

Chapter 7.82 CONSTRUCTION STORMWATER RUNOFF

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7.82.010 Purpose.

The purpose of this chapter is to establish minimum construction stormwater management requirements and controls to protect and safeguard the environment and the general health, safety, and welfare of the public residing in the city. This chapter seeks to meet that purpose through the following objectives:

- (1) To protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of increased sediment discharges from new land development and redevelopment;
- (2) To enable the city to comply with the National Pollution Discharge Elimination System permit, Washington Department of Ecology's Guidance for UIC Wells that Manage Stormwater, and applicable federal and state regulations;
- (3) To prevent the contribution of pollutants, especially sediment, to the MS4 or UICs by stormwater discharges from development and redevelopment;
- (4) To protect the condition of state (and U.S.) waters for all reasonable public uses and ecological functions;
- (5) To provide long-term responsibility for and maintenance of construction stormwater BMPs;
- (6) To facilitate the integration of stormwater management and pollution control with other ordinances, programs, policies, and the comprehensive plan of the city;
- (7) To establish legal authority to carry out all the inspection and monitoring procedures necessary to ensure compliance with this chapter; and
- (8) To facilitate compliance with state and federal standards and permits by owners of construction sites, developments, and permanent stormwater BMPs within the city. (Ord. 2010-07 § 1 (part), 2010).

7.82.020 Definitions.

This section provides definitions for the terms and phrases used in this chapter. Where any of these definitions conflict with definitions used in other chapters of the Yakima Municipal Code, the definitions in this section shall prevail for the purpose of this chapter.

“Applicant” means a person, party, firm, corporation, or other legal entity that proposes a development, construction or use on a site.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: stormwater associated with construction activity, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Certified erosion and sediment control lead” or “CESCL” means a person who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology.

“Channel” or “waterway” means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

“Clearing” or “site clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a site.

“Common plan of development” means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders); a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility. If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

“Detention” means the release of stormwater runoff from the site at a slower rate than it is collected by the stormwater facility system, the difference being held in temporary storage with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

“Development” means new development, redevelopment, or both. See definitions for each.

“Director” means the director of community and economic development, designated city employee or authorized representative.

“Ecology” means the Washington State Department of Ecology.

“Erosion and sediment control” means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

“Erosion and sediment control BMPs” means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, sediment traps, and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

“Finish grade” means the final grade of the site which conforms to an approved plan.

“Grading” means any excavation, filling, or combination thereof.

“Impaired waters” means those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act and listed on the most current state of Washington 303(d) list.

“Land development” or “development” means any clearing, excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a site up to, but not including, construction as defined in this chapter. For the purpose of this chapter, “development” also means any manmade change to improved or unimproved real estate located within the special flood hazard area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, temporary or permanent storage of equipment and works defined in this chapter.

“Land disturbing activity” means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

[“Low impact development” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing](#)

conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Municipal separate storm sewer system” or “MS4” means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

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

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

“Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

“Owner(s)” or “property owner(s)” means the legal owner or owners of the property. As used herein, owner also refers to, in the appropriate context: (i) any other person authorized to act as the agent for the owner; (ii) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and (iii) any person responsible for complying with an approved stormwater management design plan.

“Point source” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, and container from which pollutants are or may be discharged to surface waters of the state. This term does not include return flows from irrigated agriculture.

“Project site” means that portion of a property, properties, or right-of-way subject to land disturbing activities, and new or replaced impervious surfaces.

“Public development” or “public” as used in this chapter shall mean any land development or redevelopment upon any real property, or interest therein, belonging to the city or a trust or authority of which the city is a beneficiary. Public development shall also include private development whenever all or a portion thereof will eventually be dedicated or provided for ownership, operation and/or maintenance to the city or a public trust or authority of which the city is a beneficiary.

“Receiving stream or receiving water” means bodies of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow.

“Redevelopment” means, on a site that is already substantially developed, the replacement or improvement of impervious surfaces, including buildings and other structures, and replacement or improvement of impervious parking and road surfaces, that is not part of a routine maintenance activity. (Any new impervious surfaces created by a redevelopment project are subject to the requirements for new development.)

“Responsible party” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns, that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

“Rough grade” means a stage where grade conforms approximately to an approved plan.

“Sediment control” means measures that prevent eroded sediment from leaving the site.

Site. See “Project site.”

“Source control BMPs” means physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead-end sump.

“Special flood hazard area (SFHA)” means a Federal Emergency Management Agency (FEMA) identified high-risk flood area where flood insurance is mandatory for properties. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a flood hazard boundary map or a flood insurance rate map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or V.

“Stabilization” means the use of practices that prevent exposed soil from eroding.

“Stop work order” means an order issued that requires that all construction activity on a site be stopped.

“Stormwater authority” means the department or agency, and its authorized agents, which is responsible for coordinating the review, approval, and permit process as defined by this chapter.

“Stormwater management” means the use of structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

“Stormwater pollution prevention plan” or “SWPPP” or “construction SWPPP” means a set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

“Stormwater runoff” or “stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.

“Stream” means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water including, but not limited to, hydraulically sorted sediments, or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses, unless they are used to convey streams naturally occurring prior to construction. Those topographic features that resemble streams but have no defined channels (i.e., swales) shall be considered streams when hydrologic and hydraulic analyses done pursuant to a development proposal predict formation of a defined channel after development.

“Structure” means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

“Underground injection control” or “UIC” or “UIC well” means a manmade subsurface fluid distribution system designed to discharge fluids into the ground and consists of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. UICs can be publicly or privately owned.

“Watercourse” means any regulated body of water, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water delineated by the Washington Department of Ecology.

Waterway. See “Channel.”

“Waters of the state” includes those waters as defined as “waters of the United States” in 40 CFR 122.2 within the geographic boundaries of Washington State and “waters of the state” as defined in Chapter 90.48 RCW which includes: lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the state of Washington. (Ord. 2010-07 § 1 (part), 2010).

7.82.030 Applicability.

This chapter shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to YMC [7.82.090](#). These provisions apply to any new development or redevelopment site within the city that meets one or more of the following criteria:

- (1) Land development that disturbs one acre or more through clearing, grading, excavating, or stockpiling of fill material, including the cumulative acreage of the entire project whether in a single or in a multiphase project.
- (2) Redevelopment that disturbs one acre or more through clearing, grading, excavating, or stockpiling of fill material, including the cumulative acreage of the entire project whether in a single or in a multiphase project.
- (3) Land development activities that are smaller than the minimum applicable criteria set forth above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules. (Ord. 2010-07 § 1 (part), 2010).

7.82.040 Authority.

This chapter is adopted pursuant to authority conferred by and in accordance with the provisions of the State of Washington Water Pollution Control Law, Chapter 90.48, Revised Code of Washington, and the Federal Water Pollution Control Act (the Clean Water Act), Title 33 United States Code, Section 1251 et seq. (Ord. 2010-07 § 1 (part), 2010).

7.82.050 Compatibility with other permit and ordinance requirements.

This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher

protective standards for human health or the environment shall be considered to take precedence. (Ord. 2010-07 § 1 (part), 2010).

7.82.060 Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter. (Ord. 2010-07 § 1 (part), 2010).

7.82.070 Liability.

(1) Any person who undertakes or causes to be undertaken any land development shall ensure that soil erosion, sedimentation, increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this chapter are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters.

(2) By approving a plan under this regulation, the city does not accept responsibility for the design, installation, and operation and maintenance of stormwater BMPs. (Ord. 2010-07 § 1 (part), 2010).

7.82.080 Authority designated.

The director of community and economic development of the city (director) is hereby authorized and designated as the official responsible for the enforcement and administration of this title. The director may designate employees within his division to act on his behalf. The use of the terms "stormwater authority," "administrative authority," "code official," "authority having jurisdiction" and similar such terms as contained in this chapter and in the codes and standards adopted by reference under this chapter shall be construed as referring to the director of community and economic development of the city and their designees. (Ord. 2010-07 § 1 (part), 2010).

7.82.090 Exemptions.

Activities Exempt. The following activities are exempt from this chapter:

(1) Public and private development or redevelopment that disturbs less than one acre through clearing, grading, excavating, or stockpiling of fill material, including the cumulative acreage of the entire project whether in a single or in a multiphase project.

~~(2) Construction activities which discharge all stormwater and nonstormwater to groundwater, and have no point source discharge to surface water or a storm sewer system that drains to surface waters of the state. UIC wells must be protected from sediment in runoff generated during construction.~~

(23) Stormwater from any site covered under an existing NPDES individual permit in which stormwater management and/or treatment requirements are included for all stormwater discharges associated with construction activity.

(34) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources, as determined by the director.

(45) Forest practices regulated under Title 222 WAC. Conversions of forest lands to other uses are not exempt. Silvicultural roads that are used to access other land uses subject to this chapter are not exempt.

(56) Commercial agriculture practices involving working the land for production. Construction of impervious surfaces is not exempt.

(67) Oil and gas field activities such as construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations.

a) Discharge of sediment or other stormwater pollution from an oil or gas field activity is subject to the illicit discharge ordinance, YMC Chapter 7.85.

(78) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility. (Ord. 2010-07 § 1 (part), 2010).

7.82.100 Design manuals.

(1) The city will utilize information including technical specifications of the latest edition of the Stormwater Manual for Eastern Washington (or approved local equivalent), or another technical stormwater manual approved by Ecology, as the basis for decisions about design, implementation, maintenance, and performance of structural and nonstructural post-construction stormwater BMPs. The Stormwater Management Manual for Eastern Washington (or approved local equivalent) includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Use of BMPs from other technical stormwater manuals approved by Ecology shall be consistent with city climate, soils, and specific site conditions appropriate for said BMP use. Stormwater practices that are designed, constructed, and maintained in

accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Eastern Washington NPDES Phase II Municipal Stormwater Permit requirements.

(2) Use of BMPs not designed, constructed, and maintained in accordance with manuals identified in subsection (1) of this section shall be subject to city approval and must be monitored for performance to demonstrate that they meet the minimum water quality performance standards of the Eastern Washington NPDES Phase II Municipal Stormwater Permit requirements.

(3) Non-structural preventive actions and source reduction approaches such as Low Impact Development measures to minimize the creation of impervious surfaces and measures to minimize the disturbance of native soils and vegetation shall be allowed provided they conform to the Yakima Regional Low Impact Development Stormwater Design Manual (2011). Use of Low Impact Development measures shall be subject to city approval to ensure applicable designs take into account site conditions and long term maintenance. (Ord. 2010-07 § 1 (part), 2010).

7.82.110 Amendments to design manuals.

(1) The Stormwater Management Manual for Eastern Washington (or approved local equivalent) may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience. The most current version of the Stormwater Management Manual for Eastern Washington (or approved local equivalent) is to be used where referenced by this chapter.

(2) Prior to amending or updating an approved local equivalent manual, proposed changes shall be publicized and made available for review, and an opportunity for comment by interested persons shall be provided.

(3) If the specifications, guidelines, or other information in the Stormwater Management Manual for Eastern Washington (or approved local equivalent) are amended subsequent to the submittal of an application for approval pursuant to this chapter but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this chapter with regard to the application. If the application has been approved and all fees paid prior to amendment of the manual(s), the application will not require further reviews using the amended information. (Ord. 2010-07 § 1 (part), 2010).

7.82.120 Right of entry.

(1) General. The director is hereby authorized and directed to enforce the provisions of this title. The director may employ, appoint and designate such city employees, representatives or officers to act on his behalf in the enforcement of this title under such control and supervision as he may specify. Any reference herein to the director shall also refer to designated city employees and the manager's duly authorized representatives. The director shall, either upon complaint or upon his own initiative, investigate potential violations of this title. It shall be the duty of all the city officers to assist the director in the performance of this duty. It shall be the duty of all officers charged with the enforcement of the law to assist in the implementation of this title and its provisions.

(2) Entrance onto Private Property. When necessary to perform any duties under this title or to investigate upon reasonable cause or complaint the existence or occurrence of a violation of this title, the director may enter onto property to inspect the same or to perform any duty imposed or authorized by this title; provided, that if such property is occupied and not a public place, the director shall first present proper credentials and request permission to enter; and if such property is not occupied, the director shall first make a reasonable effort to locate the owners or other persons having charge or control and request entry. If such entry is refused, the director shall have recourse to every remedy provided by law to secure entry. The right of entry authorized under this title extends to any employee, officer or person who accompanies the director.

(3) Judicial Warrant. If the director is refused access to the property or any part thereof, and if the director has demonstrated a reasonable cause to believe that a violation of this title exists, or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this title or any order issued hereunder, then upon application by the city attorney a judge of a competent jurisdiction will issue a search warrant describing the specific location subject to the warrant. The warrant will specify what may be searched and/or seized on the property described. The warrant will be served at reasonable hours by the director in the company of a uniformed police officer of the city. In the event of an emergency that presents an imminent threat to public health, safety or welfare as determined by the director, inspections may take place without the issuance of a warrant.

(4) Scope of Entry. The right of entry extends to the following matters:

- a) Entry upon the premises where a facility or activity is located or conducted, or where relevant records are kept;
- b) Access to and copying, at reasonable times, relevant records;
- c) Inspection at reasonable times of any facilities, equipment (including monitoring and control equipment), practices or operations regulated;

- d) Sampling or monitoring for the purposes of assuring compliance; and
- e) Inspection of any production, manufacturing, fabricating or storage area where pollutants or nonstormwater discharges may originate, are stored or disposed of in the sewer system, the MS4 or public UIC. (Ord. 2010-07 § 1 (part), 2010).

7.82.130 Construction stormwater pollution prevention plan (SWPPP).

(1) Construction SWPPP Required.

- a) Projects meeting the regulatory threshold and not qualifying for an erosivity waiver from Washington State Department of Ecology shall prepare a stormwater pollution prevention plan (SWPPP) for construction activity. The SWPPP shall be implemented beginning with initial soil disturbance and continue until final stabilization.
- b) Each SWPPP shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
- c) Each SWPPP shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the SWPPP and that a certified erosion and sediment control lead (CESCL) shall be on-site or on call for the entire length of the project.
- d) SWPPP Compliance. SWPPP compliance may be obtained in one of four ways, as follows:
 - 1. Preparation, submittal and implementation of a construction SWPPP in accordance with subsection (2) of this section.
 - I. All such projects shall provide a copy of the construction SWPPP prepared in accordance with Ecology requirements, including an anticipated schedule, to the director at least twenty-four hours before any land disturbing activity.
 - 2. Preparation and implementation of a SWPPP developed in accordance with the requirements of Ecology's general NPDES permit for stormwater discharges associated with construction activities.

I. All such projects shall provide a copy of the construction SWPPP prepared in accordance with Ecology requirements, including an anticipated schedule, to the director at least twenty-four hours before any land disturbing activity.

3. Public and private development or redevelopment that qualifies for and obtains an erosivity waiver in accordance with requirements of the Washington State Department of Ecology general NPDES permit for stormwater discharges associated with construction activities.

4. Public and private development or redevelopment that qualifies for and obtains an erosivity waiver in accordance with the following:

I. The erosivity waiver contains the following conditions:

i. The total acres to be disturbed within the entire construction project or common plan of development does not exceed five acres; and

ii. Calculation of Erosivity "R" Factor.

1. The project's rainfall erosivity factor ("R" Factor) must be less than five during the period of construction activity, as calculated using the Texas A&M University online rainfall erosivity calculator at: <http://ei.tamu.edu/>. The period of construction activity begins at initial earth disturbance and ends with final stabilization; and, in addition

iii. Operators must submit a complete erosivity waiver certification statement at least one week prior to commencing land disturbing activities. Certification must include:

1. A statement that the operator will comply with applicable local stormwater requirements; and

2. A statement that the operator will implement appropriate erosion and sediment control BMPs to prevent violations of water quality standards;

iv. This waiver is not available for facilities declared a significant contributor of pollutants by Ecology; and

v. The project has no other discharges including, but not limited to, excavation de-watering, wash waters and hydrostatic test waters.

II. Appropriate erosion and sediment control BMPs be implemented to prevent violations of water quality standards.

III. Discharge of sediment or other pollutants from a construction site qualifying under an erosivity waiver is subject to the illicit discharge ordinance, YMC Chapter [7.85](#).

5. For projects subject to YMC Chapter [7.83](#), Post-Construction Stormwater Runoff, a construction SWPPP or erosivity waiver prepared in accordance with this chapter is required as part of the stormwater site plan.

(2) Construction SWPPP Elements.

a) The construction SWPPP shall include the twelve elements of a construction SWPPP. Guidance for design and implementation of the twelve elements in a construction SWPPP are found in the Stormwater Management Manual for Eastern Washington dated 2004 (or approved local equivalent).

1- Preserve Vegetation/Mark Clearing Limits.

I. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits, sensitive areas and their buffers, and trees that are to be preserved within the construction area.

II. The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum degree practicable.

2- Establish Construction Access.

I. Construction vehicle access and exit shall be limited to one route, if possible.

II. Access points shall be stabilized with a pad of quarry spalls, crushed rock, or other equivalent BMP to minimize the tracking of sediment onto public roads.

III. Wheel wash or tire baths shall be located on-site if the stabilized construction entrance is not effective in preventing sediment from being tracked onto public roads.

IV. If sediment is tracked off-site, public roads shall be cleaned thoroughly at the end of each day, or more frequently during wet weather. Sediment shall be removed from roads by

shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area.

V. Street washing is allowed only after sediment is removed in accordance with subsection (2)(a)(2)(IV) of this section. Street wash wastewater shall be controlled by pumping back on-site or otherwise be prevented from discharging into systems tributary to waters of the state.

3- Control Flow Rates.

I. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site, as required by local plan approval authority.

II. Where necessary to comply with subsection (2)(a)(3)(I) of this section, stormwater retention or detention facilities shall be constructed as one of the first steps in grading. Detention facilities shall be functional prior to construction of site improvements (e.g., impervious surfaces).

III. If permanent infiltration ponds are used for flow control during construction, these facilities shall be protected from siltation during the construction phase.

4- Install Sediment Controls.

I. Stormwater runoff from disturbed areas shall pass through a sediment pond or other appropriate sediment removal BMP, prior to leaving a construction site or prior to discharge to an infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet the flow control performance standard of subsection (2)(a)(3)(I) of this section.

II. Sediment control BMPs (sediment ponds, traps, filters, etc.) shall be constructed as one of the first steps in grading. These BMPs shall be functional before other land disturbing activities take place.

III. BMPs intended to trap sediment on-site shall be located in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages.

5- Stabilize Soils.

I. Exposed and unworked soils shall be stabilized by application of effective BMPs that prevent erosion. Applicable BMPs include, but are not limited to: temporary and permanent seeding, sodding, mulching, plastic covering, erosion control fabrics and matting, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control.

II. No soils shall remain exposed and unworked for more than the time periods set forth below to prevent erosion:

i. For areas with mean annual precipitation of twelve inches or greater:

1. During the dry season (July 1st—September 30th): ten days.

2. During the wet season (October 1st—June 30th): five days.

ii. For areas with mean annual precipitation less than twelve inches:

1. During the dry season (July 1st—September 30th): thirty days.

2. During the wet season (October 1st—June 30th): fifteen days.

III. Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.

IV. Soil stockpiles shall be stabilized from erosion, protected with sediment trapping measures, and, where possible, be located away from storm drain inlets, waterways, and drainage channels.

6- Protect Slopes.

I. Design and construct cut and fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking).

II. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and disturbed areas with interceptor dikes, pipes, and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.

III. At the top of slopes, collect drainage in pipe slope drains or protected channels to prevent erosion. Temporary pipe slope drains and channels shall handle the expected peak flow velocity from a six-month, three-hour storm for the developed condition, referred to as the short duration storm.

IV. Check dams shall be placed at regular intervals within constructed channels that are cut down a slope.

V. Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.

7- Protect Drain Inlets.

I. All storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.

II. Inlet protection devices shall be cleaned or removed and replaced when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).

8- Stabilize Channels and Outlets.

I. All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the following expected peak flows:

II. Channels shall handle the expected peak flow velocity from a six-month, three-hour storm for the developed condition, referred to as the short duration storm.

III. Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches shall be provided at the outlets of all conveyance systems.

9- Control Pollutants.

I. All pollutants, including waste materials and demolition debris, that occur on-site shall be handled and disposed of in a manner that does not cause contamination of stormwater.

II. Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.

III. Maintenance, fueling, and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures. Contaminated surfaces shall be cleaned immediately following any spill incident.

IV. Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the sanitary sewer with local sewer district approval.

V. Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers' label requirements for application rates and procedures shall be followed.

VI. BMPs shall be used to prevent or treat contamination of stormwater runoff by pH-modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, de-watering concrete vaults, concrete pumping and mixer washout waters. Responsible parties shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.

VII. Responsible parties shall obtain written approval from Ecology prior to using chemical treatment, other than CO₂ or dry ice, to adjust pH.

VIII. Responsible parties shall handle and dispose of on-site litter in a manner that does not cause contamination of stormwater.

IX. Portable restroom facilities shall be provided for construction workers. Such facilities shall be cleaned and maintained in a manner that will prevent any spills. If spills do occur, they shall be cleaned up immediately.

10- Control De-Watering.

I. Foundation, vault, and trench de-watering water, which have similar characteristics to stormwater runoff at the site, shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.

II. Clean, nonturbid de-watering water, such as well-point groundwater, can be discharged to systems tributary to, or directly into, surface waters of the state, as specified in Ecology's construction stormwater general permit (November, 2005) at S9.D.8, provided the de-watering flow does not cause erosion or flooding of receiving waters. Clean de-watering water should not be routed through stormwater sediment ponds.

III. Other de-watering disposal options may include:

i. Infiltration;

ii. Transport off-site in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters;

iii. Ecology-approved on-site chemical treatment or other suitable treatment technologies;

iv. Sanitary sewer discharge with local sewer district approval, if there is no other option; or

v. Use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized de-watering.

IV. Highly turbid or contaminated de-watering water shall be handled separately from stormwater.

11- Maintain BMPs.

I. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function in accordance with BMP specifications.

II. All temporary erosion and sediment control BMPs shall be removed within thirty days after final site stabilization is achieved or after the temporary BMPs are no longer needed.

12- Manage the Project.

I. Development projects shall be phased to the maximum degree practicable and shall take into account seasonal work limitations.

b) Inspection and Monitoring.

1. All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. The SWPPP shall identify an inspection and maintenance schedule for the BMPs contained in the SWPPP. Specific BMP inspection and maintenance guidance is contained in the latest version of the Stormwater Management Manual for Eastern Washington, other Ecology-approved stormwater manuals, or approved local equivalent.

(3) Maintenance of the Construction SWPPP. The construction SWPPP shall be retained on-site or within reasonable access to the site. The construction SWPPP shall be modified whenever there is a significant change in the design, construction, operation, or maintenance of any BMP.

(4) Construction SWPPP—Map Contents and Requirements.

a) The SWPPP shall also include a vicinity map or general location map (e.g., USGS Quadrangle map, a portion of a county or city map, or other appropriate map) with enough detail to identify the location of the construction site and receiving waters within one mile of the site.

b) The SWPPP shall also include a legible site map (or maps) showing the entire construction site. The following features shall be identified, unless not applicable due to site conditions:

1. The direction of north, property lines, and existing structures and roads;
2. Cut and fill slopes indicating the top and bottom of slope catch lines;
3. Approximate slopes, contours, and direction of stormwater flow before and after major grading activities;
4. Areas of soil disturbance and areas that will not be disturbed;
5. Locations of structural and nonstructural controls (BMPs) identified in the SWPPP;

6. Locations of off-site material, stockpiles, waste storage, borrow areas, and vehicle/equipment storage areas;
7. Locations of all surface water bodies, including wetlands;
8. Locations where stormwater or nonstormwater discharges off-site and/or to a surface water body, including wetlands;
9. Location of water quality sampling station(s), if sampling is required by state or local permitting authority; and
10. Areas where final stabilization has been accomplished and no further construction-phase requirements apply. (Ord. 2010-07 § 1 (part), 2010).

7.82.140 Enhanced criteria for impaired waters.

Construction activity that discharges via the city MS4 must receive prior approval from the wastewater manager. If these discharges go to impaired waters and wetlands with a stormwater waste load allocation, as designated in the most recent Eastern Washington Phase II municipal stormwater permit, or individual municipal stormwater permit issued to the city, by the Washington State Department of Ecology, then they shall meet enhanced criteria.

(1) In these cases, the wastewater manager may require additional storage, treatment, filtering, infiltration, or other techniques. The use of nonstructural practices shall be used to the maximum extent practical to meet enhanced criteria.

(2) Where an applicable total maximum daily load (TMDL) specifically precludes or prohibits discharges from construction activity, the applicant is not eligible for discharge to the MS4 under this chapter. (Ord. 2010-07 § 1 (part), 2010).

7.82.150 Procedures and requirements.

(1) Application Requirements. Applications shall be submitted and considered in the manner established by existing city ordinance, Chapter 16.04.

(2) Substantive Changes to Plan. No substantive changes shall be made to an approved plan without review and written approval by the director. The director may request additional data with a plan amendment as may

be necessary for a complete review of the plan and to ensure that changes to the plan will comply with the requirements of this chapter.

(3) Expiration of Plan Approval. The construction SWPPP's approval expires in one year from the date of approval unless a final plat is recorded or unless work has actually begun on the site. The recordation of a final plat for a section of a subdivision (or initiation of construction in a section) does not vest the approval of the construction SWPPP for the remainder of the subdivision. If the construction SWPPP expires, the applicant shall file with the city for reapproval of the construction SWPPP. (Ord. 2010-07 § 1 (part), 2010).

7.82.160 Fees.

(1) Fee Authority. The city may obtain with each submission an application fee established by the director to cover expenses connected with the review of the construction SWPPP and a technical review fee sufficient to cover professional review services for the project. The director is authorized to retain a registered professional engineer or other professional consultant to advise the city on any or all aspects of these plans.

- 1- Applicants must pay review fees before the review process may begin.
- 2- Application fees are payable at the time of application and are nonrefundable.
- 3- Application fees shall be calculated by the director in accordance with the fee schedule below.
- 4- These fees are in addition to any other local or state fees that may be charged under any other law, bylaw, or local ordinance.
- 5- When a construction SWPPP is submitted as part of a stormwater site plan required by Chapter 7.83, Post-construction Stormwater Runoff, fees from the post-construction stormwater runoff ordinance apply in lieu of fees required by this chapter.

(2) Application Fees.

1.	Construction Stormwater. One preproject planning meeting, one construction SWPPP review, one construction inspection, one final stabilization inspection for acceptance.	None at this time
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1- A nonrefundable application fee shall be due and payable to the city at the time an application is filed. The application fee will provide up to eight hours of services for administration, review, inspection, and monitoring for each project.

2- The director may require any applicant to pay an additional fee per hour for review, inspection and monitoring services for any project filing that requires an excess of eight hours of administration, review, inspection, and monitoring time by city staff member(s). Said fee shall be the hourly salary rate plus benefits for each city staff member doing this additional work multiplied by the number of additional hours, plus equipment and administrative costs.

(3) Revision of Fee Schedules and Regulations Governing Fees.

1- The director may review and propose revision to its regulations and fee schedules periodically as it sees fit.

a) Amendments shall be preceded by a public hearing.

b) The schedule of fees and charges proposed by the director shall be adopted by the city council and established in this chapter and may be altered or amended only by the city council.

(4) Automatic Fee Schedule Adjustment.

a) Beginning on January 1, 2012, and each successive January 1st thereafter, the city fee schedule adopted as a part of this title shall automatically be adjusted to account for any change in the consumer price index (CPI) as established by the U.S. Department of Commerce for the Seattle Metropolitan Area. The twelve-month period utilized to establish the fee schedule adjustment will be as established by the Department of Commerce for the Seattle CPI. Fees adjusted in this manner may be rounded to the nearest five-dollar increment. This section shall not preclude the city from modifying the base fee, where the city council finds it necessary to do so. (Ord. 2010-07 § 1 (part), 2010).

7.82.170 Inspection.

(1) Stormwater Authority Inspections and Notification.

a) The director shall conduct periodic inspections of the stormwater practices shown on the approved SWPPP, and especially during critical installation and stabilization steps. All inspections shall be documented in writing. The inspection shall document any variations or discrepancies from the approved

plan, and the resolution of such issues. The SWPPP and inspection record shall be maintained at the site during the progress of the work.

1. The responsible party shall notify the director one working day before beginning land disturbing activity and whenever the construction schedule in the SWPPP changes.

(2) Responsible Party Inspection.

a) The responsible party or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule identified in the approved SWPPP. The purpose of such inspections will be to determine the overall effectiveness of the SWPPP and the need for additional control measures. All inspections shall be documented in written form and submitted to the director at the time interval specified in the approved SWPPP. (Ord. 2010-07 § 1 (part), 2010).

7.82.180 Violations, enforcements and penalties.

Notwithstanding other requirements of law, as soon as any person from the responsible party, land developer, or contractor working at the construction site has information of any release of materials from said construction site to city property, the MS4, a public UIC, or any water of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of these materials, said person shall immediately notify code enforcement of the occurrence. Within five days after the occurrence, the discharger shall follow up with a written notification to the code enforcement division of the city. The notification shall include the location of the discharge, date and time thereof, type of waste, and corrective actions taken or required. Any discharger who discharges prohibited materials shall be liable for any expense, loss or damage to the city's stormwater system, in addition to any other liability established by this chapter or other city ordinance and the amount of any fines, penalties, damages or costs assessed against the city by any state or federal agency, court of law or private individual, as a result of the discharge. (Ord. 2010-07 § 1 (part), 2010).

7.82.190 Notice of violation.

Whenever the director finds that a person is in violation of this chapter, or an order issued hereunder, the director may serve upon said individual or entity written notice of the violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions, shall be submitted to the director. Submission of this plan does not relieve the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this

section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 2010-07 § 1 (part), 2010).

7.82.200 Administrative penalties and measures.

Notwithstanding any other section of this chapter, any person who is found in violation of any provision of this chapter, or orders issued hereunder, is subject to penalties in an amount up to one thousand dollars per violation. Each week on which noncompliance occurs or continues on a nonemergency basis, without an imminent threat to public health and safety, shall be deemed a separate and distinct violation. Each day on which noncompliance occurs or continues, with an imminent threat to public health and safety, shall be deemed a separate and distinct violation. Unpaid charges and penalties shall result in the withholding of the certificate of occupancy until all unpaid charges and penalties are paid in full. Issuance of an administrative penalty shall not be a prerequisite for taking any other action against the person. (Ord. 2010-07 § 1 (part), 2010).

7.82.210 Consent orders.

- (1) The director is hereby empowered to enter into consent decrees, agreed orders, officially accepted assurances of voluntary compliance or other similar documents establishing an agreement with the person responsible for the violation of this chapter. Such orders shall include specific action required by the person to correct the noncompliance within a time period specified by the consent decree, agreed order or other document of assurance of voluntary compliance. Such schedules may not extend the compliance date beyond applicable state or federal deadlines. Consent decrees shall have the same force and effect as compliance orders issued pursuant to YMC [7.82.220](#) and are enforceable in court.
- (2) Failure to comply with any terms or requirements of a consent decree, agreed order or other document of assurance of voluntary compliance by the person shall be an additional and independent basis for enforcement action authorized under this chapter as determined by the director. (Ord. 2010-07 § 1 (part), 2010).

7.82.220 Compliance orders.

- (1) When the director finds that a person has violated or continues to violate this chapter or any consent decree, agreed order or document of assurance of voluntary compliance issued hereunder, the director may issue a compliance order to the person responsible for the violation directing compliance within a specified time period. Compliance orders may also contain such other requirements as necessary to address the noncompliance, including the installation and management of BMPs and other measures designed to minimize the amount of pollutants discharged to city property, the MS4, public UICs and waters of the state. A compliance order may not extend the deadline for compliance established by a state or federal requirement or

standard, nor does a compliance order release the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not constitute a prerequisite for taking any other action against the person.

(2) Failure to comply with any terms or requirements of a compliance order by the person shall be an additional and independent basis for enforcement action authorized under this chapter as determined by the director. (Ord. 2010-07 § 1 (part), 2010).

7.82.230 Cease and desist orders.

When the director finds that a person has violated or continues to violate this chapter or any order issued hereunder, the director may issue an order to cease and desist all such violations and direct the responsible person to: (1) comply forthwith; and (2) take such appropriate remedial or preventive action as necessary to address a continuing or threatened violation, including halting work operations. Issuance of a cease and desist order shall not constitute a prerequisite to taking any other action against the person as determined by the director. (Ord. 2010-07 § 1 (part), 2010).

7.82.240 Recovery of costs incurred by the city.

Any person violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the city's property, MS4, UIC, or water of the state shall be liable to the city for all costs, reasonable expenses, losses, fines or damage caused by such violation or discharge. Said person is subject to the costs incurred by the city for any cleaning, repair, replacement work, monitoring and testing or other damages caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of YMC 7.82.300 to 7.82.320. (Ord. 2010-07 § 1 (part), 2010).

7.82.250 Administrative hearing.

(1) A person responsible for a violation of this chapter shall have the right to an administrative hearing to contest the city's determination: (1) to impose administrative penalties; (2) to bill the person for costs incurred by the city as a result of the violation or discharge; or (3) that the discharger has violated a consent decree, agreed order, compliance order, cease and desist order or other agreement or order of the city imposed by this chapter.

(2) Any hearing pursuant to this section must be requested in writing within fifteen days after the receipt of notice of the city's determination and shall be filed with the director. Failure to submit a timely notice shall be

deemed a failure to exhaust administrative remedies and shall preclude further review. However, as an exception, any person failing to request a timely hearing based on alleged extenuating circumstances has the burden of proof in establishing the circumstances justifying the late request. The city will conduct the hearing within twenty days of the receipt of the request.

(3) The administrative hearing authorized by this section will be held before the city manager or the city manager's designee. Formal rules of evidence will not apply but the person and the city shall have the right to present witnesses and documentary evidence. The city manager or the city manager's designee will issue a written decision within fifteen days of the conclusion of the hearing.

(4) Any person requesting a hearing shall have the right to make an electronic or stenographic record of the proceedings. Such record shall be made at the expense of the person requesting it.

(5) Except as otherwise provided, all decisions by the city manager or city manager's designee shall be final and conclusive on all parties unless appealed to the city council under YMC [7.82.260](#). (Ord. 2010-07 § 1 (part), 2010).

7.82.260 Judicial review.

The decision of the city council on an appeal of the decision of the city manager or the city manager's designee shall be final and conclusive unless, within twenty days from the date of its decision, a petition for review is filed in Yakima County superior court in the manner prescribed by law. (Ord. 2010-07 § 1 (part), 2010).

7.82.270 Judicial remedies.

The director, through the city attorney, may commence an action for appropriate legal and/or equitable relief in Yakima County superior court against any person responsible for a nonstormwater discharge, including pollutants, onto city property, into the city's MS4 or public UIC, or into any water of the state in violation of this chapter or any order issued hereunder. Such judicial action may be in lieu of or in addition to any other administrative or legal enforcement proceedings authorized herein. (Ord. 2010-07 § 1 (part), 2010).

7.82.280 Injunctive relief.

Whenever a person has violated or continues to violate the provisions of this chapter or any order issued hereunder, the director, through the city attorney, may petition the Yakima County superior court for the issuance of a temporary restraining order, preliminary or permanent injunction or all of the above which restrains or compels the activities of the responsible person. The director shall have such remedies to collect fees associated with legal costs. The city may also seek such other legal and/or equitable relief as deemed

appropriate. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against the responsible person. (Ord. 2010-07 § 1 (part), 2010).

7.82.290 Civil penalties.

(1) Any person who has violated or continues to violate an order of the city, or who fails to comply with: (a) any provision of this chapter, or (b) any rule or order of the city, issued pursuant to this chapter, is subject to a civil penalty. The amount of such civil penalty shall be up to one thousand dollars per violation, plus actual damages, costs and expenses incurred by the city. Each week on which noncompliance occurs or continues on a nonemergency basis, without an imminent threat to public health and safety, shall be deemed a separate and distinct violation. Each day on which noncompliance occurs or continues, with an imminent threat to public health and safety, shall be deemed a separate and distinct violation. Civil penalties that are not paid shall constitute a lien against the responsible person's property. In addition, the director may recover reasonable attorney's fees and court costs associated with the enforcement activities, including sampling and monitoring expenses.

(2) The director may petition the Yakima County superior court to impose, assess and recover such civil penalties. In determining the amount of liability, the court will take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions, the compliance history of the person and any other relevant factors.

(3) Filing suit for civil liability shall not be a prerequisite for taking any other action against a person. (Ord. 2010-07 § 1 (part), 2010).

7.82.300 Falsifying information.

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter (in addition to civil and/or criminal penalties otherwise provided by law) shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars per violation per day plus costs of prosecution or imprisonment not to exceed ninety days or both. (Ord. 2010-07 § 1 (part), 2010).

7.82.310 Criminal penalties.

Except as otherwise specifically provided herein, any person who willfully, knowingly, recklessly or negligently violates any provision of this chapter through any act or omission shall, upon conviction, be guilty of a gross misdemeanor, punishable by a fine of not more than five thousand dollars or imprisonment not to exceed one year, or by both such fine and imprisonment. Each violation and each day of violation shall constitute a separate offense. (Ord. 2010-07 § 1 (part), 2010).

7.82.320 Remedies nonexclusive.

The provisions in YMC [7.82.180](#) to 7.82.310 are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a person in violation of this chapter. (Ord. 2010-07 § 1 (part), 2010).

7.82.330 Compensatory action.

In lieu of enforcement proceedings, penalties and remedies authorized by YMC [7.82.200](#) to 7.82.230, the city may consider alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, surface water cleanup and other measures. (Ord. 2010-07 § 1 (part), 2010).

7.82.340 Publication of enforcement actions.

A list of all persons or entities that experience a significant violation of this chapter during the previous twelve months may be published, at least annually, by the city in the largest local daily newspaper of general circulation. For the purposes of this provision, a violation is a significant violation if it meets one or more of the following criteria:

1. Any release of materials from a construction site to city property, the MS4, a public UIC, or any water of the state that has caused imminent endangerment to public health, safety or welfare or to the environment;
2. Any other violation or group of violations that causes the city to expend additional time or expense in cleaning up a nonstormwater discharge on city property, in the stormwater system or public UIC. (Ord. 2010-07 § 1 (part), 2010).