Summary of Changes in Title 21:

- 21.10.030
  - Updated definitions for consistency with manual/permit as applicable
- 21.10.040
  - removal of engineering standards
  - generalizing of references to manual
- 21.10.050
  - couple of small wording changes
- 21.10.080/090
  - Generalized references to manual
- 21.10.120
  - Repealed
- 21.10.140
  - Violation reference added for NPDES Permit/Manual non-compliance
- 21.10.165
  - Updated reference to Stormwater Manual
- 21.10.190/210
  - Generalized references to the Stormwater Manual
- 21.10.221
  - New section added, 21.10.221 "Local Business Source Control Program"
- 21.10.260
  - Addition of reference to violations and remedies section
  - New subsection added for inspection for source control
- 21.10.280
  - Generalized references to the Stormwater Manual
- 21.14.040
  - Updated definitions for consistency with manual/permit as applicable
- 21.14.100
  - added several items to the initial application requirements
- 21.14.150/160
  - added or designee to 'City Engineer'
- 21.14.190
  - Exemptions: added reference to another exemptions chapter of code
  - Removed Construction of SFR from Exemption
  - Updated exemption of creation of hard surface to less than 2,000 square feet.

General Changes:

- "stormwater" is consistent throughout
- "hard or…" impervious surfaces added in several definitions.
- clarifications on NPDES discharges, i.e. "wastewater" or "stormwater" added as necessary
- Generalized references to the stormwater manual or permit as necessary

Chapter 21.10

STORMWATER MANAGEMENT

Sections:

Article VI. Enforcement and System Protection

Article I. General Provisions

21.10.010 Title.
This chapter shall be known as the "city of Puyallup stormwater management regulations" and may be so cited.

21.10.020 Purpose and scope.
(1) The purpose of this chapter is to ensure water quality standards and help protect receiving waters, and their beneficial uses, in accordance with the Federal Clean Water Act and state requirements, by establishing minimum requirements for measures that must be implemented to control the quantity and quality of stormwater that is produced or affected by development, redevelopment or construction site activity.

(2) The provisions of this chapter shall apply to all development, redevelopment and construction site activity that occurs within the incorporated area of the city of Puyallup.

21.10.030 Definitions.
For the purposes of this chapter the following definitions describe the meaning of the terms used in this chapter:

(1) "Developer" means a person or entity that engages, or plans to engage, in development, redevelopment or construction site activity.

(2~~1~~) "Director" means the Public Works Director or the Director's designated representative.

(3~~21~~) "Drainage manual administrator" means the plan approval authority.

~~(2) "Developer" means a person or entity that engages, or plans to engage, in development, redevelopment or construction site activity.~~

(4~~3~~) "Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.

(5~~4~~) "Hazardous substance" means any liquid, solid, gas or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 172-303-090 or 173-303-100.

(6~~5~~) "Illicit connection" means any infrastructure connection to the MS4 that is not intended, permitted, or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this title. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets or outlets that are connected directly to the MS4.

(7~~6~~) "Illicit discharge" means any discharge to the MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this title.

(8~~7~~) "Impervious surface" means a non-vegetated surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to rooftops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel, packed earthen materials and oiled, macadam or other surfaces which primarily impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of Minimum Requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

(98) "Local government(s)" shall mean or include the city of Puyallup.

(109) "Low impact development (LID)" 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 means a storm waterstormwater- management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small-scale storm waterstormwater controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings. LID implements engineered small-scale hydrologic controls to replicate the predevelopment hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating and detaining runoff close to its source. Examples of LID include: permeable paving, bioretentioninfiltration facilities (e.g., "rain gardens"), biofiltration facilities, green roofs, rainwater collection, runoff dispersion, tree retention, soil amendments, clustered site design, native landscaping/minimization of turf lawn, minimal excavation foundation systems, retention of natural site contours, impervious surface minimization, etc.

(110) "Low impact development principles" means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

(1021) "MS4" means municipal separate storm sewer system.

(131) "Municipal separate storm sewer system" means a conveyance or system of conveyances including roads and drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains: (a) owned and operated by the city; (b) designed or used for collecting and conveying stormwater; and (c) which is not a combined sewer.

(143) "NPDES stormwater permit," or the "National Pollutant Discharge Elimination System and state waste discharge general permit for discharges from small municipal separate storm sewers in western Washington," means the Phase II Western Washington Municipal Stormwater Permit administered by the Washington Department of Ecology under authority for the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 306, 402, 318 and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state.

(154) "Native vegetation" means Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

(16563) "Plan approval authority" is the development services administrator or director, or his or her designee.

(17674) "Should," as used in the Stormwater Manual, means shall, unless the plan approval authority permits or allows otherwise.

(18785) "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 water body, or a constructed infiltration facility. runoff during and following precipitation and snowmelt events, including surface runoff, drainage or interflow.

(19896) "Stormwater Manual" means the most current version, as approved for city use by the council, of the Stormwater Management Manual for Western Washington, published by the Washington State Department of Ecology, as presently constituted or as may be amended, updated, supplemented, or revised.

Additional definitions are to be found in Appendix 1 of the NPDES stormwater permit and the current version of the Stormwater Management Manual for Western Washington most recently approved for Ccity use.

21.10.040 Adoption of the Stormwater Manual.

(1) The city of Puyallup adopts the Washington State Department of Ecology Stormwater Management Manual for Western Washington (hereinafter, the Stormwater Manual), including, but not limited to, all definitions, thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines, optional guidance, and appendices and glossaries thereto. The version in effect will be the most current version approved by the council for city use. ~~by the council.~~

(2) Any exemptions to the Minimum Requirements will be those ~~(~~allowed by the~~set forth in.~~ NPDES Stormwater Permit and the Stormwater Manual for Western Washington.

~~Minimum Requirement No. 7 of Appendix 1, of the NPDES stormwater permit)~~ ~~for flow control requirements, including, but not limited to, those for projects that discharge directly~~ throughto an MS4 to the Puyallup River ~~(a water listed in Appendix I-E of the Stormwater Manual for Western Washington) shall meet the minimum requirements of~~ the NPDES p~~Permit and Stormwater Manual for Western Washington~~Appendix I-E. ~~The definition for the minimum requirement for hydraulic capacity shall be a stormwater system capable of conveying stormwater flows from the proposed condition project site and from the existing conditions from the remainder of the basin from the project site to the point of discharge. All such flows will remain within all catch basin or manhole rims for a continuous model simulation for the September 17, 1969, storm event assuming no backflow influence from the Puyallup River and show greater than one cfs remaining capacity of the system. The city engineer, or designee, will review all models seeking exemption. Capacity as defined above must be available from the project site to point of discharge to the Puyallup River for approval of any exemption to flow control. (Ord. 3130 § 1 (Exh. A), 2016; Ord. 2951 § 1 (Exh. A), 2010).~~

Article II. Permit Application Procedures

21.10.050 Stormwater management required.

(1) Developers that engage in development, redevelopment or construction projects in the city of Puyallup shall use and comply with the Stormwater Manual, and pursuant thereto employ best management practices (BMPs) to control stormwater flows, provide treatment, and ~~prevent~~ alleviate erosion and sedimentation.

(2) In addition, developers that engage in projects that discharge stormwater off site shall perform an off-site analysis and employ mitigation measures pursuant to the Stormwater Manual.

(3) All surface and stormwater runoff from a property where any person seeks 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. Discharge from the project must produce no significant adverse impact to the downhill property.

21.10.060 Stormwater site plans.

(1) The plan approval authority is authorized and entitled to fully review all development, redevelopment, or construction projects and stormwater site plans to ensure that stormwater control measures are adequate and consistent with the regulations in this chapter, and any other applicable law, regulation or rule.

(2) A developer shall submit a stormwater site plan to the city for review and approval, unless otherwise exempted. The stormwater site plan shall comply with the thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines and optional guidance of the Stormwater Manual. In addition, the developer shall submit an accurate estimate of the cost to prepare and implement the stormwater site plan, and any other relevant information that the city may require.

(3) The city shall review the stormwater site plan to ensure that stormwater control measures are adequate and comply with the regulations in this chapter. The city shall approve or deny the stormwater site plan based on the thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines and optional guidance and additional protective measures of the Stormwater Manual.

(4) If the city approves the stormwater site plan, then the developer shall properly implement the plan in its entirety. If the developer fails to satisfy the requirements of the stormwater site plan, in whole or in part, then the developer

shall promptly comply with a demand to cure, correction notice, stop work order, or restoration order issued by the city.

21.10.070 Contents of the stormwater site plan.
The stormwater site plan shall include the content, analysis and other information that is described in the Stormwater Manual.

21.10.080 Exemptions.
The activities that are identified as exempt in the stormwater permit and its appendices ~~Appendix I 3.2 of, section 1 Chapter 2.2 of Volume I of the Stormwater Manual~~NPDES stormwater permit are exempt from compliance with the minimum requirements for development, redevelopment or construction activity that are described in this chapter. ~~and in the Stormwater Manual.~~

21.10.090 Adjustments, exceptions and variances.
(1) Adjustments, exceptions, and variances may be granted at the discretion of the city pursuant to requirements of the NPDES stormwater permit and its appendices. ~~Appendix I, section 6 3.6 of the Chapters 2.7 and 2.8 of Volume I of the Stormwater Manual NPDES stormwater permit~~.

(2) To apply for an adjustment, exception or variance, a developer shall submit a written request with supporting documentation to the city.

(3) The city may approve the adjustment, exception or variance if the developer can, pursuant to the Stormwater Manual, demonstrate the adjustment, exception or variance will not adversely impact water quality and satisfies state and federal water quality laws and the criteria identified in ~~Chapters 2.7 and 2.8 of Volume I of~~ the Stormwater Manual.

21.10.100 Permit required.
The city shall not issue a land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, to a developer unless the requirements of this chapter are satisfied.

21.10.110 Permit fees.
A developer shall pay a nonrefundable permit fee to the city of Puyallup at the time that the developer submits a stormwater site plan to the city. The permit fee will provide for the cost of stormwater site plan review, administration and management of the permitting process, and inspection of development or redevelopment projects. The fee amount shall be established by the public works director or designee. The public works director may establish a permit fee schedule that is based upon the relative complexity of a proposed project, and any other relevant factors, and may amend such schedule from time to time.

21.10.120 Connection charges.
(1) The public works director is authorized and directed to compute and establish connection fees for all public stormwater drainage system improvements that have been constructed within the city upon completion of such improvements. All existing stormwater drainage facilities that have been constructed prior to the effective date of the ordinance codified in this chapter will not be subject to a charge in lieu of assessments, unless the stormwater drainage facility currently has an existing charge in lieu of assessment agreement in place. Such charge in lieu of assessment shall be based on the total area assessment basis or both, at the reasonable discretion of the development services director. Such project costs shall include all associated design and construction charges to the project.

(2) All connections made to a public stormwater drainage system from properties which have not been assessed or have not borne an equitable share of cost to such public system, shall be subject to a charge in lieu of assessment at the rate for the particular stormwater drainage system as stated in subsection (1) of this section. The assessment charge shall be based on the pro rata share of the public storm system at the rate predetermined by the public works director. Payment of the charge in lieu of assessment shall be made in full, prior to connecting to the public stormwater drainage system.

21.10.130 Latecomer's agreement.
(1) A "latecomer's agreement" shall be defined as an agreement between the city and a property owner for the sole purpose of reimbursing such owner for costs incurred by that owner for the installation of a public stormwater drainage system. Said system shall have a reasonable possibility of directly benefiting future development by other properties within the area.

(2) The latecomer's reimbursement charge shall be based on the total project cost and figured on either a front-foot or area assessment basis or both at the reasonable discretion of the public works director. The project costs shall include all associated design and construction charges of the project submitted by the property owner and approved by the city.

(3) The public works director is hereby authorized and directed to execute latecomer's agreements at the request of the property owner upon council approval. The agreement shall be executed in conformance with guidelines developed by the city. It shall be the owner's responsibility to keep a current address on record with the city at all times during the life of the payback agreement.

(4) All properties connecting to a public stormwater drainage system, for which a latecomer's agreement is in force and which property has not been assessed or has not borne an equitable share of this cost of such public system, shall be subject to a latecomer's connection charge. The connection charge shall be based on a pro rata share of the costs as stated in the latecomer's agreement, at the reasonable discretion of the development services director. Payment of the payback charge shall be made in full to the owner designated in the agreement and a release of acceptance of such payment shall be provided to the city prior to connecting to the public stormwater drainage system.

(5) It shall be the city's duty to collect all such appropriate connection charges and to remit such moneys to the developer designated in the agreement, for the entire life of the agreement.

21.10.140 Permit suspension and revocation.
The city may suspend and revoke any land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, after providing written notice and an opportunity to cure, for any of the following:

(1) Any violation of the provisions of the approved stormwater site plan;

(2) Any violation of the provisions of the land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter;

(3) Any noncompliance with a demand to cure, correction notice or stop work order issued with respect to the developer's development or redevelopment; and

(4) Any activity of the developer, or occurrence caused by the developer, on site or off site of the development project, that creates a material risk of harm to receiving waters, water quality, persons, property or public health, safety or welfare.

(5) Any violation of the NPDES stormwater permit or latest Stormwater Manual approved for City use.

21.10.150 Permit conditions.
As conditions of stormwater site plan approval, the city may impose such provisions thereto as may be deemed necessary to ensure compliance with the provisions of this chapter and the preservation of the public health, safety and welfare.

21.10.160 Performance bond.
Developers that engage in development and redevelopment projects in the city of Puyallup shall provide security to the city in accordance with the Stormwater Manual and this section. The developer shall post a surety, cash bond, or other means of security acceptable to the city prior to the issuance of any land-disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter. The amount of the security shall not be less than 125 percent of the total estimated cost, as reviewed

and approved by the city, to fully implement the approved stormwater site plan. The security shall include provisions that enable forfeiture for any circumstances that would allow permit suspension or revocation, and for any failure to comply with the provisions of this chapter and other applicable laws and regulations. The security shall not be fully elapsed without an inspection of completed work by the city, submission of as-built plans, certification by the city that the stormwater drainage system is in compliance with the approved stormwater site plan and the provisions of this chapter, and any other reasonable condition imposed by the city.

21.10.165 Twelve-month maintenance bond for public stormwater facilities.
Developers that engage in development and redevelopment projects in the city of Puyallup shall provide security to the city in accordance with the Stormwater Manual and this section. The developer shall post a surety, cash bond, or other means of security acceptable to the city upon approval of the final inspection report. The amount of this security shall not be less than 10 percent of total estimated construction cost, as reviewed and approved by the city, to fully implement the approved stormwater site plan. The security shall include provisions that enable forfeiture for any circumstances such as failure to repair or maintain the stormwater facility, and for any failure to comply with the provisions of this chapter and other applicable laws and regulations including the most current Stormwater Manual approved for City use. The security shall not be fully elapsed without an inspection of completed work by the city, and 12 months of satisfactory performance of the system.

21.10.170 Liability insurance.
All persons performing work within any existing street right-of-way or any public easement or other city property shall have a valid permit covering the work and shall be currently licensed and bonded with the state of Washington and the city as a contractor during the course of the work. The contractor shall procure and maintain insurance against claims for injuries to persons or damage to property which may arise from or are related to the work of the contractor.

(1) Minimum Amount of Insurance. The contractor shall maintain the following insurance limits: commercial general liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

(2) Other Insurance Provisions. The insurance policy must contain, or be endorsed to contain, the following provisions:

(a) The contractor's insurance coverage shall be primary insurance as respects the city. Any insurance, self-insurance, or insurance pool coverage maintained by the city shall be excess of the contractor's insurance and shall not contribute with it.

(b) The contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after delivery of 30 days' prior written notice by certified mail, return receipt requested, to the city.

(c) Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

(d) Verification of Coverage. The contractor shall furnish the city with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the contractor before commencement of the work.

Article III. Stormwater Management Criteria

21.10.180 Management requirements.
The requirements for managing stormwater for any development, redevelopment or construction project shall be those that are set forth in the Stormwater Manual.

21.10.190 Specific design criteria.
(1) Development, redevelopment and construction projects that disturb a land area exceeding the minimum thresholds identified in ~~Chapter 2.4 of Volume I of~~ the Stormwater Manual shall comply with and be designed according to the Stormwater Manual, including all design criteria, thresholds, minimum requirements, adjustment and variance criteria, supplemental guidelines and optional guidance.

(2) All private stormwater facilities arising from development, redevelopment and construction projects shall be segregated from public stormwater facilities.

(3) All public storm drainage systems shall be located on public property, within the public right-of-way, or within a tract- dedicated to the city. The minimum width of the right-of-way or tract shall be adequate to encompass all facilities and include room for access and maintenance, as determined by the city.

21.10.200 Basin plans.
If the city chooses, or has chosen, to develop a watershed plan or basin plan, then projects shall be subject to the plan's equivalent or more stringent minimum requirements for erosion control, source control, treatment, and operation and maintenance, and alternative requirements for flow control and wetlands hydrologic control as identified in the applicable basin or watershed plans.

21.10.210 Low impact development.
(1) Parties that engage in development, redevelopment and construction projects are required to employ, wherever feasible, low impact development practices to meet the design criteria set forth in PMC 21.10.190, in accordance with ~~Chapter 5 of Volume V and Chapter 3 of Volume III of~~ the Stormwater Manual.

(2) LID system designs shall be prepared by a registered professional engineer who is licensed in the state of Washington and experienced in LID design. Any such LID design shall be certified by the preparing engineer as feasible and safe for the intended application and sufficient to meet all state and federal requirements for such LID facilities. Such engineer shall further certify that the facility has been constructed as shown on the as-built plans and meets approved plans and specifications. Rain garden designs may instead be prepared by a qualified landscape designer consistent with the design requirements of the Stormwater Manual.

21.10.220 Oversizing.
When the city requires a developer to install conveyance lines that are larger than necessary to serve adjacent properties, such development shall be eligible for a latecomer's agreement. The stormwater drainage utility may participate in the cost to construct the oversizing upon council approval.

21.10.221 Local Business Source Control Program.
Businesses identified by the ~~C~~city as having a high potential for generating pollutants are required to implement source control BMPs consistent with the latest Stormwater Manual. If operational BMPs are not sufficient, structural and/or treatment BMPs will be required.

Article IV. Inspections

21.10.230 Inspections and notice.
(1) Developers that apply for any land-disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, or developers that engage in development, redevelopment and construction projects, implicitly consent that the city has authority to enter the project site at any reasonable time and inspect the site to verify compliance with the approved stormwater site plan and any applicable law or regulations, including those outlined in the latest Stormwater Management Manual approved for City use.~~.~~

(2) The city shall have authority to enter and inspect all development, redevelopment and construction project sites to verify compliance with the approved stormwater site plan and any applicable law or regulation, and verify proper installation and maintenance of required erosion and sediment controls. An authorized representative of the city may enter private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code.

3) For inspection programs authorized by PMC 21.10 Article IV~~II~~, when not directly related to an open permit, the city may provide advance mailings of its intent to inspect properties consistent with such inspection programs; provided the city receives no objection from the property owner, the city may inspect private facilities consistent with the terms provided in the advance mailings. An authorized representative of the city may enter private property

at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code, provided the utility shall first notify the proper owner or person responsible for the premises. If entry is refused, the public works director or designee shall have recourse to every remedy provided by law to secure entry.

(43) If the city observes any violation of the approved stormwater site plan, the city shall implement the enforcement noticing and correction procedures identified in PMC Title 1.

(54) A developer shall notify the city of its intent to begin work before commencing any development, redevelopment or construction activity, or any activity that triggers application of this chapter, and shall notify the city once the project is substantially complete.

21.10.240 Inspection requirements during construction.
While construction occurs on a known permitted development site, the city shall inspect the site to verify proper installation and maintenance of required erosion and sediment controls.

21.10.250 Final inspection reports.
Upon completion of construction and prior to final approval or occupancy, the developer shall provide a written report to the city, and therein certify that the developer has properly installed any permanent stormwater controls, and otherwise complied with the stormwater site plan. Thereafter, the city shall inspect the site to ensure proper installation of permanent stormwater controls such as stormwater facilities and structural BMPs.

Privately owned and maintained permanent stormwater treatment and flow control facilities are approved upon review and approval of the final inspection report by the public works director or his/her designee.

Publicly owned permanent stormwater treatment and flow control facilities are accepted as city property upon review and approval of the final inspection report by the public works director or his/her designee and completion of the 12-month performance period.

21.10.260 Inspection for preventive maintenance.
(1) Preventive maintenance for publicly owned permanent stormwater treatment, flow control and LID facilities shall be ensured through inspections by the city.

(2) Preventative maintenance for privately owned permanent stormwater treatment, flow control and LID facilities shall be ensured through inspection by the designated responsible party as identified in the maintenance and operations plan. Original inspection records will be maintained at the location designated in the maintenance and operations plan. A copy of all inspection reports for the calendar year will be submitted to the public works department no later than January 30th of the following year.

(3) Inspection reports shall be maintained by the city on all publicly and privately owned retention, detention and LID facilities and shall include, for example, when applicable, but shall not be limited to, the following:

(a) The date of inspection;

(b) Name of inspector;

(c) The condition of:

(i) Vegetation;

(ii) Fences;

(iii) Spillways;

(iv) Embankments;

(v) Reservoir area;

(vi) Outlet channels;

(vii) Underground drainage;

(viii) Sediment load;

(ix) Dispersion devices;

(x) Permeable pavement;

(xi) Green roof;

(xii) Drainage structures; or

(xiii) Any other item that could affect the proper function of stormwater facilities;

(d) Description of needed maintenance.

(4) If, after an inspection by the city, the condition of an element of the privately owned stormwater drainage system presents an imminent and material risk of danger to the public health, safety or welfare, the city may take such action as may be necessary to protect the public and make the facility function as designed~~safe~~. The city may assess any cost incurred by the city against the entity that is responsible for, or benefits from, the operation and maintenance of the privately owned stormwater drainage system. Any violations discovered during inspections are subject to the remedies outlined in section 21.11.070.

(5) The city shall inspect local businesses which have been identified as those with a high potential for generating pollutants, to ensure appropriate source control BMPs are being employed.

Article V. Maintenance

21.10.270 Maintenance agreement.

(1) Prior to the issuance of any land disturbing permit, street excavation permit, clearing, filling and grading permit, building permit, or other approval or permit that triggers application of this chapter, the city shall require the developer to execute an inspection and maintenance agreement that is binding on all subsequent owners of land served by the private stormwater facility. Such agreement shall provide for access to the system at reasonable times for regular inspection by the city and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established in the Stormwater Manual most recently approved for City use.

(2) The agreement shall be recorded by the developer and/or owner in the land records of Pierce County.

(3) The agreement shall also provide that, if after notice by the city to correct a violation requiring maintenance work and satisfactory corrections are not made by the responsible entities within a reasonable period of time as determined by the city, the city may perform all necessary work to place the facility in proper working condition. The city may assess the cost of the work and any penalties against the entity that is responsible for, or benefits from, the operation and maintenance of the facility, and there shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the city.

21.10.280 Maintenance responsibility.

(1) The owner of the property on which work has been done pursuant to this chapter for private stormwater drainage systems, or any other person, home owners or condominium association or agent in control of such property, shall maintain in good condition and promptly repair and restore all stormwater facilities, including but not limited to elements such as grade surfaces, walls, drains, dams and structures, LID features, infiltration capacity, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations and maintenance shall be in accordance with the approved stormwater site plan.

(2) Pursuant to the Stormwater Manual ~~, especially Chapter 2.5.9 of Volume I,~~ the developer shall provide to the city an operations and maintenance manual ~~that is consistent with the provisions in Chapter 4.6 of Volume V of the Stormwater Manual~~ for all proposed stormwater facilities and BMPs, and the party (or parties) responsible for maintenance and operation shall be identified. At private facilities, a copy of the manual shall be retained on site or

within reasonable access to the site, and shall be transferred with the property to the new owner. For public facilities, a copy of the manual shall be retained in the appropriate ~~department~~ division in public works. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection by the city.

(3) The maintenance and operation of a private stormwater drainage system shall be the responsibility of the property owner(s). Furthermore, the property owner(s) shall, in accordance with the operation and maintenance schedule, record and log maintenance performed and date. Operation and maintenance records shall be retained by the property owner for a minimum of three years and shall be filed with the city public works department annually no later than January 30th for the preceding year~~'~~s report and be available to the city for inspection at all reasonable times.

(4) Revisions to maintenance and operations plans for privately owned stormwater facilities must have prior approval of the public works director or his/her designee.

(5) The city shall be responsible for the maintenance and operation of all public stormwater drainage facilities located within public easements and rights-of-way following the completion of the successful maintenance period and the acceptance of such facilities by the city.

Article VI. Enforcement and System Protection

21.10.290 Violation – Penalty.

(1) Any person convicted of violating the provisions of this chapter is guilty of a gross misdemeanor and upon conviction thereof shall be subject to a fine of not more than $5,000 or imprisonment not exceeding one year or both for each and every violation with costs imposed at the discretion of the court. Each day that the violation continues shall be a separate offense. In addition, the city may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.

(2) In addition to, or in lieu of the provisions of subsection (1) of this section, the city shall reserve the right to recover all reasonable costs incurred abating, cleaning, replacing or repairing adverse impacts to the stormwater system, appurtenances, surface waters, aquifers, wetlands or watercourses resulting from a deleterious discharge from a determinable source or sources. Failure to pay appropriate charges or delinquencies in payment shall result in a property lien.

21.10.300 Cross-connections prohibited.

The installation or maintenance of any cross-connection pertaining to the connection between any stormwater drainage system and any sanitary sewer system is prohibited. Any such cross-connections existing as of the effective date of the ordinance codified in this chapter or thereafter installed are considered a nuisance and shall be abated immediately. If, after proper notice, the property owner does not abate the cross-connection as directed by the city, then the city shall have the authority to abate such connection(s) and bill the property owner for all reasonable costs. Any delinquent payments shall constitute a lien.

21.10.310 Water quality.

(1) It is unlawful for any individual, firm or corporation to discharge into the public stormwater drainage system directly or indirectly any liquid or solid substances which may cause or tend to cause water pollution in accordance with any applicable laws or regulations that govern illicit discharge, detection and elimination, including Chapter 21.11 PMC.

(2) Products of erosion shall be prevented from entering the public stormwater drainage system all the time, both during construction on the property and the subsequent operation of the facilities provided. All trash and debris shall be prohibited from entering the stormwater drainage system at any point within the property.

(3) Discharges from commercial or industrial vehicle washing facilities within the sanitary sewer service area shall discharge to the sanitary sewer following pretreatment for removal of large solids, oil and grease. Washing areas shall be covered, sloped or curbed to minimize entry of uncontaminated stormwater into the sanitary sewer system.

Wash water containing detergents, degreasers or other cleaning compounds shall not be discharged to any surface water or watercourses, either directly or via the storm sewer system.

(4) Whenever a known discharge of any potentially deleterious material shall occur, the responsible party shall immediately notify the city of the existence of such discharge and the location thereof.

(a) The notification required by this section in Puyallup shall be given by telephoning 911 or other such emergency number as may be designated.

(b) The requirements of this section shall not be construed to forbid the responsible party from using all diligence necessary to control such discharge prior to notification especially if such efforts may result in the control or containment of the discharge or abatement of hazards or adverse impact.

(c) No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedure required by the state of Washington or any federal agency.

21.10.320 Work in city right-of-way.
(1) All work within the limits of any street right-of-way or any public easements must be pursued to completion with due diligence and if an excavation is left open beyond a reasonable length of time, the city shall cause the same to be backfilled and restored forthwith.

(2) Any costs incurred by the city in backfilling or restoring said excavation will be charged to the property owner and/or developer. Any delinquent payments shall constitute a lien.

21.10.330 Appeals.
Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce this chapter in regard to a specific application, shall have the right to appeal the action to the hearing examiner. The appeal shall be filed in writing with the office of the hearing examiner within 10 business days of the date of official transmittal of the final decision or determination to the developer, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under this code.

Chapter 21.14

CLEARING, FILLING AND GRADING

Sections:

Article I. Title, Purpose and General Provisions

21.14.040 Definitions.

As used in this chapter:

(1) “Accelerated erosion” means any increase over the rate of natural erosion as a result of land-disturbing activity.

(2) “Adequate erosion control measure, structure or device” means a mechanism to control soil movement within the area of soil disturbance and which does not result in accelerated erosion and associated transport of sediments downstream.

(3) “Applicant” means any person proposing to do land-disturbing activity within the city limits.

(4) “Area of special flood hazard” means land in a floodplain area subject to a one percent or greater chance of flooding in any given year as designated by the FEMA National Flood Insurance Program or as adopted by the city.

(5) “Bench” means a relatively level step excavated into natural earth or fill material.

(6) “Borrow” means fill material which is required for on-site construction and is obtained from locations other than the site.

(7) “Buffer” means a parcel or strip of land that is designated to remain permanently in an undisturbed and untouched condition. No building, clearing, filling or grading is permitted within this area, except for watercourse maintenance when necessary to protect life or property.

(8) “Clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a site which exposes the earth’s surface.

(9) “Compaction” means the densification of a fill by mechanical means.

(10) “Construction documents” means the drawings (plans) and specifications which comprise the directions on how the land-disturbing activity or activity which includes land disturbance is to occur.

(11) “Control measure” means a practice or combination of practices to control erosion and attendant pollution.

(12) “Developer” means a person, partnership or corporation for whose benefit the land-disturbing activity is performed. An individual who builds a house for the individual’s own occupancy is not a developer.

(13) “Drainage course” means any flow of water through a natural drainage system, manmade conveyance system or overland drainage in sheet flow condition.

(14) “Earth or earth material” means naturally occurring rock, soil, stone, dirt or combination thereof.

(15) “Earthwork” means any operation involving the excavation, grading or filling of earth materials.

(16) “Energy dissipater” means a structure of a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to break down the energy from high velocity flow.

(17) “Engineer” means a professional civil engineer, licensed by the state of Washington, and retained and acting on behalf of the applicant.

(18) “Environmentally sensitive area” means streams, stream corridors, ground water recharge areas, wetlands, critical habitat areas, fish-bearing waters or any other natural feature which would be subject to degradation from erosion, sedimentation or increased runoff associated with land-disturbing activity.

(19) “Erosion” means the wearing away of land surface through the action of wind, water, gravity, or any combination thereof.

(20) “Excavation” means the mechanical removal of earth material.

(21) “Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, natural vegetative covering of soil surface, or fill material (including temporary stockpiling of fill material).

(22) “Fill material” means a deposit of earth material placed by mechanical means.

(23) “Grade” means the vertical location of the ground surface:

(a) “Existing grade” is the vertical location of the ground surface prior to grading.

(b) “Finish grade” is the final grade of the site which conforms to the approved plan.

(c) “Rough grade” is the stage at which the grade approximately conforms to the approved plan.

(24) “Grading” means any excavating, filling, clearing, recontouring of the ground surface or combination thereof.

(25) “Ground cover” means any natural vegetative growth or other material which renders the surface of the soil stable against accelerated erosion.

(26) “Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

(2~~6~~7) “Impervious surface” means a non-vegetated surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel, packed earthen materials and oiled, macadam or other surfaces which primarily impede the natural infiltration of stormwater.

(2~~7~~8) “Land-disturbing activity” means any use of land by any person in residential, industrial, education, institutional or commercial development, highway and road construction, maintenance or forestry activities that result in change in the natural cover or topography and that may cause or contribute to sedimentation.

(2~~8~~9) “Natural erosion” means the wearing of the earth’s surface by water, wind or other natural agents under natural environment conditions undisturbed by human activity.

(30~~29~~) "Natural watercourse" means any creek, stream, river, wetlands, pond, natural or impounded and perennial or ephemeral, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

(31~~0~~) "Permanent erosion control" means the continuous on-site and off-site control measures that are needed to prevent accelerated erosion, sedimentation or related pollution from occurring after completion of the land-disturbing activity or the construction project of which the land-disturbing activity is a part.

(32~~1~~) "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, council, utility, cooperative, interstate body, or other legal entity.

(33~~2~~) "Person conducting land-disturbing activity" means any person who may be held responsible for a violation unless expressly provided otherwise by this chapter, or any order adopted pursuant to this chapter.

(34~~3~~) "Person responsible for the violation" means:

(a) The developer or other person who has or holds himself/herself out as having financial or operational control over the land-disturbing activity; and/or

(b) The landowners or person in possession or control of the land who has directly or indirectly allowed the land-disturbing activity or has benefited from it or has failed to comply with any provision of this chapter, or any order adopted pursuant to this chapter as imposed by duty.

(35~~4~~) "Plan" means a drawing which will be a part of the set of drawings in the construction documents.

(36~~5~~) "Sediment" means solid particulate matter, either mineral or organic, that has been or is being transported by water, air, gravity or ice from its site of origin.

(37~~6~~) "Sedimentation" means the process by which sediment has been transported off the site of the land-disturbing activity and settled onto land or the bed of a creek, stream, river, wetland, pond, or other water body.

(38~~7~~) "Site" means any parcel or combination of contiguous parcels where grading, filling, clearing, or creation of any hard or impervious surface is proposed, and which may be controlled by more than one property owner.

(39~~8~~) "Slope" means an inclined earth surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

(~~39~~40) "Soils engineer" means a professional civil engineer, licensed by the state of Washington, and experienced and knowledgeable in soils engineering.

(41~~0~~) "Stockpiling" means the placement of material with the intent to remove at a later time.

(42~~1~~) "Storm drainage facilities" means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

(43~~2~~) "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff, drainage or interflow.

(44~~3~~) "Stormwater Manual" means the most current version, as approved for city use by the council, of the Stormwater Management Manual for Western Washington, published by the Washington State Department of Ecology, as presently constituted or as may be amended, updated, supplemented, or revised.

(45~~4~~) "Surface water" means the naturally occurring water that flows over or is stored on the earth's surface.

(46~~5~~) "Surface water system" means the network of depressions, swales, channels, wetlands, ponds, streams, potholes and other features which have formed in the natural topography over time to convey or store stormwater or

surface water. In some cases, portions of the natural surface water system have been channelized or otherwise altered.

(4~~6~~7) "Temporary erosion control" means the on-site and off-site control measures that are needed to prevent accelerated erosion, sedimentation or related pollution from occurring, but may not be needed when the project is completed or when ground conditions have been stabilized by permanent erosion control measures.

(4~~7~~8) "Tract" means all contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time.

(4~~8~~9) "Uncovered" means the removal of ground cover from, on, or above the soil surface.

(~~49~~50) "Undertaken" means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

(5~~1~~0) "Uniform Building Code (UBC)" means the most recent version of the Uniform Building Code adopted by the city.

(5~~2~~1) "Variance" means the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

(5~~3~~2) "Waste" means surplus materials resulting from on-site construction and disposed of at other locations.

(5~~4~~3) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: (a) at least periodically, the land supports predominantly hydrophytes*, (b) the substrate is predominantly undrained hydric soil**, and (c) the substrate*** is nonsoils and is saturated with water and covered by shallow water at some time during the growing season of each year.

Notes:

*"Hydrophytes" means any plant growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**"Hydric soil" means soil that is wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.

***"Substrate" means a layer beneath the surface soil.

(5~~5~~4) "Working days" means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

Article II. Permits and Plans

21.14.100 Application for permit.

(1) The initial application for a permit must include enough information to determine feasibility which at minimum must include the following:

(a) Application form;

(b) Site map and grading plan;

(c) Environmental checklist, unless the proposed activity is exempt;

(d) Application fees;

(e) Construction stormwater pollution prevention plan.

(f) Preliminary Stormwater Site Plan

(g) Soil Engineering Report, where required to determine feasibility

(h) Engineering Geology Report, where required to determine feasibility

(2) After preliminary approval is given on the initial application submittal, the supplemental application must include the following:

(a) Stormwater site plans;

(b) Soil engineering report, where required;

(c) Engineering geology, where required;

(d) Work schedule;

(e) Any supplemental material required by the city engineer.

21.14.150 Soil engineering report.

(1) A soil engineering report, when required by the building official and/or the city engineer or designee, shall be based on adequate and necessary test borings, and shall contain all the following information:

(a) Data regarding the nature, distribution, strength, and erodibility of existing soils;

(b) Data regarding the nature, distribution, strength and erodibility of soil to be placed on the site, if any;

(c) Conclusions and recommendations for grading procedures;

(d) Conclusions and recommended designs for temporary and permanent soil stabilization devices and measures identified in the construction stormwater pollution prevention plan;

(e) Conclusions and recommendations for stormwater infiltration capacity and feasibility if stormwater infiltration is required or proposed for the site, consistent with the requirements of Chapter 21.10 PMC;

(f) Design criteria for corrective measures when necessary;

(g) Opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

(2) Recommendations included in the report and approved by the building official shall be incorporated into the plans or specifications.

21.14.160 Engineering geology report.

(1) An engineering geology report, when required by the city engineer or designee, shall be based on adequate and necessary test boring and shall contain the following information:

(a) An adequate description of the geology of the site;

(b) Conclusions and recommendations regarding the effect of geologic conditions on the proposed development;

(c) Conclusions and recommendations for stormwater infiltration capacity and feasibility if stormwater infiltration is required or proposed for the site, consistent with the requirements of Chapter 21.10 PMC;

(d) Opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

(2) Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.

21.14.190 Exemptions.

(1) Exemptions will be consistent with those in Section 21.10.080.

(2~~1~~) Noncritical Areas. In noncritical areas, the following activities are exempt from permit requirements:

(a) Excavations of less than five feet in vertical depth or fills less than eight inches of vertical depth on any portion of a site and involving the removal, deposit or displacement of not more than a total of 100 cubic yards of material during any two-year period;

(b) The stockpiling of less than 500 cubic yards of topsoils, crushed rock, sawdust, mulch, bark, chips or similar materials on a lot, tract or parcel of land for a period not to exceed one year; provided, that the stockpile has adequate cover to prevent erosion. This exemption may be extended for more than one year upon approval of the city engineer if, in his/her opinion, the stockpile is not adversely impacting water resources;

(c) The broadcasting of less than 100 cubic yards of topsoils, peat, sawdust, mulch, bark, chips or solid nutrients used for landscaping or soils conditioning on a lot, tract or parcel of land during any two-year period, provided finished depth does not exceed eight inches;

(d) The stockpiling of organic or inorganic materials used for construction stock in a city-approved construction project; provided, that the use, location and extent of stockpiles was disclosed through the project review process;

(e) The creation of ~~impervious~~ hard surfaces which have an area of less than 2~~5~~,000 square feet;

~~(f) The construction of single-family residential structures;~~

(f~~g~~) Emergency temporary sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property, provided such measures do not adversely impact adjacent properties.

(3~~2~~) Environmentally Sensitive Areas. In environmentally sensitive areas as designated pursuant to Chapter 21.04 PMC, there are no exemptions.

(4~~3~~) Environmentally Critical Areas. In environmentally critical areas as designated pursuant to Chapter 21.06 PMC, there are no exemptions in the following areas:

(a) Wetlands Categories I, II, III, and IV;

(b) Stream Categories I, II, III, and IV;

(c) Lakes Categories I, II, and III;

(d) Landslide hazard areas Categories III and IV;

(e) Wildlife habitat;

(f) Buffers for wetlands Categories I, II, III and IV;

(g) Buffers for stream Category I;

(h) Buffers for lake Categories I and II;

(i) Buffers for wildlife habitat.

(5~~4~~) In the landslide hazard area Categories I and II, buffers for streams Categories II, III and IV, buffers for lake Category III, and buffers for landslide hazard areas Categories I, II, III and IV as designated pursuant to Chapter 21.06 PMC, the following activities are exempted from permit requirements:

(a) Excavations less than three feet or fill less than eight inches in vertical depth and involving the removal, deposit or displacement of not more than a total of 30 cubic yards of material during any two-year period;

(b) The broadcasting of topsoils for landscaping or soils conditioning not exceeding 30 cubic yards and no more than three inches in depth in total;

(c) The broadcasting of less than 100 cubic yards of peat, mulch or bark for landscaping or soils conditioning on a lot, tract or parcel of land per year;

(d) Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property, provided such measures do not adversely impact adjacent properties.

(6~~5~~) Exemption, waiver or variance from clearing, filling and grading permit requirements does not exempt the applicant from the policies, criteria and standards contained in this chapter or other applicable local, state or federal permit requirements.

City of Puyallup
Public Works – Stormwater Engineering
333 South Meridian
Puyallup, WA 98371

City of Puyallup is required to comply with the Western Washington Phase II Municipal Stormwater Permit.

In order to do this, the City must:

Adopt the 2019 Western Washington Stormwater Manual by June 30, 2022

- Update codes and adopt an ordinance and pass a resolution that requires all permit submittals to comply with the 2019 Western Washington Stormwater Manual, which is the new addition of the currently adopted 2014 Stormwater Management Manual for Western Washington.
    - Code updates to Title 21 (fairly minimal),
        - Remove reference to specific sections of the stormwater manual in code and update the code to reference a more general 'currently adopted stormwater Manual' to ease future Stormwater Manual adoptions as required.
        - Update definitions to match the Stormwater Manual definitions
        - Address continuity within code to match manual thresholds.
    - Resolution to council adopting the 2019 Stormwater Manual
    - Significant Changes from 2014 to 2019 SWMMM attached
    - Municipal Permit section that requires this adoption attached.

Implement a Local Source Control Program for existing development by August 1, 2022

- Updates to Title 21 codes with an ordinance that will allow us to implement a source control program for existing development. These code updates will allow the City to require the application of source control BMPs for pollutant generating sources associated with existing land uses and activities and implement an inspection program for sites identified as potentially pollution generating.
    - Municipal Permit section that requires this adoption attached.

Significant Changes Between Stormwater Manuals

Reference Document for Planning Commission

The *2012 Stormwater Management Manual for Western Washington as Amended in December 2014* (2014 SWMMWW) has been updated and will be required to be superseded by the *2019 Stormwater Management Manual for Western Washington* (2019 SWMMWW). 'Significant' changes are below.

1. Continuous Simulation Modeling: Text throughout the SWMMWW has been updated to require continuous simulation models that include: • The ability to directly model BMPs that may be used in LID applications, such as bioretention, permeable pavement, and green roofs.

• 15-minute time steps.

• Incorporation of the van Genuchten algorithm to model bioretention.

2. Replaced Hard Surfaces Redevelopment Threshold: The Minimum Requirement Thresholds for non-road related commercial or industrial redevelopment projects have been updated to require the project proponent to compare the value of the proposed improvements to the value of the Project Site (the limits of disturbance) improvements, rather than the Site (the entire parcel) improvements.

3. Equivalent Areas: The Redevelopment Project Thresholds have been updated to allow a project proponent to provide Stormwater Management BMPs for an equivalent area. The equivalent area may be on-site or off-site if the area drains to the same receiving water and the guidance for in-basin transfers is followed.

4. Minimum Requirement 2: The 13 Elements in Minimum Requirement 2 (Construction Stormwater Pollution Prevention) have been updated to incorporate changes that were made to the *2015-2020 Construction Stormwater General Permit*.

5. Minimum Requirement 5: Minimum Requirement 5 (On-Site Stormwater Management) has been updated to require BMP T5.13 (Soil Quality and Depth) when choosing to use the LID Performance Standard to meet Minimum Requirement 5, for Minimum Requirement 1-5 projects.

6. Minimum Requirement 7: Minimum Requirement 7 (Flow Control) has been updated to ensure that a TDA discharging to a marine waterbody meets all exemption requirements before it can be determined to be Flow Control exempt.

7. Concrete Washout BMP: BMP C154 (Concrete Washout Area) has been updated to clarify that auxiliary concrete truck components and small concrete handling equipment may be washed into formed areas awaiting concrete pour, while concrete truck drums must be washed either off-site or into a concrete washout area.

8. Source Control BMPs: Volume IV (Source Control BMP Library) has been updated with Source Control BMPs for activities not listed in previous versions of the manual. The new activities with Source Control BMPs are: • S434 BMPs for Dock Washing

• S441 BMPs for Potable Water Line Flushing, Water Tank Maintenance, and Hydrant Testing

• S435 BMPs for Pesticides and an Integrated Pest Management Program

• S444 BMPs for the Storage of Dry Pesticides and Fertilizers

• S449 BMPs for Nurseries and Greenhouses

• S450 BMPs for Irrigation

• S445 BMPs for Temporary Fruit Storage

- S439 BMPs for In-Water and Over-Water Fueling
- S436 BMPs for Color Events
- S438 BMPs for Construction Demolition
- S440 BMPs for Pet Waste
- S442 BMPs for Labeling Storm Drain Inlets On Your Property
- S443 BMPs for Fertilizer Application
- S446 BMPs for Well, Utility, Directional and Geotechnical Drilling
- S447 BMPs for Roof Vents
- S451 BMPs for Building, Repair, Remodeling, Painting, and Construction
- S452 BMPs for Goose Waste

9. Wetlands Guidance: Appendix I-C (Wetland Protection Guidelines) and Minimum Requirement 8 (Wetlands Protection) have been updated to require monitoring and modeling of high value wetlands, if the project proponent has legal access to them. The 2014 Wetland Guidance is retained, but refined, for modeling requirements for lower value wetlands (and high value wetlands that the project proponent does not have legal access to).

6. Controlling Runoff from New Development, Redevelopment, and Construction Sites

Each Permittee shall implement and enforce a program to reduce pollutants in stormwater runoff to a regulated small MS4 from new development, redevelopment and construction site activities. The program shall apply to private and public development, including transportation projects.[17]

The minimum performance measures are:

a. Implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects.

Each Permittee shall adopt and make effective a local program, no later than June 30, 2022, that meets the requirements of S5.C.6.b(i) through (iii), below, and shall apply to all applications[18] submitted:

i. On or after July 1, 2022.

ii. Prior to January 1, 2017, that have not started construction[19] by January 1, 2022.[20]

iii. Prior to July 1, 2022, that have not started construction by July 1, 2027.

b. The ordinance or other enforceable mechanism shall include, at a minimum:

i. The Minimum Requirements, thresholds, and definitions in Appendix 1, or the 2013 Appendix 1 amended to include the changes identified in Appendix 10, or Phase I program approved by Ecology and amended to include Appendix 10, for new development, redevelopment, and construction sites. Adjustment and variance criteria equivalent to those in Appendix 1 shall be included. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of Ecology-approved basin plans or other similar water quality and quantity planning efforts. Such local requirements and thresholds shall provide equal protection of receiving waters and equal levels of pollutant control to those provided in Appendix 1.

ii. The local requirements shall include the following requirements, limitations, and criteria that, when used to implement the minimum requirements in Appendix 1 (or program approved by Ecology under the 2019 Phase I Permit) will protect

[17] For continuing Permittees, this means continuing to implement existing programs developed under previous permits until updates are made to meet the schedules defined. *New Permittees shall meet the requirements of S5.C.6 no later than December 31, 2022, except where otherwise specified in this Section.*

[18] In this context, "application" means, at a minimum a complete project description, site plan, and, if applicable, SEPA checklist. Permittees may establish additional elements of a completed application.

[19] In this context "started construction" means the site work associated with, and directly related to the approved project has begun. For example: grading the project site to final grade or utility installation. Simply clearing the project site does not constitute the start of construction. Permittees may establish additional requirements related to the start of construction.

[20] For Permittees in **Lewis and Cowlitz counties**: Prior to July 1, 2017, that have not started construction by June 30, 2022. **For Lynden, Snoqualmie**: Prior to January 1, 2018, that have not started construction by January 1, 2023. **For Aberdeen**: Prior to July 1, 2018, that have not started construction by June 30, 2023. **Shelton and Clallam County** shall adopt and make effective a local program that meets the requirements of S5.C.6.b(i) through (iii) no later than December 31, 2022. The local program shall apply to all applications submitted on or after January 1, 2023, and shall apply to applications submitted prior to January 1, 2023, which have not started construction by January 1, 2028.

water quality, reduce the discharge of pollutants to the MEP, and satisfy the State requirement under Chapter 90.48 RCW to apply AKART prior to discharge:

(a) Site planning requirements

(b) BMP selection criteria

(c) BMP design criteria

(d) BMP infeasibility criteria

(e) LID competing needs criteria

(f) BMP limitations

Permittees shall document how the criteria and requirements will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy State AKART requirements.

Permittees who choose to use the requirements, limitations, and criteria, above, in the *Stormwater Management Manual for Western Washington*, or a Phase I program approved by Ecology, may cite this choice as their sole documentation to meet this requirement.

iii. The legal authority, through the approval process for new development and redevelopment, to inspect and enforce maintenance standards for private stormwater facilities approved under the provisions of this Section that discharge to the Permittee's MS4.

c. The program shall include a permitting process with site plan review, inspection and enforcement capability to meet the standards listed in (i) through (iv) below, for both private and public projects, using qualified personnel (as defined in *Definitions and Acronyms*). At a minimum, this program shall be applied to all sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.

i. Review of all stormwater site plans for proposed development activities.

ii. Inspect, prior to clearing and construction, all permitted development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7 – *Determining Construction Site Sediment Damage Potential*. As an alternative to evaluating each site according to Appendix 7, Permittees may choose to inspect all construction sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.

iii. Inspect all permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce as necessary based on the inspection.

iv. Each Permittee shall manage maintenance activities to inspect all stormwater treatment and flow control BMPs/facilities, and catch basins, in new residential developments every six months, until 90% of the lots are constructed (or when construction has stopped and the site is fully stabilized), to identify maintenance needs and enforce compliance with maintenance standards as needed.

v. Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent

stormwater facilities. Verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment and flow control BMPs/facilities. Enforce as necessary based on the inspection.

vi. Compliance with the inspection requirements in (ii) through (v), above, shall be determined by the presence and records of an established inspection program designed to inspect all sites. Compliance during this permit term shall be determined by achieving at least 80% of required inspections. The inspections may be combined with other inspections provided they are performed using qualified personnel.

vii. The program shall include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.

viii. An enforcement strategy shall be implemented to respond to issues of non-compliance.

d. The program shall make available, as applicable, the link to the electronic *Construction Stormwater General Permit* Notice of Intent (NOI) form for construction activity and, as applicable, a link to the electronic *Industrial Stormwater General Permit* NOI form for industrial activity to representatives of proposed new development and redevelopment. Permittees shall continue to enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.[21]

e. Each Permittee shall ensure that all staff whose primary job duties are implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. Follow-up training must be provided as needed to address changes in procedures, techniques or staffing. Permittees shall document and maintain records of the training provided and the staff trained.[22]

7. Operations and Maintenance

Each Permittee shall implement and document a program to regulate maintenance activities and to conduct maintenance activities by the Permittee to prevent or reduce stormwater impacts.[23]

The minimum performance measures are:

a. Each Permittee shall implement maintenance standards that are as protective, or more protective, of facility function than those specified in the *Stormwater Management Manual for Western Washington* or a Phase I program approved by Ecology. For facilities which do not have maintenance standards, the Permittee shall

[21] New Permittees shall meet the requirements of S5.C.6.d beginning no later than August 1, 2019.

[22] New Permittees shall meet the requirements of S5.C.6.e no later than December 31, 2022.

[23] New Permittees shall develop and implement the requirements of S5.C.7 no later than December 31, 2022 except where otherwise noted in this Section.

ii. Inspections of pollutant generating sources at publicly and privately owned institutional, commercial and industrial sites to enforce implementation of required BMPs to control pollution discharging into the MS4.

iii. Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.

iv. Practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizers from the sites identified in the inventory.

b. **Minimum performance measures:**

i. No later than August 1, 2022, Permittees shall adopt and make effective an ordinance(s), or other enforceable documents, requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities (see Appendix 8 to identify pollutant generating sources).

The requirements of this subsection are met by using the source control BMPs in the SWMMWW, or a Phase I Program approved by Ecology. In cases where the manual(s) lack guidance for a specific source of pollutants, the Permittee shall work with the owner/operator to implement or adapt BMPs based on the best professional judgement of the Permittee.

Applicable operational source control BMPs shall be required for all pollutant generating sources. Structural source control BMPs, or treatment BMPs/facilities, or both, shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, groundwater, or sediment management standards because of inadequate stormwater controls. Implementation of source control requirements may be done through education and technical assistance programs, provided that formal enforcement authority is available to the Permittee and is used as determined necessary by the Permittee, in accordance with S5.C.8.b.iv, below.

ii. No later than August 1, 2022, the Permittees shall establish an inventory that identifies publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4. The inventory shall include:

(a) Businesses and/or sites identified based on the presence of activities that are pollutant generating (refer to Appendix 8).

(b) Other pollutant generating sources, based on complaint response, such as: home-based businesses and multi-family sites.

iii. No later than January 1, 2023, Permittees shall implement an inspection program for sites identified pursuant to S5.C.8.b.ii, above.

(a) All identified sites with a business address shall be provided information about activities that may generate pollutants and the source control

requirements applicable to those activities. This information shall be provided by mail, telephone, electronic communications, or in person. This information may be provided all at one time or spread out over the permit term to allow for tailoring and distribution of the information during site inspections.

(b) The Permittee shall annually complete the number of inspections equal to 20% of the businesses and/or sites listed in their source control inventory to assess BMP effectiveness and compliance with source control requirements. The Permittee may count follow-up compliance inspections at the same site toward the 20% inspection rate. The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period. Sites may be prioritized for inspection based on their land use category, potential for pollution generation, proximity to receiving waters, or to address an identified pollution problem within a specific geographic area or sub-basin.

(c) Each Permittee shall inspect 100% of sites identified through credible complaints.

(d) Permittees may count inspections conducted based on complaints, or when the property owner denies entry, to the 20% inspection rate.

iv. No later than January 1, 2023, each Permittee shall implement a progressive enforcement policy that requires sites to comply with stormwater requirements within a reasonable time period as specified below:

(a) If the Permittee determines, through inspections or otherwise, that a site has failed to adequately implement required BMPs, the Permittee shall take appropriate follow-up action(s), which may include phone calls, reminder letters, emails, or follow-up inspections.

(b) When a Permittee determines that a site has failed to adequately implement BMPs after a follow-up inspection(s), the Permittee shall take enforcement action as established through authority in its municipal codes or ordinances, or through the judicial system.

(c) Each Permittee shall maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating an effort to bring sites into compliance. Each Permittee shall also maintain records of sites that are not inspected because the property owner denies entry.

(d) A Permittee may refer non-emergency violations of local ordinances to Ecology, provided, the Permittee also makes a documented effort of progressive enforcement. At a minimum, a Permittee's enforcement effort shall include documentation of inspections and warning letters or notices of violation.

v. Permittees shall train staff who are responsible for implementing the source control program to conduct these activities. The ongoing training program shall cover the legal authority for source control, source control BMPs and their proper application, inspection protocols, lessons learned, typical cases, and enforcement

procedures. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staff. Permittees shall document and maintain records of the training provided and the staff trained.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

A. This Section applies to all Secondary Permittees and all New Secondary Permittees, whether coverage under this Permit is obtained individually or as a Co-Permittee with a city, town, county, or another Secondary Permittee.

New Secondary Permittees subject to this Permit shall fully meet the requirements of this Section as modified in the footnotes in S6.D below, or as established as a condition of coverage by Ecology.

1. To the extent allowable under state, federal or local law, all components are mandatory for each Secondary Permittee covered under this Permit, whether covered as an individual Permittee or as a Co-Permittee.

2. Each Secondary Permittee shall develop and implement a Stormwater Management Program (SWMP). A SWMP is a set of actions and activities comprising the components listed in S6 and any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 – *Compliance with Total Maximum Daily Load Requirements*. The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the MEP and protect water quality.

3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this Section and shall be fully developed and implemented no later than four and one-half years from the initial permit coverage date. Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.

4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns, and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.D.2.a or S1.D.2.b, and submitted a copy of the agreement to Ecology.

5. Each Secondary Permittee shall prepare written documentation of the SWMP, called the SWMP Plan. The SWMP Plan shall include a description of program activities for the upcoming calendar year.

B. Coordination

Secondary Permittees shall coordinate stormwater-related policies, programs and projects within a watershed and interconnected MS4s. Where relevant and appropriate, the SWMP shall coordinate among departments of the Secondary Permittee to ensure compliance with the terms of this Permit.