharge and/or the owner of the property on which the illicit connection or illicit discharge has occurred fails to address the illicit connection or illicit discharge in

a timely manner, the Administrator or his or her designee shall have the authority to implement removal or remedial actions following lawful entry upon the property. Such actions may include, but not be limited to: installation of monitoring wells; collection and laboratory testing of water, soil, and waste samples; cleanup and disposal of the illicit discharge, and remediation of soil and/or groundwater. The property owner and/or other person responsible for the release of an illicit discharge shall be responsible for any costs incurred by the Public Works Department or its authorized agents in the conduct of such remedial actions and shall be responsible for City expenses incurred due to the illicit connection or illicit discharge, including but not limited to removal and/or remedial actions in accordance with RMC 1-3-3.

c. Compliance with subsection G shall be achieved through the implementation and maintenance of best management practices (BMPs) described in the Storm Water Pollution Prevention Manual. The Administrator or his or her designee shall initially rely on education and informational assistance to gain compliance with subsection G, unless the Administrator or his or her designee determines a violation poses a hazard to public health, safety, or welfare, endangers any property and/or other property owned or maintain by the City, and therefore should be addressed through immediate penalties. The Administrator or his or her designee may demand immediate cessation of illicit discharges and assess penalties for violations that are an imminent or substantial danger to the health or welfare of persons or danger to the environment.

4. Elimination of Illicit Connection and/or Illicit Discharge:

a. Notice of Violation: Whenever the ~~a~~ Administrator or his or her designee finds that a person has violated a prohibition or failed to meet a requirement of this ~~s~~ Section, he or she may order compliance by written notice of violation to the property owner and/or responsible person, by first class and certified mail with return receipt requested. Such notice may require without limitation:

i. The performance of monitoring, analyses, and reporting by the violator;

ii. The elimination of illicit connections or discharges;

iii. That violating discharges, practices, or operations shall immediately cease and desist;

iv. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

v. The implementation of source control or treatment BMPs. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system and/or waters of the State. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

b. Requirement to Eliminate Illicit Connection: The Administrator or his or her designee shall send a written notice, sent by first class and certified mail with return receipt requested to the property owner and/or the person responsible for the illicit connection, informing the property owner or person responsible for an illicit connection to the MS4 that the connection must be terminated by a specified date.

c. Requirement to Eliminate Illicit Discharges: The Administrator or his or her designee shall send a written notice, sent by first class and certified mail with return receipt requested to the property owner and/or the person responsible for the illicit discharge, informing the property owner or person responsible for an illicit discharge to the MS4, whether it be surface water and/or groundwater, that the discharge must be terminated by a specified date.

d. Sample and Analysis: When the Administrator or his or her designee has reason to believe that an illicit connection is resulting in an illicit discharge, the Administrator or his or her designee may sample and analyze the discharge and recover the cost of such sampling and analysis from the property owner or person responsible for such illicit connection or discharge pursuant to RMC 1-3-3, as now or as hereafter may be amended, and require the person permitting or maintaining the illicit connection and/or discharge to conduct ongoing monitoring at that person's expense.

e. Right of Appeal from Administrative Decision: Any person aggrieved by an administrative decision of the Administrator, or his or her designee, may appeal such decision pursuant to RMC 4-8-110.

f. Any illicit connection and/or illicit discharge as set forth in this Section or the Stormwater Pollution Prevention Manual is hereby declared to be a nuisance pursuant to RMC 1-3-3, and as defined in RMC 1-3-4A.11.c(23).

5. Reporting Requirements:

a. In the event of an illicit discharge or spill of hazardous material into the storm water drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the emergency dispatch services (911).

b. In the event of an illicit discharge of non-hazardous material into the storm water drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the Public Works Department by phone at 425-430-7400, or in person.

6. Inspections, Investigation and Sampling: The Administrator or his or her designee may lawfully enter property to inspect the facilities of any person to determine compliance with the requirements of these regulations.

a. Access:

i. The Administrator or his or her designee shall be permitted to lawfully enter and inspect sites subject to regulation under this Chapter and Section as often as may be necessary to determine compliance herewith, at all

reasonable hours for the purpose of inspections, sampling or records examination.

ii. The Administrator or his or her designee shall have the right to set up on the property necessary devices to conduct sampling, inspection, compliance monitoring, and/or metering actions.

b. Compliance With Inspection Report:

Within thirty (30) days of receiving an inspection report from the Public Works Department, the property owner or operator shall file with the Department a plan and time schedule to implement any required modifications to the site or to the monitoring plan needed to achieve compliance with the intent of this Chapter or Section or the NPDES permit conditions. This plan and time schedule shall also implement all of the recommendations of the Department.

7. All persons subject to the provisions of this Section shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to operation, maintenance, monitoring, sampling, remedial actions and chemical analysis made by or on behalf of a person in connection with any illicit connection or illicit discharge. All records which pertain to matters which are the subject of administrative or any other enforcement or litigation activities brought by the City pursuant to this Code shall be retained and preserved by the

person until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

H. DRAINAGE PLAN DESIGN CRITERIA, DRAFTING STANDARDS AND CONTENTS:

The drainage plan shall be prepared in conformance with the Department's construction plan drafting standards and contents, the City's Standard Specifications for Municipal Construction and Standard Detail documents, and the design criteria, construction materials, practices, and standard details contained in chapters 3, 4 and 5 of the current King County Surface Water Design Manual; provided, that the Department's standards and design criteria will take precedence and prevail in any interpretation of conflicting or contradictory standards and design criteria; and provided further, that within designated urban separators regulated in RMC 4-3-110, the 2005 King County Surface Water Design Manual Conservation Flow Control Area Level 2 flow control standards are required.

I. REVIEW AND APPROVAL OF PLAN:

1. Timing and Process: All storm drainage plans prepared in connection with any of the permits and/or approvals listed in subsection C1 of this Section shall be submitted for review and approval to the Development Services Division. If no action is taken by the City after submission of final drainage plans within forty five (45) days, then such plan is deemed approved.

2. Fees: Fees shall be as listed in RMC 4-1-180B.

3. Additional Information: The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Administrator or his or her designee.

J. BONDS AND LIABILITY INSURANCE REQUIRED:

The Development Services Division shall require all persons constructing retention/detention facilities to post with the Administrator surety and cash bonds or certified check in the amount of one and one-half (1-1/2) times the estimated cost of construction. Where such persons have previously posted, or are required to post, other such bonds with the Administrator, either on the facility itself or on other construction related to the facility, such person may, with the permission of the Director and to the extent allowable by law, combine all such bonds into a single bond; provided, that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further, that such bond shall on its face clearly delineate those separate bonds which it is intended to replace.

1. Construction Bond: Prior to commencing construction the person constructing the facility shall post a construction bond in an amount sufficient to cover the cost of conforming said construction with the approved drainage plans. In lieu of a bond, the applicant may elect to establish a cash escrow account with his bank in an amount deemed by the Administrator to be sufficient to reimburse the City if it should become necessary for the City to enter the property for the purpose of correcting and/or eliminating hazardous

conditions relating to soil stability and/or erosion. The instructions to the escrowee shall specifically provide that after prior written notice unto the owner and his failure to correct and/or eliminate existing or potential hazardous conditions and his failure to timely remedy same, the escrowee shall be authorized without any further notice to the owner or his consent to disburse the necessary funds to the City of Renton for the purpose of correcting and/or eliminating such conditions complained of. After determination by the Department that all facilities are constructed in compliance with the approved plans, the construction bond shall be released.

2. Maintenance Bond: After satisfactory completion of the facilities and release of the construction bond by the City, the person constructing the facility shall commence a three (3) year period of satisfactory maintenance of the facility. A cash bond, surety bond or bona fide contract for maintenance with a third party for the duration of this three (3) year period, to be approved by the Administrator and to be used at the discretion of the Administrator to correct deficiencies in said maintenance affecting public health, safety and welfare, must be posted and maintained throughout the three (3) year maintenance period. The amount of the cash bond or surety bond shall be in the amount of one and one-half (1-1/2) times the estimated cost of maintenance for a three (3) year period.

3. Liability Policy: The person constructing the facility shall maintain a liability policy during such private ownership with policy limits of not less than

one hundred thousand dollars ($100,000.00) per individual, three hundred thousand dollars ($300,000.00) per occurrence and fifty thousand dollars ($50,000.00) property damage, which shall name the City of Renton as an additional insured without cost to the City and which shall protect the City of Renton from any liability, cost or expenses for any accident, negligence, failure of the facility, omission or any other liability whatsoever relating to the construction or maintenance of the facility. Said liability policy shall be maintained for the duration of the facility by the owner of the facility, provided that in the case of facilities assumed by the City of Renton for maintenance pursuant to subsection K of this Section, said liability policy shall be terminated when said City maintenance responsibility commences.

K. CITY ASSUMPTION OF MAINTENANCE:

1. Maintenance of Facilities by City Authorized: The City of Renton is authorized to assume the maintenance of retention/detention facilities after the expiration of the three (3) year maintenance period in connection with the subdivision of land if:

a. All of the requirements of subsection G of this Section have been fully complied with;

b. The facilities have been inspected and approved by the Department after their first year of operation;

c. The surety bond required in subsection J of this Section has been extended for one year covering the City's first year of maintenance;

d. All necessary easements entitling the City to properly maintain the facility have been conveyed to the City; and

e. It is recommended by the Administrator and concurred in by the City Council that said assumption of maintenance would be in the best interests of the City.

2. Notification of Defect Required: The owner of said property shall throughout the maintenance period notify the City in writing if any defect or improper working of the drainage system has come to his or her notice. Failure to so notify the City shall give the City cause to reject assumption of the maintenance of the facility at the expiration of the three (3) year maintenance period, or within one year of the discovery of the defect or improper working of the drainage system, whichever period is the latest in time.

L. RETROACTIVITY RELATING TO CITY MAINTENANCE OF SUBDIVISION FACILITIES:

If any person constructing retention/detention facilities and/or receiving approval of drainage plans prior to the effective date of this Section re-assesses the facilities and/or plans so constructed and/or approved and demonstrates, to the Administrator's satisfaction, total compliance with the requirements of this Section, the City may, after inspection, approval and acknowledgment of the proper posting of the required bonds as specified in subsection J of this Section, assume maintenance of the facilities.

M. DRAINAGE PLAN REVIEW PROCEDURES:

The drainage plan and supportive calculations shall be reviewed by the Department using the Department's construction plan review procedures in coordination with all other applicable City permit review procedures.

1. Tests: Whenever there is insufficient evidence of compliance with any of the provisions of this Section or Code, or evidence that any material or construction does not conform to the requirements of this Section or Code, the Administrator or his or her designee may require tests as proof of compliance to be made at no expense to this jurisdiction. Test methods shall be as specified by this Section or Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Administrator or his or her designee shall determine test procedures. Suitable performance of the method or material may be evidence of compliance meeting the testing requirement.

N. ALTERNATE PROVISIONS FOR MATERIAL, CONSTRUCTION AND DESIGN:

See RMC 4-9-250E.

O. MODIFICATIONS OF CODE REQUIREMENTS:

See RMC 4-9-250D.

P. SEVERABILITY:

If any provision, subsection, sentence, clause or phrase of this Section or the application thereof to any person or circumstances is held invalid, the remaining portions of this Section and the application of such provisions to other persons or circumstances shall not be affected thereby.

Q. VIOLATIONS OF THIS SECTION AND PENALTIES:

A violation of any of the provisions of this Section shall be a civil infraction upon the first offense pursuant to RMC 1-3-2. See also, RMC 4-6-110.

SECTION III. Section 4-6-100, Definitions of Terms Used in this Chapter, of Chapter 6, Street and Utility Standards, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions for "Best Management Practices (BMPs)", "BMPs", "Illicit Connection" , "Illicit Discharge", "MS4", "Municipal Separate Storm Sewer System", "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit", "NPDES", "POTW" and "Publicly Owned Treatment Works", to read as follows:

BEST MANAGEMENT PRACTICES (BMPs): Means the methods of improving stormwater quality by preventing or reducing the discharge of pollutants, directly or indirectly into stormwater, surface water and groundwater. Such practices encompass a variety of managerial, operational, and structural measures that will reduce the amount of contaminants in stormwater and improve the quality of water resources. BMPs are separated into two broad categories: source control and treatment. Source control BMPs prevent contaminants from entering water bodies or stormwater runoff. Treatment BMPs are structures that treat stormwater to remove contaminants. See also, RMC 4-11-020 for BEST MANAGEMENT PRACTICES—WETLANDS.

BMPs: See, Best Management Practices, supra, and RMC 4-11-020.

ILLICIT CONNECTION: An unlawful connection to the municipal stormwater sewer system that conveys pollution or contaminants or anything not entirely composed of surface water and storm water directly into such facilities.

ILLICIT DISCHARGE: An unlawful conveyance of pollution or contaminants or anything not entirely composed of surface water and storm water directly or indirectly into the municipal stormwater sewer system, whether it be surface water and/or groundwater.

MS4: See, Municipal Separate Storm Sewer System.

MUNICIPAL SEPARATE STORM SEWER SYSTEM: Means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): a. owned or operated by the City of Renton; b. designed or used for collecting or conveying stormwater; c. which is not part of a Publicly Owned Treatment Works (POTW); and d. which is not a combined sewer.

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.

NPDES: See, National Pollutant Discharge Elimination System Stormwater Discharge Permit.

POTW: See, Publicly Owned Treatment Works.

PUBLICLY OWNED TREATMENT WORKS: Means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned.

SECTION IV. Section 4-11-020, Definitions B, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add a definition for "BMPs", to read as follows:

BMPs: Best Management Practices, see supra, and RMC 4-6-100.

SECTION V. Section 4-11-090, Definitions I, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions for "Illicit Connection" and "Illicit Discharge", to read as follows:

ILLICIT CONNECTION: See, RMC 4-6-100.

ILLICIT DISCHARGE: See, RMC 4-6-100.

SECTION VI. Section 4-11-130, Definitions M, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions for "MS4" and "Municipal Separate Storm Sewer System", to read as follows:

MS4: See, RMC 4-6-100.

MUNICIPAL SEPARATE STORM SEWER SYSTEM: See, RMC 4-6-100.

SECTION VII. Section 4-11-140, Definitions N, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions for "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" and "NPDES", to read as follows:

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: See, RMC 4-6-100.

NPDES: See, RMC 4-6-100.

SECTION VIII. Section 4-11-160, Definitions P, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions for "POTW" and "Publicly Owned Treatment Works", to read as follows:

POTW: See, RMC 4-6-100.

PUBLICLY OWNED TREATMENT WORKS: See, RMC 4-6-100.

SECTION IX. This ordinance shall be effective upon its passage, approval, and thirty (30) days after publication.

PASSED BY THE CITY COUNCIL this 3rd day of August, 2009.

Bonnie I. Walton

Bonnie I. Walton, City Clerk

ORDINANCE NO. 5478

APPROVED BY THE MAYOR this 3rd day of August, 2009.

Denis Law, Mayor

Approved as to form:

Lawrence J. Warren, City Attorney

Date of Publication: 8/7/2009 (summary)

ORD:1566:7/8/09:scr