



**CITY OF WASHOUGAL
CITY COUNCIL WORKSHOP AGENDA
Monday, June 27, 2022
5:00 PM**

MEETING INFORMATION

Please click on link below to join webinar:
<https://us02web.zoom.us/j/86761026693>

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS

IV. NEW BUSINESS

- A. Public Works: Ordinance amending WMC 14.36 Stormwater Management Manual and Source Control**
- B. Public Works: South 27th Street Shared Use Path Project**

V. PUBLIC COMMENTS

VI. REPORTS AND COMMUNICATIONS

- A. CITY MANAGER**
- B. MAYOR**
- C. CITY COUNCIL**

VII. ADJOURNMENT

UPCOMING MEETINGS: Monday, July 11, 2022 - Workshop at 5:00 pm and Council at 7:00 pm

Workshop Coversheet
BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/27/2022

SUBJECT:

Ordinance amending WMC 14.36 Stormwater Management Manual and Source Control

DEPT. OF ORIGIN:

Public Works

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

Yes

ATTACHMENTS:

▯ **Draft Ordinance and Source Control Exhibit A**

EXPENDITURE REQUIRED:

BUDGETED:

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

The proposal would amend Title 14 - Sewers, which governs the City's sanitary sewer and stormwater sewer utilities. The proposed changes to the text of Chapter 14.36, Illegal Discharges to Stormwater System and Watercourses, would change the minimum standards to require the application of source control best management practices (BMPs) to prevent potentially harmful materials from coming into contact with stormwater. The proposed ordinance implements the Western Washington NPDES Municipal Stormwater Permit that requires the city to 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.

RECOMMENDED ACTION

To consider the ordinance at the July 11, 2022 meeting.

ORDINANCE NO. XXXX

AN ORDINANCE amending certain sections of Washougal Municipal Code Chapter 14.36, revising the requirement to prevent, control, and reduce stormwater pollutants by the use of BMPs in the City of Washougal.

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

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

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

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

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

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

AND WHEREAS, as relate in Staff Report _____, the City's Illegal Discharges to Stormwater System and Watercourses ordinance needs revision to meet the requirements of the NPDES Permit, the Department of Public Works proposed amendments to the Illegal Discharges to Stormwater System and Watercourses code to meet the requirements of the NPDES Permit and clarify the code;

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

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

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

AND WHEREAS, on June 27, 2022, the Council held a workshop to review the proposed ordinance and on July 11, 2022, conducted a public hearing to consider whether to adopt the proposed ordinance, the Council has determined the proposed amendments to WMC Chapter 14.36, revising the

requirement to prevent, control, and reduce stormwater pollutants by the use of BMPs is necessary to protect water resources in the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHOUGAL DO HEREBY ORDAIN as follows:

Section I

Washougal Municipal Code Chapter 14.36, ILLEGAL DISCHARGES TO STORMWATER SYSTEM AND WATERCOURSES, is hereby amended to revise the requirement to prevent, control, and reduce stormwater pollutants by the use of BMPs, as shown in Exhibit A attached hereto and by this reference incorporated herein.

Section II - Severability

That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section III – Effective Date

This Ordinance shall take effect five (5) days after its passage, posting and publication according to law.

PASSED by the Council for the City of Washougal at a regular meeting this **11th** day of **July 2022**.

Rochelle Ramos, Mayor of Washougal

ATTEST:

Monie Holmes, Finance Director / City Clerk

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney

Exhibit "A"

Legend: New Language: Underlined

Deleted Language: ~~Strikethrough~~

[Part of Chapter 14.36, Illegal Discharges to Stormwater System and Watercourses]

Chapter 14.36 ILLEGAL DISCHARGES TO STORMWATER SYSTEM AND WATERCOURSES

Sections:

14.36.010	Purpose and intent.
14.36.020	Definitions.
14.36.030	Applicability.
14.36.040	Responsibility for administration.
14.36.050	Severability.
14.36.060	Ultimate responsibility.
14.36.070	Discharge prohibitions.
14.36.080	Suspension of water service, sanitary sewer service and municipal separate storm sewer system access.
14.36.090	Industrial or construction activity discharges.
14.36.100	Monitoring of discharges.
14.36.110	Requirement to prevent, control, and reduce stormwater pollutants by the use of BMPs.
14.36.120	Watercourse protection.
14.36.130	Notification of spills.
<u>14.36.140</u>	<u>Manuals adopted.</u>

14.36.010 Purpose and intent.

The purposes of this chapter are:

- (1) To provide for the health, safety, and general welfare of the citizens of the city of Washougal, Washington, through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
- (2) To establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. Specifically:
 - (a) To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges from any user.
 - (b) To prohibit illicit connections and illegal discharges to the city's municipal separate storm sewer system.
 - (c) To define the city's legal authority to carry out all inspection, surveillance and monitoring necessary to effectuate said purposes.

(3) To protect and enhance water quality and aquatic wildlife and its habitat by preventing harmful discharges to local watercourses. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.020 Definitions.

For the purposes of this chapter, the following shall mean:

(1) "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(2) "City" means the city of Washougal, Washington.

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

(4) "Director" means the city of Washougal public works director and/or designees.

(5) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(6) "Illegal discharge" means any direct or indirect nonstormwater discharge to the city's storm drain system, except as expressly exempted by this chapter.

(7) "Illicit connections" means either: (a) any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the city's storm drain system, watercourse or waterbody, including but not limited to conveyances allowing any nonstormwater discharge such as sewage, process wastewater, and wash water to enter the storm drain system and any connections thereto from indoor drains and sinks, regardless of whether said drain or connection was previously allowed, permitted, or approved by the city of Washougal; or (b) any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

(8) "Industrial activity" means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

(9) "Municipal separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(a) Owned or operated by a municipal corporation or other public entity with jurisdiction over management and discharge of stormwater and which discharges to surface waters of the state;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not part of a publicly owned treatment works (POTW). "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and

(d) Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage, industrial wastewater and stormwater in a single sewer system.

(10) "National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by the Environmental Protection Agency (EPA) (or by the state under authority delegated pursuant to 33 USC 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.

(11) "Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

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

(13) "Operational source control best management practices (BMPs)" means non-structural practices that prevent or reduce pollutants from entering stormwater. Operational BMPs include schedules of activities, prohibition of practices, and other managerial practices to prevent or reduce pollutants from entering stormwater.

~~(1412)~~ "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law ~~and acting as either the owner of a premises or as the owner's agent.~~

~~(1513)~~ "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

~~(1614)~~ "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(17) "Source control best management practices (BMPs)" means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Structural Source Control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.

(1815) “Storm drainage system” means publicly owned facilities, including the city’s municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(1916) “Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

(2017) “Stormwater facility” means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include but are not limited to swales, detention ponds, retention ponds, constructed wetlands, infiltration devices, oil/water separators, biofiltration swales and LID facilities as defined in the Washougal Engineering Standards.

(2118) “Stormwater pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(22) “Stormwater manual” means the Stormwater Manual as adopted by this chapter.

(23) “Structural source control best management practices (BMPs)” means physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Structural source control BMPs typically include enclosing and/or covering the pollutant source or segregating the pollutant source to prevent run-on of stormwater, and to direct only contaminated stormwater to appropriate treatment BMPs.

(24) “Treatment best management practice (BMP) or facility” means a BMP that is intended to remove pollutants from stormwater. Treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

(2519) “Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a premises.

(2620) “Waterbody” means any landscape feature comprising any body of water, whether standing or flowing, including, but not limited to, Puget Sound, lakes, ponds, rivers, streams or creeks.

(2721) “Watercourse” means a waterbody consisting of a natural or artificial channel through which water flows. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.030 Applicability.

This chapter shall apply throughout the corporate area of the city of Washougal and to all discharges to the city’s storm drainage system or water bodies. ~~to all nonstormwater discharges entering the storm drain system generated on any developed or undeveloped lands, unless explicitly exempted by the city.~~ (Ord. 1657 § 1 (Exh. A), 2010)

14.36.040 Responsibility for administration.

The public works director shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the director may be delegated in writing by the director to persons or entities acting in the beneficial interest of or in the employ of the city. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.050 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.060 Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter represent minimum standards. Compliance by any person with the standards established under this chapter does not relieve any person from any responsibility or obligation imposed pursuant to any other local, state or federal regulation. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.070 Discharge prohibitions.

(1) Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or any watercourse any materials (including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards) other than stormwater. Contaminants include but are not limited to the following:

- (a) Trash or debris;
- (b) Construction materials;
- (c) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
- (d) Antifreeze and other automotive products;
- (e) Metals in either particulate or dissolved form;
- (f) Flammable or explosive materials;
- (g) Radioactive material;
- (h) Batteries;
- (i) Acids, alkalis, or bases;
- (j) Paints, stains, resins, lacquers, or varnishes;
- (k) Degreasers and/or solvents;
- (l) Drain cleaners;
- (m) Pesticides, herbicides, or fertilizers;

- (n) Steam cleaning wastes;
- (o) Soaps, detergents, or ammonia;
- (p) Swimming pool or spa filter backwash;
- (q) Swimming pool or spa cleaning waste water;
- (r) Chlorine, bromine, or other disinfectants;
- (s) Heated water;
- (t) Domestic animal wastes;
- (u) Sewage;
- (v) Recreational vehicle waste;
- (w) Animal carcasses;
- (x) Food wastes;
- (y) Bark and other fibrous materials;
- (z) Lawn clippings, leaves, or branches;
- (aa) Silt, sediment, concrete, cement or gravel;
- (bb) Dyes (except as described below under "Permissible Discharges");
- (cc) Chemicals, including suspected metals, not normally found in uncontaminated water;
- (dd) Any other process-associated discharge except as otherwise allowed in this section;
- (ee) Any hazardous material or waste not listed above.

(2) Permissible Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- (a) Uncontaminated water from crawl space pumps, footing drains, or foundation drains;
- (b) Materials placed as part of an approved habitat restoration or bank stabilization project;
- (c) Natural uncontaminated surface water, springs or groundwater;
- (d) Flows from riparian habitats and wetlands;
- (e) Common practices for water well disinfection;
- (f) Discharges resulting from diffuse or ubiquitous sources such as atmospheric deposition;
- (g) Discharges resulting from dye testing authorized by the director;
- (h) Discharges which result from emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter so as to avoid an imminent threat to public health or safety. The director may further define

qualifying activities in administrative guidance. The person responsible for said emergency response activities shall take all necessary steps to ensure that the discharges resulting from such activities are minimized and ensure that future incidents are prevented to the greatest extent possible;

(i) Air conditioning condensation;

(j) Irrigation water from agricultural sources that is commingled with urban stormwater;

(k) Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval from the director has been granted for any discharge to the storm drain system;

(l) Other water sources not containing pollutants;

(m) Other types of discharges as determined in advance by the director.

(3) Conditional Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter if they meet the stated conditions, unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

(a) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system;

(b) Lawn watering and other irrigation runoff are permitted but shall be minimized;

(c) Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system.

Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water;

(d) Street and sidewalk wash water, water used to control dust, and routine external building wash-down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;

(e) Nonstormwater discharges covered by another NPDES permit; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system;

(f) Other nonstormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP), reviewed and approved by

the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.

(4) Prohibition of Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) Anybody is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipal separate storm sewer system, or allows such a connection to continue. (Ord. 1850 § 1 (Exh. A), 2018; Ord. 1657 § 1 (Exh. A), 2010)

14.36.080 Suspension of water service, sanitary sewer service and municipal separate storm sewer system access.

(1) Suspension Due to Illegal Discharges in Emergency Situations. The director may, without prior notice, suspend water service, sanitary sewer service and/or municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the municipal separate storm sewer system or waters of the state of Washington. If the violator fails to comply with an emergency suspension order, the director may take such steps as deemed necessary to prevent or minimize damage to the municipal separate storm sewer system or waters of the state of Washington, or to minimize danger to persons.

(2) Suspension Due to the Detection of Illegal Discharge. Any person discharging to the municipal separate storm sewer system in violation of this chapter may have his/her water service, sanitary sewer service and/or municipal separate storm sewer system access terminated if such termination would abate or reduce an illegal discharge. The director will notify a violator of the proposed termination of its municipal separate storm sewer system access. The violator may petition the director for a reconsideration and hearing as provided in this chapter.

(3) Unauthorized Reinstatement. Anybody commits an offense and violates this chapter if the person reinstates municipal separate storm sewer system access to premises terminated pursuant to this section, without the prior approval of the director. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.090 Industrial or construction activity discharges.

Any person or activity subject to an NPDES stormwater discharge permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to allowing discharges to the municipal separate storm sewer system. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.100 Monitoring of discharges.

(1) Applicability. This section applies to all facilities that have stormwater discharges associated with industrial or commercial activity, including but not limited to construction activity.

(2) Access to Facilities.

(a) The city shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the director.

(b) Premises owners, occupiers and their agents shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(c) The city shall have the right to install on any permitted premises such devices as are necessary in the opinion of the director to conduct monitoring and/or sampling of the premises' stormwater discharge.

(d) The city has the right to require the discharger to install monitoring equipment as necessary. The premises' sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the director. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the city access to a permitted premises are violations of a stormwater discharge permit and of this chapter. A person who is the owner or operator of a premises with an NPDES permit to discharge stormwater associated with industrial activity commits an offense and violates this chapter if the person denies the city reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this chapter.

(g) If the director has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the director may seek issuance of a search warrant from any court of competent jurisdiction.

(h) In addition, the director may suspend water, sanitary sewer and/or storm drain access or access to any party refusing to provide or delaying access. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.110 Requirement to prevent, control, and reduce stormwater pollutants by the use of BMPs.

(1) Any person responsible for a premises, operation, or activity which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waterbodies shall implement all applicable source control best management practices (BMPs) from the Stormwater Manual to prevent pollutants from coming into contact with stormwater and entering storm drainage systems or waterbodies. The city has adopted requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States.

~~The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any~~

(2) Any person responsible for a premises, operation, or activity which is, or may be, the source of an illegal discharge, may be required to implement, at said person's expense, additional operational or structural source control BMPs, or treatment BMPs ~~structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm drainage systemmunicipal separate storm sewer system.~~

(3) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(4) Any person responsible for a stormwater facility or BMP ~~The owner or operator of a stormwater facility shall maintain, at its own expense, all facility functions in accordance with the maintenance manual associated with said facility. If no maintenance manual is known to exist, the Stormwater Manual latest version of Clark County's "Stormwater Facility Maintenance Manual"~~ Stormwater Manual shall be utilized. Any discharges from an unmaintained stormwater facility shall be considered illegal discharges and punishable in accordance with this chapter. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.120 Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall not pollute, contaminate, introduce new vegetation into, or significantly retard the flow of water through the watercourse, and must comply with all critical areas protection requirements established in Chapter 16.04 WMC. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, in a manner that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.130 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or

pollutants discharging into stormwater, the storm drain system, or watercourses, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the director in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city of Washougal within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.140 Manuals adopted.

(1) For purposes of regulation of activities subject to this chapter, the city adopts by reference the following documents:

(a) The latest edition of the Stormwater Management Manual for Western Washington.

(b) The most current version of the city of Washougal Engineering Standards for Public Works Construction

(2) Where provisions of this chapter or documents adopted under this section conflict with other documents adopted under this section, or with other provisions of the Washougal Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply.

BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/27/2022

SUBJECT:

Local Agency Agreement with WSDOT for South 27th Street Shared Use Path Project.

DEPT. OF ORIGIN:

Public Works

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

Yes

ATTACHMENTS:

📎 **Letter of Understanding 27th St. Shared Use Path**

EXPENDITURE REQUIRED:

BUDGETED:
N/A

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

RECOMMENDED ACTION



**Washington State
Department of Transportation**

Southwest Region
11018 Northeast 51st Circle
Vancouver, WA 98668-1709
360-905-2000 / Fax 360-905-2222
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 30, 2022

City of Washougal
2247 Main Street
Washougal, WA 98671

**Letter of Understanding for Project Administration
S. 27th Street Shared Use Path Project**

Attn.: Trevor Evers
Public Works Director

Dear: Mr. Evers,

The Washington State Department of Transportation Local Programs (Local Programs) is to define, for all AGENCY projects utilizing Federal funding, the responsibilities for grant administration, consultant selection, consultant agreements, development of plans, specifications, and estimate, environmental documents, acquisition of right of way, advertisement, award and execution of contract, and construction administration including but not limited to inspection, change orders and final project documentation.

The AGENCY, operating under an extension of Local Programs Certification Acceptance (CA), shall administer all associated projects entirely in accordance with the Local Agency Guidelines (LAG), this Letter of Understanding (LOU), and direction as provided by the Local Programs Engineer (LPE). Failure to comply with the LAG, this LOU, or the direction of the LPE may result in loss of Federal funds.

1) The STATE and the AGENCY have designated managers as shown below:

STATE (CA)
WA State Department of Transportation
Michael A Williams, PE
SW Regional Local Programs Engineer
11018 NE 51st Circle
Vancouver WA 98682-6686
Work (360) 905-2182
Cell (360) 605-3976
FAX (360) 905-2218

AGENCY
CONTACT INFO
City of Washougal
Trevor Evers, PW Director
2247 Main Street
Washougal, WA 98671
Work (360) 835-2662 ext 202

All formal submittals outlined herein, either from the STATE or the AGENCY, will be sent through the designated CA Manager. Copies of formal submittals from the STATE will also be relayed to the AGENCY Project Manager:

City of Washougal
Trevor Evers, PW Director
2247 Main Street
Washougal, WA 98671
(360) 835-2662 ext 202

2) The AGENCY shall obtain concurrence from the Local Programs Engineer for any Grant applications that requires CA status and administered under this document prior to submittal to the appropriate Grant Program administrator.

3) The AGENCY shall obtain approval from the LPE in the solicitation and selection of a consulting engineering firm for Preliminary Engineering, Right of Way and Construction Engineering services. In addition, the AGENCY shall obtain the approval from the LPE of the Consulting Engineering Agreement (see LAG chapter 31).

4) Contract Plans, Specifications and Estimates (PS&E) shall be prepared in accordance with the current State of Washington Standard Specifications for Road, Bridge and Municipal Construction, amendments thereto, and adopted design standards (see LAG chapter 44). The LPE will review the PS&E to ensure compliance with the LAG.

5) Any deviations to design standards must be stamped by a Professional Engineer licensed in the State of Washington. The AGENCY shall submit the design deviation to the LPE for further processing and approval.

6) The AGENCY shall be responsible for all required environmental documentation (SEPA and NEPA) and shall submit all required NEPA documentation to the LPE for further processing and approval (see LAG chapter 24). The AGENCY shall be responsible for obtaining all required permits and approvals.

7) No Right of Way (R/W) action shall proceed without the concurrence from the Local Agency Right of Way Coordinator. The AGENCY shall follow current R/W Procedures as described in the LAG (see LAG chapter 25). The LPE shall be advised of all pre-R/W meetings. All acquisitions of R/W such as construction easements, donations, permits, etc. shall be certified by the AGENCY and the STATE.

8) The AGENCY shall forward the proposed advertisement for bids to the LPE for approval. Upon approval, the AGENCY may begin advertisement for bids (see LAG chapter 46). The AGENCY shall keep the LPE advised on any pre-award issues

affecting the quality and timing of contracts. Any required addenda to the contract's documents shall be approved by the LPE.

9) The AGENCY is required to utilize either a Certified Acceptance agency or a consulting engineering firm for Construction Engineering services.

10) The AGENCY shall notify the LPE of the Bid Opening date and time. The AGENCY shall transmit to the LPE, the Engineer's Estimate and Bid Tabulations along with the complete Bid Packages of the apparent three (3) lowest bidders. Upon approval by the LPE, the AGENCY may Award the Contract to the lowest responsive bidder (see LAG chapter 46).

11) Upon the AGENCY's execution of the contract for construction, the AGENCY shall administer and inspect the Project in accordance with the contract documents, WSDOT Standard Specifications for Road Bridge and Municipal Construction, the WSDOT Construction Manual, and all applicable State and Federal laws (see LAG chapter 52).

12) Changes to the contract will be documented by change order as defined in the current edition of the WSDOT Standard Specifications for Road, Bridge and Municipal Construction Section 1-04.4. The AGENCY Project Manager shall initiate, negotiate, and document all change orders. Prior to obtaining the contractor signature the AGENCY Project Manager shall provide a copy of all change orders to the LPE for review. A copy of all executed Change Orders shall be sent to the LPE or the LPE's representative for final approval prior to notification to the contractor of the executed change order.

13) The AGENCY shall request the LPE to inspect the project prior to providing the final "punch list" to the Contractor (see LAG chapter 53).

Signature below constitutes concurrence with this Letter of Understanding.

AGENCY
CITY OF WASHOUGAL

By:


Trevor Evers
Public Works Director

Date:

6-23/2022

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By:

Michael A Williams, P.E.
SW Regional Local Programs Engineer

Date:

