

CITY OF KENNEWICK
ORDINANCE NO. 6005

AN ORDINANCE RELATING TO STORMWATER AND AMENDING
SECTIONS 14.28.010, 14.28.020, 14.28.042, 14.28.045 OF THE KENNEWICK
MUNICIPAL CODE AND ADDING SECTION 14.28.046 TO THE
KENNEWICK MUNICIPAL CODE

WHEREAS, Revised Code of Washington (RCW) 90.48.520 states that discharge of toxins to waters of the State of Washington, which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited.

WHEREAS, The National Pollution Discharge Elimination System and State Discharge General Permit from Small Municipal Separate Storm Sewers in Eastern Washington allows the City to discharge stormwater runoff to waters of the state under the specific elements of the permit.

WHEREAS, in July 1, 2019, the current NPDES Stormwater Permit was implemented in eastern Washington, containing graduating requirements through its 5-year length.

WHEREAS, Section S5.B3 of this NPDES Stormwater Permit requires an implementation and enforce a program to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges to the City Storm System, including on private property.

WHEREAS, Section S5.B4 of this NPDES Stormwater Permit requires an implementation and enforce a program to reduce pollutants in any stormwater runoff to the City storm system from public and private construction activities.

WHEREAS, Section S5.B5 of this NPDES Stormwater Permit requires review, inspection, and compliance for post-construction stormwater controls at new development and redevelopment projects.

WHEREAS, The NPDES Stormwater Permit requires the ordinance to be adopted by February 01, 2023.

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 14.28.010 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

14.28.010: - Definitions.

- (12) *Outfall* means point source, as defined by 40 CFR 122.2, at the point where a discharge leaves the MS4 and enters a surface receiving waterbody or surface receiving waters. Outfall does not include pipes, tunnels, or other conveyances

which connect segments of the same stream or other surface waters and are used to convey primarily surface waters (i.e., culverts).

- (13) *Parcel* means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Benton County Assessor.
- (14) *Property Owner of Record* means a person or persons shown in the records of the Benton County Assessor to be the owner of property and to whom property tax statements are directed.
- (15) *Residential* shall mean a single dwelling unit. Private boarding houses and other such businesses shall be considered under this category.
- (16) *Stormwater* means the water originating from rainfall and other precipitation that is found on the surface, in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands as well as shallow groundwater.
- (17) *Stormwater Management Manual for Eastern Washington (SMMEW)* shall mean the Stormwater Management Manual for Eastern Washington published by the Washington State Department of Ecology and dated September 2004 or the latest edition and amendments thereto.
- (18) *Utility* shall mean the City of Kennewick, Washington Stormwater Utility, a utility authorized to plan, own, administer, maintain, operate, construct, procure and preserve all City storm drainage systems and related facilities.
- (19) *Vacant Land* shall mean property with no man-made impervious surfaces thereon including property designated as public open space.

(Ord. 6005 Sec. 1, 2023; Ord. 5656 Sec. 1, 2016; Ord. 5290 Sec. 1, 2010; Ord. 5260 Sec. 1, 2009)

Section 2. Section 14.28.020 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

14.28.020: - Creation of Stormwater—Utility—Authority.

There is hereby created and established a stormwater utility, a separate enterprise, and facility. The utility is authorized to plan, own, administer, construct, maintain, operate and preserve all City stormwater infrastructure and facilities as now exist and as may be added to in the future by the addition of other existing or the construction or procurement of storm drainage systems or related facilities. In addition to its authority over City stormwater facilities, the utility is authorized to administer, maintain, and operate the street sweeping functions of the City's street maintenance program. The utility is also being created to address other elements associated with compliance with the City's NPDES Stormwater Permit.

(Ord. 6005 Sec. 2, 2023; Ord. 5260 Sec. 4, 2009)

Section 3. Section 14.28.042 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

14.28.042: - Ownership of Private Stormwater Facilities.

For commercial and residential development and redevelopment sites, all costs and liability associated with the design, registration, construction, inspection, maintenance, record keeping, and spill response associated with the ownership and management of a private storm system is the full responsibility of the owner. All ownership responsibilities shall be performed in accordance with the NPDES Stormwater Permit, Stormwater Management Manual for Eastern Washington, this Chapter of the Kennewick Municipal Code, and City of Kennewick Standards. (Ord. 6005 Sec. 3, 2023; Ord. 5656 Sec. 3, 2016)

Section 4. Section 14.28.045 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

14.28.045: - Design, Construction, and Post Construction.

The City formally adopts the Stormwater Management Manual of Eastern Washington. All design, construction, and post construction management of erosion and sediment control and storm drainage facilities shall be in accordance with Appendix 1 of the NPDES Stormwater Permit, the Stormwater Management Manual for Eastern Washington, City Standards and Comprehensive Plans. See Chapter 5.56 and 14.29.

- (1) Stormwater shall be retained and disposed of onsite meeting the volume determined by the Soil Conservation Service (SCS) Type 1A storm design method for the 25 year 24 hour frequency. Design of the flow based treatment BMPs will be based on the 6-month 3-hour hydrograph and volume based BMPs shall be based on the 6-month 24-hour hydrograph. Alternative methods must be approved by the Public Works Director.
- (2) This storm design shall satisfy the core elements of Appendix 1 of NPDES Stormwater Permit, the SMMEW, State Underground Injection Control Rule (Chapter 173-218 WAC) and COK Standard Specifications. In order to meet Section 5.6.4 of the SMMEW, storm design shall be further demonstrate retention up to the 100 year storm with allowance for on-site surface pooling. Where it is shown not feasible to retain, treat and dispose of stormwater on site, as approved by the Public Works Director, storm flows may be conveyed to, treated and disposed of at a regional infiltration facility within the same drainage basin. Discharging flows to surface waters of the state are the last resort. Design of treatment and flow control facilities shall meet the requirements listed above and shall include an assessment of the impacts to the downstream conveyance from the project site to the outfall or as approved by the Public Works director. On site infiltration infeasibility criteria include:
 - (a) Shallow ground water

- (b) Impermeable or very low permeability subsurface material
- (c) Proximity to known hazardous waste site or landfill, proximity to drinking water, well or spring, proximity to onsite sewage system, or underground storage tank, setback from structures, landslide hazard areas or slopes, incompatibility with surrounding drainage system from elevation or location or areas prone to erosion.
- (d) Incompatibility with uses related to concerns such as public safety, protection from spills, contaminated sites, or frequently flooded areas.
- (e) Incompatibility with state or federal laws.

(Ord. 6005 Sec. 4, 2023; Ord. 5656 Sec. 2, 2016; Ord. 5290 Sec. 7, 2010)

Section 5. Section 14.28.046 of the Kennewick Municipal Code, be, and the same hereby is, added to read as follows:

14.28.046: - Inspection and Enforcement Authority.

The Public Works Department shall have jurisdiction of the activities regulated in this Section. For inspection purposes, any duly authorized member of this Department shall have the right and is empowered to enter upon any premises at reasonable hours where activities regulated by this Section are occurring. This Department is empowered to issue orders to remedy, grant, renew, and revoke such licenses as are provided for in accordance with this section and conduct enforcement per KMC 14.29.

(Ord. 6005 Sec. 5, 2023)

Section 6. This ordinance shall be in full force and effect five (5) days from and after its approval, passage and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 17th day of January, 2023, and signed in authentication of its passage this 17th day of January, 2023.

GRETL CRAWFORD, Mayor Pro Tem

Attest:

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 6005 filed and
recorded in the office of the City Clerk of
the City of Kennewick, Washington this
18th day of January, 2023

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____