

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE** amending the City of Yakima Municipal Code Chapter 7.85 Stormwater Illicit Discharge

**WHEREAS**, the City of Yakima is required to comply with the State of Washington’s Eastern Washington Phase II Municipal Stormwater Permit, hereinafter referred to as “Permit”; and

**WHEREAS**, the Permit requires the City to codify discharges that are exempted from the prohibited discharges, including non-stormwater discharges authorized by another National Pollutant Discharge Elimination System (NPDES) permit or state waste discharge permit, discharges from lawn watering and other irrigation runoff, other non-stormwater discharges provided that they follow the requirements of a pollution prevention plan reviewed by the City, and discharges from hot tubs or spas that comply with thermal chemical controls; and

**WHEREAS**, the City’s Permit allows the City to implement informal compliance strategies including education and/or technical assistance as well as other penalties toward violators of the stormwater code; and

**WHEREAS**, the Permit requires that the City codify that technical assistance for informal compliance strategies shall be found in the August 2019 edition of the Stormwater Management Manual for Eastern Washington or other technical stormwater manual approved by the Washington State Department of Ecology; and

**WHEREAS**, the City Council of the City of Yakima finds that it is in the best interests of the City of Yakima and its residents to protect water quality through stormwater regulations by identifying exempted discharges listed in the Permit and by specifying that technical assistance for informal compliance strategies shall be identified the in the Stormwater Management Manual for Eastern Washington or other technical stormwater manual approved by the Department of Ecology; now, therefore,

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** Section 7.85.040 Discharge prohibitions of the City of Yakima Municipal Code is hereby amended to read as follows:

**7.85.040 Discharge prohibitions.**

- A. No person shall discharge or cause to be discharged into the MS4 or a public UIC any materials, including but not limited to pollutants or waters containing any pollutants other than stormwater.
- B. The commencement, conduct or continuance of any illicit discharge into the MS4 or a public UIC is prohibited except as described as follows:
  - 1. The following discharges are exempt and shall only be illicit discharges if the city has reason to consider that the discharge, whether singly or in combination with others, may cause or contribute to a violation of the city’s stormwater permit, may cause the city to violate Ecology’s UIC rules, or is causing or contributing to a water quality or flooding problem. In

such cases, it shall be the responsibility of the discharger to provide evidence that the discharge is not illicit and complies with the following:

- a. Discharges resulting from emergency fire fighting activities shall be exempt at all times as noted in S2.B2 NPDES Permit;
  - b. Diverted stream flows;
  - c. Rising groundwaters;
  - d. Uncontaminated groundwater infiltration (as defined at [40 CFR 35.2005\(20\)](#));
  - e. Uncontaminated pumped groundwater;
  - f. Foundation drains;
  - g. Air conditioning condensation;
  - h. Irrigation water from agricultural sources that is commingled with urban stormwater;
  - i. Springs;
  - j. Water from crawl space pumps;
  - k. Footing drains;
  - l. Flows from riparian habitats and wetlands;
  - m. Non-stormwater discharges authorized by another NPDES permit or state waste discharge permit.
2. Dye testing is an allowable discharge but requires a verbal notification to the wastewater manager prior to the time of the test.
3. The following discharges are not exempt from discharge prohibitions established by this chapter:
- a. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing and pipeline hydrostatic test water.
    - i. Planned discharges from potable water sources may be discharged to the MS4 or public UIC provided they are dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4 or public UIC.
  - b. Swimming Pool Discharges.

- i. Discharges from swimming pools, hot tubs and spas may be discharged to the MS4 or public UIC, provided they are dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4 or public UIC. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water.
    - ii. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4 or public UIC.
  - c. Street and sidewalk wash water containing detergents, water used to control dust containing detergents, and routine external building wash down containing detergents.
    - i. Street and sidewalk wash water, water used to control dust and routine external building wash down water may be discharged to the MS4 or public UIC provided it does not contain detergents; streets and sidewalks are swept and material removed prior to washing; and at active construction sites, street sweeping shall be performed prior to washing the street.
  - d. Discharges from lawn watering and other irrigation runoff.
  - e. Other non-stormwater discharges.
    - i. Other non-stormwater discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee which addresses control of such discharges.
- 4. Discharges specified in writing by the state Department of Ecology as a significant source of pollutants to waters of the state are prohibited.
- 5. The prohibition shall not apply to any nonstormwater discharge 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 has been granted from the city for any discharge to the MS4 or public UIC. (Ord. 2009-33 § 1 (part), 2009).

**Section 2.** Section 7.85.095 Informal compliance actions of the City of Yakima Municipal Code is hereby amended to read as follows:

**7.85.095 Informal compliance actions.**

Notwithstanding any other section of this chapter, the wastewater manager may implement a compliance strategy towards violators that includes informal compliance actions such as public education and/or technical assistance, as well as other penalties. Technical assistance for source control best management practices and maintenance of stormwater facilities that discharge into the City's MS4 shall be found in the August 2019 edition of the Stormwater Management Manual for Eastern Washington or another technical stormwater manual approved by the Washington State Department of Ecology. (Ord. 2018-034 § 1, 2018)

**Section 3.** This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL**, signed and approved this 6<sup>th</sup> day of June, 2023.

ATTEST:

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Janice Deccio, Mayor

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Rosalinda Ibarra, City Clerk

Publication Date:\_\_\_\_\_

Effective Date:\_\_\_\_\_