



INFORMATIONAL MEMORANDUM

TO: Transportation & Infrastructure Services Committee
FROM: Hari Ponnekanti, Public Works Director/ City Engineer
BY: Greg Villanueva, NPDES Coordinator
CC: Mayor Ekberg
DATE: June 3, 2022
SUBJECT: Ordinance for NPDES Phase II Municipal Stormwater Permit Requirement

ISSUE

Approve adoption of the 2021 King County Surface Water Design Manual (KCSWDM) and the 2021 King County Stormwater Pollution Prevention Manual (SPPM) via a Surface Water Management Ordinance.

BACKGROUND

The National Pollutant Discharge Elimination System (NPDES) requires the City to adopt regulations and other requirements outlined in the City’s NPDES Phase II Permit, which became effective August 1, 2019. These requirements include:

- No later than June 30, 2022, adopt an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects.
- No later than August 1, 2022, permittees shall adopt and make effective an ordinance(s), or other enforceable documents, requiring the application of source control best management practices (BMPs) for pollutant generating sources associated with existing land use and activities.

ANALYSIS

To fulfill the first stated requirement, staff recommends adopting the *2021 King County Surface Water Design Manual (KCSWDM)* and the *2021 King County Stormwater Pollution Prevention Manual (SPPM)*. The City currently utilizes the 2016 KCSWDM, which is recognized by Ecology as fulfilling this permit requirement and is embedded throughout to in City code. On the second requirement, the City has created language that requires application of source control BMPs.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATION

The Council is being asked to approve the Surface Water Ordinance adopting the 2021 King County Surface Water Design Manual (KCSWDM) and the 2021 King County Stormwater Pollution Prevention Manual (SPPM) and consider this item at the June 13, 2022 Committee of the Whole and subsequent June 27, 2021 Special Meeting.

ATTACHMENT: Surface Water Management Ordinance
[2021 King County Surface Water Design Manual](#)
[2021 King County Stormwater Pollution Prevention Manual](#)

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REPEALING ORDINANCE NOS. 2274, 2516 AND 2423, AS CODIFIED IN TUKWILA MUNICIPAL CODE (TMC) CHAPTER 14.30, "SURFACE WATER MANAGEMENT;" REPEALING ORDINANCE NO. 2275, THEREBY ELIMINATING TMC CHAPTER 14.31, "ILLCIT DISCHARGE DETECTION AND ELIMINATION;" REENACTING TMC CHAPTER 14.30 TO UPDATE REGULATIONS REGARDING STORMWATER SAFETY, CONTROL AND MANAGEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila manages its stormwater pursuant to the National Pollution Discharge Elimination System (NPDES) Permit administered by the Washington State Department of Ecology; and

WHEREAS, the NPDES permit requires the City to take various actions to control and manage inputs into its municipal stormwater system; and

WHEREAS, the City recognizes the importance of effective management of stormwater in protecting residents and the surrounding environment; and

WHEREAS, this ordinance will update the City's stormwater management code provisions to address requirements in the NPDES permit and reorganize the code to achieve City goals of simplicity, consistency, and clarity in its stormwater regulations; and

WHEREAS, the City 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Repealed. Ordinance Nos. 2274, 2516 and 2423, as codified in Tukwila Municipal Code (TMC) Chapter 14.30, are hereby repealed.

Section 2. Repealer. Ordinance No. 2275, as codified in TMC Chapter 14.31, is hereby repealed, thereby eliminating TMC Chapter 14.31, “Illicit Discharge Detection and Elimination.”

Section 3. TMC Chapter 14.30 Reenacted. TMC Chapter 14.30 is hereby reenacted to read as follows:

**CHAPTER 14.30
SURFACE WATER MANAGEMENT**

Sections:

- 14.30.010 Authority
- 14.30.020 Purpose and Intent
- 14.30.030 Definitions
- 14.30.040 Applicability
- 14.30.050 Compliance
- 14.30.060 Standards
- 14.30.070 Permits
- 14.30.080 Compliance Required
- 14.30.085 Maintenance Required
- 14.30.090 Inspection Authority and Procedure
- 14.30.100 Inspection and Maintenance Schedule for Stormwater Flow Control and Water Quality Treatment Facilities
- 14.30.110 Maintenance Covenant Required for Stormwater Flow Control and Water Quality Treatment Facilities
- 14.30.120 Inspection and Maintenance Records
- 14.30.130 Special Drainage Fee
- 14.30.140 Inlet Marking
- 14.30.150 Trash and Waste Receptacles
- 14.30.160 Financial Guarantees
- 14.30.170 Insurance
- 14.30.180 Discharge Prohibitions
- 14.30.190 Allowable Discharges
- 14.30.200 Conditional Discharges
- 14.30.210 Best Management Practices
- 14.30.220 Liability
- 14.30.230 Enforcement Authority, Procedure, and Penalties
- 14.30.240 Injunctive Relief
- 14.30.250 Appeals

Section 4. TMC Section 14.30.010 is hereby reenacted to read as follows:

14.30.010 Authority

A. The Public Works Director shall administer and enforce the provisions of TMC Chapter 14.30. The Director’s authority includes the establishment and publication of regulations and procedures to supplement and implement this Chapter, approval of permits and exceptions, and enforcement and implementation of measures necessary to

carry out the intent of TMC Chapter 14.30. Such regulations and procedures shall be incorporated within Chapter 5 of the Public Works Development Guidelines and Infrastructure ~~and~~ Design and Construction Standards, as amended, revised or re-adopted from time to time and hereinafter known and referred to as the Public Works Surface Water Regulations and Procedures.

B. The Public Works Director is authorized to develop and implement an inspection program for the investigation of sites that have the potential to discharge pollutants to the stormwater drainage system, suspected illicit discharges, and illicit connections in the City of Tukwila.

BC. The Public Works Director may initiate all required actions to prevent or stop acts or intended acts of an applicant or other person that constitute a hazard to life or safety; endangered property; or adversely affect the safety, use or stability of a public way, surface water, a conveyance system or a ~~sensitive-critical~~ area or buffer.

CD. If the Director determines that a person engaged in an activity that could or does negatively affect surface water has failed to comply with City code or with approved surface water plans and/or other permit conditions, the Director may implement any or all of the following enforcement actions:

1. Suspend or revoke without written notice any surface water permit issued by the City, when the Director determines an immediate danger to life, safety or property exists in a downstream area or adjacent property.

2. Serve a written notice of violation upon that person by registered or certified mail or personal service. The notice shall set forth the measures necessary to achieve compliance, specify the time to commence and complete corrections and indicate the consequences for failure to correct the violation.

3. Suspend or revoke any ~~surface-water-stormwater related~~ permit issued by the City after written notice is given to the applicant for any of the following reasons:

- a. Any violation(s) of the conditions of the surface water permit;
- b. Changes in site runoff characteristics upon which a permit or exception was granted;
- c. Construction not in accordance with the approved plans; or
- d. Non-compliance with correction notice(s) or “stop work” order(s) issued for the construction of temporary or permanent stormwater management facilities.

4. Post a “stop work” order at the site directing that all activities that could affect surface water or a conveyance system cease immediately. The “stop work” order may include any discretionary conditions and standards adopted in TMC 14.30.070 that must be fulfilled before any work may continue.

Section 5. TMC Section 14.30.020 is hereby reenacted to read as follows:

14.30.020 Purpose and Intent

A. The purpose of TMC Chapter 14.30 is to provide for the health, safety, and general welfare of the citizens of Tukwila, Washington, through the regulation of development activities that could affect stormwater and non-stormwater discharges to the stormwater drainage system to the maximum extent practicable as required by federal and state law. This chapter also establishes methods for controlling the introduction of pollutants into the stormwater drainage system in order to comply with the requirements of the National Pollutant Discharge Elimination Systems (“NPDES”) permit process. The provisions of TMC Chapter 14.30 shall be liberally construed to accomplish the following purposes:

1. Promote sound development policies and procedures that protect and preserve the City’s water courses, groundwater, and surface water infrastructure.

2. Protect surface water conveyance systems and receiving waters from pollution, mechanical damage, excessive flows, and other conditions that increase erosion and/or turbidity, siltation and other pollution, or that will reduce groundwater recharge or endanger aquatic and benthic life within surface waters and receiving waters within the State.

3. Meet the requirements of ~~S~~state and federal law.

4. Fulfill the City’s responsibilities as trustee of the environment for future generations.

5. Promote the health, safety and welfare of the public.

6. Protect private and public property from drainage related damage.

7. Promote site planning and construction practices that are consistent with natural topographical, vegetative, and hydrological conditions.

8. Preserve and enhance the suitability of water bodies for recreation and wildlife habitat.

9. Regulate the contribution of pollutants to the stormwater drainage system by stormwater discharges by any person.

10. Prohibit illicit connections and illicit discharges to the stormwater drainage system.

11. Establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

B. The intent of this chapter is to place the obligation of complying with its requirements upon the stormwater facility owner. Neither the city nor its officers, agents, or employees shall incur liability or be held liable by reason of taking any action required or permitted hereunder.

C. The intent of this chapter is not to repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

Section 6. TMC Section 14.30.030 is hereby reenacted to read as follows:

14.30.030 Definitions

Unless specifically defined below, words or phrases used in TMC Chapter 14.30 shall be interpreted using the meaning they have in common usage and to give TMC Chapter 14.30 its most reasonable application; provided that words or phrases not defined herein that are defined in the ~~City of Tukwila~~ “Surface Water Design Manual” or “Stormwater Pollution Prevention Manual,” shall have the meaning given therein.

1. “AKART” means All Known, Available, and Reasonable methods of prevention, control, and Treatment (see also the State Water Pollution Control Act, RCW 90.48.010 and RCW 90.48.520).

2. “Applicant” means any person, governmental agency, or other entity that executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project. Applicant also means any person, governmental agency, or other entity that is performing or plans to perform permitted work within the City.

3. “Approval” means proposed work or completed work conforming to TMC Chapter 14.30 as approved by the Director.

4. “Best Management Practice” or “BMP” means those practices, prohibitions of practices, or schedules of activities, which provide the best available and reasonable physical, structural, managerial, or behavioral activity to: (a) reduce or eliminate pollutant loads and/or concentrations leaving a site; or (b) prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

5. “City” means the City of Tukwila or the City Council of Tukwila.

6. “Clean Water Act” means the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq) and any subsequent amendments thereto.

7. “Comprehensive Surface Water Management Plan” means a plan adopted by the City Council that provides direction for management of the City's surface and stormwater system to benefit the community and meet the City's overriding goal of health and sustainability to guide the physical growth and improvement of the City and urban growth management area, including any future amendments and revisions.

8. “Conveyance system” means natural and man-made drainage features that collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter surface water. Natural drainage features include swales, streams, rivers, lakes and wetlands. Man-made features include gutters, ditches, pipes, detention/retention facilities, dikes, levees and revetments.

~~7~~9. “Critical drainage area” means an area, as determined by the City, needing additional controls to address flooding, drainage, and/or erosion conditions that pose an imminent likelihood of harm to the welfare and safety of the surrounding community.

~~8~~10. “Development” means any man-made change of improved or unimproved real estate; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; or any use or extension of the use of land.

~~9~~11. “Director” means the Director of Public Works or designee.

~~10~~12. “Drainage review” means an evaluation by the City to determine compliance with the City’s standards and adopted Surface Water Management Manual.

~~11~~13. “Erosion” means detachment and transport of soil or rock fragments by water, wind, ice, etc.

14. “Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

15. “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.

16. “Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.

17. “Illicit connection” means any man-made conveyance that is connected to a stormwater drainage system without a permit, excluding roof drains or other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, and inlets or outlets that are connected directly to the stormwater drainage system.

~~12~~18. “Illicit discharge” means all non-surface water discharges to surface water conveyance systems that cause or contribute to a violation of State water quality, sediment quality or ground water quality standards. These discharges include, but are not limited to, sanitary sewer connections, industrial process water, interior floor drains connections, waste dumping, car washing and grey water systems.

19. “Imminent hazard” means the existence of a condition that presents a substantial endangerment to health, property or the environment.

~~13~~20. “Low impact development” (“LID”) 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.

21. “National Pollutant Discharge Elimination System Stormwater Discharge Permit” means a permit issued by the Washington Department of Ecology under the authority delegated pursuant to 33 U.S.C. §1342(b) (Clean Water Act) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

22. “Non-stormwater discharge” means any discharge to the stormwater drainage system that is not composed entirely of stormwater.

23. “Person” means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner’s agent.

4424. “Plans” means the plans, profiles, cross sections, elevations, details and supplementary specifications, showing the location, character, dimensions and details of the work to be performed. These plans are approved by the Public Works Director and are usually signed by a registered professional engineer licensed in the State of Washington.

4525. “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; non-hazardous liquid, solid waste and yard waste; refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordnance 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 waste; waste and residue that results from constructing a building or structure; and noxious or offensive matter of any kind.

4626. “Pollution” means contamination or other alteration of the physical, chemical, or biological properties of waters of the State that will or is likely to create a nuisance or render waters harmful, detrimental or injurious to: 1) ~~to~~ public health, safety or welfare, or 2) ~~to~~ domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or 3) ~~to~~ livestock, wild animals, birds, fish or other aquatic life. Contamination includes discharge of any liquid, gas or solid radioactive or other substance. Alteration includes temperature, taste, color, turbidity or odor.

27. “Premises” means any building, lot, parcel of land ,or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

4728. “Project” means activity encompassing all phases of the work to be performed and is synonymous to the term “improvement” or “work.”

4829. “Runoff” means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands, as well as shallow groundwater and that portion of precipitation that becomes surface flow and interflow.

4930. “Sediment” means fragmented material originating from weathering and erosion of rocks or unconsolidated deposits, which is transported by, suspended in or deposited by water.

2031. “Sedimentation” means the deposition or formation of sediment

2432. “Single-family residence” means a project that constructs or modifies one single family dwelling unit and/or makes related on-site improvements, such as a driveway, outbuildings or play courts.

33. “Source Control Best Management Practice” or “Source Control BMP” 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.

2334. “Stormwater” means ~~surface water~~ that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel or a constructed infiltration facility.

2435. “Stormwater drainage system” means a constructed-conveyance system and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater.

36. “Stormwater related permit” means a Public Works permit or a surface water concurrency test.

37. “Stormwater Pollution Prevention Plan” means a document that describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

2538. “Surface flow” means flow that travels overland in a dispersed manner (sheet flow) or in natural channels or streams or constructed conveyance system.

2639. “Surface Water” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow channels, or pipes into a natural drainage system, a surface water conveyance system, or into a constructed surface water facility.

40. “Surface water plan” means a set of drawings and documents submitted as prerequisite to obtaining a development permit.

2741. “TMC” means the Tukwila Municipal Code.

2842. “Typical” means the guidelines that shall be followed unless the Director approves an exception.

2943. “Water body” means a creek, stream, pond, wetland, lake, or river.

3044. “Watershed” means a geographic region within which water drains into a particular river, stream, or water body as identified and numbered by the State of Washington Water Resource Inventory Area (WRIAs) as defined in the Washington Administrative Code.

Section 7. TMC Section 14.30.040 is hereby reenacted to read as follows:

14.30.040 Applicability

TMC Chapter 14.30 applies to:

1. All development activities occurring within the City limits that could affect surface water; and
2. Any materials and discharges other than stormwater entering the stormwater drainage system generated on any developed and undeveloped lands lying within the City of Tukwila.

Section 8. TMC Section 14.30.050 is hereby reenacted to read as follows:

14.30.050 Compliance

A. TMC Chapter 14.30 contains minimum requirements. The requirements do not replace, repeal, abrogate, supersede, or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where TMC Chapter 14.30 imposes requirements that provide more protection to human health or the environment, the requirements of TMC Chapter 14.30 shall prevail.

B. Approvals and permits granted under TMC Chapter 14.30 do not imply waiver of other laws and regulations, nor do they indicate compliance with other laws and regulations.

C. Compliance with the minimum standards and requirements set forth in TMC Chapter 14.30 and related regulations, standards, and manuals adopted by the City does not necessarily mitigate all impacts to human health and the environment. In such cases, the applicant must implement additional mitigation to protect human health and the environment.

D. City departments shall comply with all the requirements of TMC Chapter 14.30, with the exception of obtaining permit and approvals from the City for works performed in the public rights-of-way, or for operation and maintenance activities by the Department of Parks and Recreation.

~~E. Unless otherwise required by law, in the event of a conflict or inconsistency between a standard or requirement of this chapter and a standard or requirement of the Public Works Surface Water Regulations and Procedures, the SWDM, the DOE SWDM or the SPPM, this chapter shall control to the extent of the conflict or inconsistency; provided that, if a requirement or standard of the Public Works Surface Water Regulations and Procedures, SWDM, DOE SWDM or SPPM, is more restrictive, i.e., provides more protection to human health or the environment, then the more restrictive requirement or standard shall control. For example, if a particular core requirement exemption allowed under the SWDM is not allowed pursuant to the Public Works Surface Water Regulations and Procedures, the more restrictive standard of the Public Works Surface Water Regulations and Procedures will apply.~~

Section 9. TMC Section 14.30.060 is hereby reenacted to read as follows:

14.30.060 Standards

A. Unless the Director requires more stringent standards to mitigate a project's impact to the public and environmental health and safety, All development activities within the City shall be undertaken in accordance with the following minimum standards, which may be amended from time to time by the Director, except that depending on a project's possible impact to public and environmental health and safety, the Director may require stricter standards:

1. The City's National Pollutant Discharge Elimination System (NPDES) permit.

2. The ~~2016~~ 2021 King County Surface Water Design Manual (~~hereafter known and referred to as "KGSWDM"~~), attached hereto as "Exhibit A", (~~or in the alternative) as filed in the City Clerk's Office~~), is hereby adopted by reference as the City of Tukwila "Surface Water Design Manual" and, together with the amendments thereto as set forth in this section, shall be known and referred to as the "Surface Water Design Manual" or the SWDM. ~~The Director will review subsequent amendments to the KGSWDM and will make recommendations to the City Council for adoption as needed and as applicable, or will adopt and implement necessary administrative regulations and/or procedures pursuant to the Director's authority under TMC Section 14.30.010(A).~~

3. The Department of Ecology ~~2012~~ 2019 Stormwater Management Manual for Western Washington, ~~hereafter known and referred to as the ("DOE SWDM")~~, may be used for project design for multi-jurisdictional development projects wherein a substantial and material portion of the development project will take place outside of the jurisdictional boundaries of the City and will be required by a permitting authority to comply with the standards set forth in the DOE SWDM; provided that the Public Works Director approves of the DOE SWDM based upon a finding that application of differing standards set forth in the SWDM and the DOE SWDM will create a hardship for the applicant, and that approval of use of the DOE SWDM will not result in requirements that are less restrictive than the SWDM or otherwise inconsistent with the purpose of this chapter.

4. The ~~2016~~ 2021 King County Stormwater Pollution Prevention Manual, (~~hereafter known and referred to as ("KCSPPM")~~), attached hereto as "Exhibit B", (~~or in the alternative) as filed in the City Clerk's Office~~), is hereby adopted by reference as the City of Tukwila Stormwater Pollution Prevention Manual and, together with the amendments thereto as set forth in this section, shall be known and referred to as the "Stormwater Pollution Prevention Manual" or the "SPPM." ~~The Director will review subsequent amendments to the KCSPPM and will make recommendations to the City Council for adoption as needed and as applicable, or will adopt and implement necessary administrative regulations and/or procedures pursuant to the Director's authority under TMC Section 14.30.010(A).~~

5. The Public Works Surface Water Regulations and Procedures.

6. Any applicable standards, codes, or recommendations in specific reports such as the geotechnical report and the Technical Information Report.

7. The City's Development Guidelines and Infrastructure Design and Construction Standards.

~~68. Development design and construction shall meet all of the applicable standards and codes, recommendations in specific reports, such as the geo-technical report and the Technical Information Report, and design criteria contained in the The Comprehensive Surface Water Management Plan or Drainage Basin Plans.~~

~~7B.~~ Unless the context indicates otherwise, the following terms and phrases, as used in the SWDM or the SPPM, shall have the meaning or reference given:

~~1.~~ See *Figure 14-4* relating to Tukwila Terminology Equivalents to King County Terminology.

~~82.~~ All references to King County codes or any section thereof in the SWDM or the SPPM ~~to the following King County codes, or any section thereof,~~ shall be replaced by reference as indicated in *Figure 14-5* to the applicable code and comparable section thereof.

~~93.~~ All references to maps in the SWDM and SPPM ~~to the following maps~~ shall be replaced by reference as indicated in *Figure 14-6*.

Section 10. TMC Section 14.30.070 is hereby reenacted to read as follows:

14.30.070 Permits

~~A. The application for and issuance of a surface water/storm drainage permit constitutes the administrative mechanism for the enforcement of the provisions contained herein. Such permits shall be non-transferable without approval of the Public Works Director and shall be limited to the specific activities for which they are granted.~~

~~BA.~~ Activities that trigger drainage review pursuant to the "Surface Water Design Manual" require a permit to be issued by the City. ~~Permit application shall be made to the City's permit center. Such permits shall be non-transferable without approval of the Director and shall be limited to the specific activities for which they are granted.~~

~~CB.~~ All plans, drawings, and calculations shall be prepared, stamped, signed and dated by a registered professional engineer, licensed in the State of Washington. A single-family residence that is not in a sensitive-critical area and does not trigger drainage review may be exempt from this requirement.

~~DC.~~ The submittals for the permit must meet or exceed the minimum criteria ~~in the Surface Water Design Manual and the City's Development Guidelines and Design and Construction Standards~~ as required in the standards adopted in this chapter. The Director may require additional submittals to those described therein.

~~ED.~~ Any significant changes to the approved plans or specifications of a permitted project require a revision submittal to the City for approval before the changes are implemented.

Section 11. TMC Section 14.30.080 is hereby established to read as follows:

14.30.080 Compliance Required

Property owners are responsible for the maintenance, operation and repair of stormwater drainage systems within their property. Property owners shall maintain, operate and repair stormwater drainage systems in compliance with the requirements of this chapter and the “Surface Water Design Manual.”

Section 12. TMC Section 14.30.085 is hereby established to read as follows:

14.30.085 Maintenance Required

A. All stormwater drainage systems in the City shall be maintained according to this chapter and the minimum maintenance standards detailed in the “Surface Water Design Manual.”

B. All stormwater drainage systems shall be inspected on a periodic basis, as described in the “Surface Water Design Manual.” If, during an inspection, a stormwater drainage system is found not to be in compliance with the minimum required standards, the owner or operator of the stormwater drainage system shall immediately repair the system and return it to proper operating condition in compliance with this chapter and any applicable covenant. Inspections may be scheduled more frequently to ensure the stormwater drainage system continually functions as designed.

C. Where abatement is found necessary to correct health or safety problems, to control pollutants from entering the stormwater drainage system, to prevent surface water or ground water quality degradation, or to remove pollutants that have entered the stormwater drainage system, such work shall be completed immediately by the owner or operator of the stormwater drainage system. If the owner does not complete the work, the City is authorized to enter the property and abate the problem in accordance with TMC Section 14.30.090.

D. Where regular maintenance and/or repair is found necessary during inspection, maintenance shall be performed in accordance with the maintenance schedule established by the stormwater manual.

Section 13. TMC Section 14.30.090 is hereby established to read as follows:

14.30.090 Inspection Authority and Procedure

A. **Inspection authority.** Whenever implementing the provisions of this chapter or whenever there is cause to believe that a violation of this chapter has been or is being committed, the Director is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within the City to determine compliance with the provisions of this chapter.

B. **Inspection procedure.** The procedure outlined below shall be followed when inspections occur:

1. Prior to making any inspections on private property, the Director shall present identification credentials, state the reason for the inspection and request entry.

2. If the property or any building or structure on the property is unoccupied or inaccessible, the Director shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

3. If, after reasonable effort, the Director is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the Director may enter.

4. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist that create an imminent hazard, the Director shall obtain a search warrant, prior to entry, as authorized by the laws of the State of Washington.

5. The Director may inspect the stormwater drainage system without obtaining a search warrant as provided for in TMC Section 14.30.090.B.4, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

6. The Director shall investigate illicit discharges in an effort to identify the source. If such discharges are tracked to a specific connection to the public stormwater drainage system, or directly to surface water or ground water, inspection and investigation of that site will be initiated in compliance with the inspection procedures defined in this section. If the discharge is an imminent threat to public safety or the environment, emergency action shall be taken in accordance with this TMC Section 14.30.090.

Section 14. TMC Section 14.30.100 is hereby established to read as follows:

14.30.100 Inspection and Maintenance Schedule for Stormwater Flow Control and Water Quality Treatment Facilities

A. The Director shall establish inspection and maintenance scheduling and standards for all publicly and privately owned stormwater flow control and water quality treatment facilities. The maintenance of the stormwater flow control and water quality facilities shall be guided by the “Surface Water Design Manual.” The base frequency for inspection and maintenance shall be in accordance with the NPDES permit currently in effect.

B. The City requires all inspections to be paid for by the property owner and conducted by a City-approved third-party inspector unless approved otherwise by the Director.

C. Adjustment to a less than annual inspection frequency may be revised as approved by the Director based upon maintenance records of double the length of time of the proposed inspection frequency.

~~14.30.080 Stormwater Drainage System Maintenance and Inspection Requirements~~

~~A. All Stormwater Drainage Systems. All public and private stormwater drainage systems providing permanent stormwater treatment and/or flood control shall be inspected and maintained in accordance with the standards contained in the Surface Water Design Manual. The following are additional minimum standards for the maintenance of all stormwater drainage systems:~~

~~1. All stormwater treatment and flow control components of stormwater drainage systems shall be inspected annually, but the frequency of such inspections may be reduced based on inspection records. Owners of private stormwater drainage systems shall be responsible for maintenance, inspection, and corrections. The City will perform periodic inspections of these same stormwater drainage systems.~~

~~2. When an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed by the owner or person in control of the stormwater drainage systems within the following time period:~~

~~a. Within one year for wet pool facilities, infiltration facilities, and detention facilities including detention pipes, ponds, and valves;~~

~~b. Within six months for routine maintenance operations;~~

~~c. Within nine months for maintenance requiring revegetation; and~~

~~d. Within two years for maintenance that requires capital construction of less than \$25,000.00.~~

~~3. The Director or his or her designee may order corrective maintenance to occur within a specific time period.~~

~~4. The Director has unlimited access — at all reasonable times — to any property whenever the Director has reasonable cause to believe violations of TMC Chapter 14.30 are present or operating on a subject property, whenever necessary to make an inspection or perform activities to enforce any provisions of TMC Chapter 14.30, whenever necessary to monitor proper function of drainage facilities, or whenever the condition of a surface water system presents imminent hazard.~~

~~5. When the City has given a stormwater drainage system owner or person in control prior notification and the owner or person in control has failed to maintain such stormwater drainage system or when conditions make it impossible to give prior notice, the City may perform the required maintenance or repairs with the cost of said work assessed as a lien against the properties responsible for the maintenance. This action shall be in addition to any other enforcement provisions provided in TMC Chapter 14.30.~~

~~6. Maintenance of private stormwater drainage systems and implementation of best management practices are the responsibility of the owners and persons in control of the stormwater drainage systems.~~

~~7. If the property owner(s) or person in control does not maintain the stormwater drainage system as prescribed in the approved maintenance schedule, the Director may issue a written notice specifying the required actions and setting a time frame for completion of the specified actions. If these corrective actions are not performed in a timely manner, the City or a private contractor hired by the City may enter the property to perform the actions and bill the property owner(s) and/or person in control for the cost of the work. In the event the Director determines a hazard to public safety exists, written notice is not required.~~

Section 15. TMC Section 14.30.110 is hereby established to read as follows:

14.30.110 Maintenance Covenant Required for Stormwater Flow Control and Water Quality Treatment Facilities

A. Prior to the issuance of any permit for which a construction Stormwater Pollution Prevention Plan is required, the City shall require the applicant or property owner to complete and submit a Declaration of Covenant for Inspection and Maintenance of Stormwater Facilities and BMPs ("covenant") for the City's review and approval, warranting that the property owner will manage, inspect, and maintain the stormwater flow control and water quality treatment facilities per the conditions required by TMC Chapter 14.30 and the covenant.

1. At a minimum, the covenant shall describe the maintenance activities, spell out the frequency for each activity and state who performs and who pays for each activity.

2. The covenant shall provide unlimited access, at all reasonable times, to the stormwater drainage systems for inspection by the Public Works Department.

B. Once approved by the City, the covenant shall be signed by the applicant or property owner and promptly recorded on title with the King County Department of Records and Elections. A copy of the recorded covenant shall be provided to the Director prior to the final inspection.

C. The covenant shall be included in any instrument of conveyance of the subject property, shall run with the land, and shall be binding upon such owner's heirs, successors, and assigns.

Section 16. TMC Section 14.30.120 is hereby reenacted to read as follows:

14.30.120 Inspection and Maintenance Records

~~14.30.080.B New Facilities.~~

1A. For privately-owned stormwater drainage systems, the applicant shall provide a monitoring and maintenance schedule for the life of each stormwater drainage system or component thereof or best management practice resulting from the development. At a minimum, the schedule shall describe the maintenance activities, spell out the frequency for each activity and state who performs and who pays for each activity.

~~2B.~~ The monitoring and maintenance schedule shall provide unlimited access, at all reasonable times, to the stormwater drainage systems for inspection by the Public Works Department.

~~3C.~~ The Director shall review and approve the monitoring and maintenance schedule before the applicant records the schedule with King County Records.

~~4D.~~ Owners of projects distributing over one acre must maintain records of facility inspections and maintenance actions. Records shall be retained for a period of at least ten years. These maintenance records are to be provided to the City upon request.

~~5E.~~ For new residential developments in excess of 1 acre, additional inspections are required of all new flow control and water quality treatment facilities, including catch basins, every six months during the period of heaviest residential construction (i.e., 1 to 2 years following subdivision approval) to identify maintenance needs and enforce compliance with maintenance standards as needed. The City will perform periodic inspections of these same stormwater drainage systems.

Section 17. TMC Section 14.30.130 is hereby reenacted to read as follows:

~~14.30.090~~ **14.30.130 Special Drainage Fee**

When the City accepts stormwater drainage system infrastructure that requires upkeep in excess of normal maintenance, the City has the right to charge the benefiting parties a special drainage fee in addition to the City's normal surface water charge, as condition of turnover, in order to cover costs for this maintenance.

Section 18. TMC Section 14.30.140 is hereby reenacted to read as follows:

~~14.30.100~~ **14.30.140 Inlet Marking**

A. All new inlets and catch basin grates, public or private, shall be marked "No Dumping! Drains to Stream." In addition, a four-inch raised pavement marking that states "No Dumping—Drains to Streams" or equivalent as approved by the ~~Public Works~~ Director shall be installed.

B. Existing inlets and catch basin grates in areas being resurfaced or when being modified or replaced, shall be marked "No Dumping! Drains to Stream." In addition, a four-inch raised pavement marking that states "No Dumping—Drains to Streams" or equivalent as approved by the ~~Public Works~~ Director shall be installed.

C. ~~The marking~~ **Markings required by this section** shall meet the standard in the ~~City's~~ Development Guidelines and **Infrastructure** Design and Construction Standards.

Section 19. TMC Section 14.30.150 is hereby reenacted to read as follows:

~~14.30.110~~ **14.30.150 Trash and Waste Receptacles**

A. Restaurants, including food preparation facilities; facilities with an outdoor trash compactor; or facilities that have been determined to generate pollution or waste activities, shall have a dedicated, roof-covered trash enclosure that drains to a catch basin connected to a grease interceptor that drains to the sanitary sewer. The trash enclosure area shall be kept clean and contained and shall not drain to a storm drainage system.

B. Dumpsters and garbage and waste containers shall be leak-proof and kept closed or lidded at all times except when disposing of waste materials.

C. Grease storage containers shall be kept covered at all times and shall have spill containment. The area shall be kept clean and clear of any fats, oil or grease and shall not drain to a storm drainage system or sanitary sewer system.

Section 20. TMC Section 14.30.160 is hereby reenacted to read as follows:

~~14.30.120~~ **14.30.160 Financial Guarantees**

A. The ~~Public Works~~ Director may require from the applicant a surety, cash bond, irrevocable letter of credit or other means of financial guarantee acceptable to the City, prior to approving ~~the a~~ permit issued under TMC Chapter 14.30.

B. The amount of the financial guarantee shall not be less than the total estimated construction cost of all interim and permanent stormwater control facilities and shall not be fully released without final inspection and approval of completed work by the City.

C. For developments that may involve a risk of property damages or possible hazards, the Public Works Director may require the provision of financial guarantee (bond, note, letter of credit, etc.) with the City to mitigate damages should they occur. The following provisions shall apply in instances where such financial guarantees are required:

1. Such bond or other proof of financial guarantee shall not exceed 150% of the estimated cost of constructing and maintaining those improvements which are the source of the risk or potential hazard; provided that, in the case of surface water activities which do not involve expenditures at least equal to the cost of remedying the possible adverse impacts of such activities, the required financial guarantee shall be equal to City staff's best estimate of the possible cost directly associated with remedying the adverse impacts to public or private properties not associated with the development.

2. The amount of any financial guarantee shall not serve as a gauge or limit to the compensation collected from a property owner because of damages associated with any surface water activity.

D. The City shall retain the financial guarantee until the completion of any project involving surface water activity or following a prescribed trial maintenance period.

E. The City ~~of Tukwila~~ may redeem financial guarantees provided in accordance with this provision in whole or in part upon determination by the ~~Public Works~~ Director that any or all of the following circumstances exist:

1. Failure on the part of the party providing such financial guarantee to fully comply, within the time specified, with approved plans and/or any corrective or enforcement actions mandated by TMC Chapter 14.30; or,

2. Damages to public or private property arising from the activities for which the financial guarantee was required.

Section 21. TMC Section 14.30.170 is hereby reenacted to read as follows:

~~14.30.130~~ 14.30.170 Insurance

A. If, in the opinion of the ~~Public Works~~ Director, the risks to property or life and safety associated with a proposed development activity are substantial, ~~said official the~~ Director may require the ~~property~~ owner of the storm drainage system to purchase liability insurance coverage in the following minimum amounts:

1. Bodily injury liability - ~~\$1~~ \$3 million per occurrence.
2. Property damage liability - ~~\$1~~ \$3 million per occurrence.

B. The ~~Public Works~~ Director may require higher policy limits than set forth in TMC Section ~~14.30.120A~~ 14.30.170.A in those cases where the minimum amounts are deemed insufficient to cover possible risks.

C. All insurance policies obtained in accordance with ~~these provisions~~ TMC Section 14.30.170 shall name the City of Tukwila as an “additional insured,” and shall be written by a company licensed to do business in the State of Washington. Neither issuance of a permit, nor compliance with these provisions or any other conditions imposed by the City relieves any person from responsibility for damage to persons or property otherwise imposed by law, nor for damages in an amount greater than the insured amount. Issuance of a permit shall not form the basis of liability against the City for damages to persons or property arising from the development activities permitted by the City or otherwise undertaken by any person.

~~14.30.140~~ Exceptions

~~A. Requested by Applicant.~~

~~1. The Director may grant a written exception from any requirements of TMC Chapter 14.30 if there are exceptional circumstances applicable to the site such that strict adherence to the provisions contained herein will result in unnecessary hardship and not fulfill the purpose of TMC Chapter 14.30. The cost to design and construct the improvements shall not constitute hardship and shall not form the basis for an exception.~~

~~2. The applicant shall provide the Director a written request stating the specific exception sought and the reasons supporting the exception.~~

~~3.—The Director may grant an exception to TMC Chapter 14.30 only if all of the following criteria are met:~~

~~a.—Strict compliance with the provisions of TMC Chapter 14.30 may jeopardize project feasibility and reasonable use of property;~~

~~b.—Proposed drainage facilities are consistent with the purpose and intent of TMC Chapter 14.30;~~

~~c.—Granting the exception or standard reduction will not be detrimental to the public welfare, public safety, existing drainage systems or other property in the drainage basin; and~~

~~d.—The recommendation of a registered civil engineer supports the exception.~~

~~B.—Low-Impact Development.~~

~~1.—In order to achieve the City's goal of increasing the amount of development with less impervious surface, the Director may approve exceptions to Public Works standards, including street standards. Exceptions requiring approval under the land use codes, such as parking and landscaping, must be made to the Department of Community Development.~~

~~2.—The applicant shall provide justification for each exception and shall show that the project meets all other TMC requirements and that the project has a reasonable assurance of long-term success.~~

~~3.—Each exception shall be assessed on the following criteria:~~

~~a.—The result will compensate for or be comparable with surface water flow control and treatment that is in the public's interest;~~

~~b.—The exception contributes to and is consistent with achieving low effective impervious surface area within a development;~~

~~c.—The exception contains reasonable assurances that low effective impervious surfaces will be achieved and maintained;~~

~~d.—Granting of the exception will not threaten public health and safety;~~

~~e.—The exception meets or is consistent with generally accepted engineering design practices;~~

~~f.—The exception promotes one or more of the following:~~

~~(1) Innovative site or housing design;~~

~~(2) Increase in on-site surface water retention using native vegetation;~~

~~(3) Retention of at least 60% of natural vegetation conditions over the site;~~

~~(4) Improved on-site water quality beyond that required in current standards adopted by the City;~~

~~(5) Retention or recreation of predevelopment and/or natural hydrologic conditions to the maximum extent possible; and~~

~~(6) Reduction of effective impervious surface to lowest extent practicable.~~

~~g. The exceptions do not present significantly greater maintenance requirements at facilities that will eventually be transferred to the public ownership;~~

~~h. Covenant, conditions and restrictions necessary for native growth protection easements, impervious surface restrictions and other such critical features necessary for the exceptions will be recorded against and will be binding against all affected properties.~~

~~C. The Director may require a monitoring and evaluation plan in order to measure performance of specific elements in the exceptions.~~

~~D. The Director may require a performance bond for 150% of the installation cost of the exceptions.~~

~~E. The Director may require a two-year maintenance bond for 20% of the construction cost.~~

Section 22. TMC Section 14.30.180 is hereby established to read as follows:

14.30.180 Discharge Prohibitions

A. Prohibition of Illicit Discharges.

1. No person shall throw, drain or otherwise discharge or cause or allow others under its control to throw, drain, or otherwise discharge directly or indirectly into the stormwater drainage system and/or surface and groundwaters any materials other than stormwater.

2. Examples of prohibited 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 material.

g. Radioactive material.

h. Batteries.

i. Acids, alkalis or bases.

j. Paints, stains, resins, lacquers or varnishes.

k. Degreasers, solvents or drain cleaners.

l. Pesticides, herbicides or fertilizers.

m. Steam cleaning wastes.

n. Soaps, detergents or ammonia.

o. Swimming pool or spa filter backwash.

p. Chlorine, bromine or other disinfectants.

q. Heated water.

r. Domestic animal waste.

s. Sewage.

t. Recreational vehicle waste.

u. Animal carcasses.

v. Food waste.

w. Bark and other fibrous materials.

x. Lawn clippings, leaves or branches.

y. Silt, sediment, concrete, cement, or gravel.

z. Chemicals not normally found in uncontaminated water.

aa. Any other process-associated discharge, except as otherwise allowed in TMC Section 14.30.190 and any hazardous material or waste not listed above.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance, or continued existence of illicit connections to the stormwater drainage system is prohibited.

2. 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.

3. A person is considered to be in violation of this chapter if that person allows a currently-illicit stormwater drainage system connection to continue to exist.

Section 23. TMC Section 14.30.190 is hereby established to read as follows:

14.30.190 Allowable Discharges

The following types of discharges shall not be considered illicit 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:

1. Diverted stream flows.

2. Rising groundwaters.
3. Uncontaminated groundwater infiltration, as defined in 40 Code of Federal Regulations (CFR) 35.2005(20).
4. Uncontaminated pumped groundwater.
5. Foundation drains.
6. Air conditioning condensation.
7. Irrigation water from agricultural sources that is comingled with urban stormwater.
8. Springs.
9. Water from crawl space pumps.
10. Footing drains.
11. Flows from riparian habitats and wetlands.
12. Discharges from emergency fire fighting activities

Section 24. TMC Section 14.30.200 is hereby established to read as follows:

14.30.200 Conditional Discharges

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions or 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:

1. 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 de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary, and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

2. Lawn watering and other irrigation runoff are permitted but shall be minimized.

3. **De-chlorinated swimming pool discharges.** These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary, and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system.

4. 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.

5. Non-stormwater discharges covered by another NPDES permit, provided 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 Director for any discharge to the stormwater drainage system.

6. **Other non-stormwater discharges.** The discharges shall be in compliance with the requirements of a Stormwater Pollution Prevention Plan (“SWPPP”) reviewed and approved by the City that addresses control of such discharges by applying AKART to prevent contaminants from entering surface or groundwater.

7. Storm system dye testing is allowable by the City and dye testing by others requires written notification to the City with approval from the Director.

Section 25. TMC Section 14.30.210 is hereby established to read as follows:

14.30.210 Best Management Practices

A. **Operational Source Control BMPs.** All activities with the potential to release pollutants directly or indirectly to the City’s stormwater drainage system must be mitigated by Source Control BMPs to prevent or reduce pollutants in runoff. For all discharges, property owners or persons in control shall implement operational Source Control BMPs to prevent or minimize pollutants from leaving a site or property and to prevent contaminants from coming in contact with stormwater.

B. **Additional BMPs.** Property owners or persons in control of sites with pollutant generating activities shall implement Source Control BMPs to the extent necessary to prevent prohibited discharges. If Operational Source Control BMPs are insufficient to prevent prohibited discharges, the Director may require the implementation of structural Source Control BMPs or treatment BMPs in accordance with the SPPM or SWDM.

Section 26. TMC Section 14.30.220 is hereby reenacted to read as follows:

14.30.150- 14.30.220 Liability

Liability for any adverse impacts or damages resulting from work performed in accordance with any permit issued on behalf of the City ~~of Tukwila~~ for the development of any site within the City limits shall be the sole responsibility of the applicant.

Section 27. TMC Section 14.30.230 is hereby established to read as follows:

14.30.230 Enforcement Authority, Procedure, and Penalties

A. The Director shall have the authority to issue an enforcement order to an owner or responsible party to abate an illicit discharge, and/or maintain or repair a component of a stormwater drainage system in accordance with the provisions of this chapter. The order shall include:

1. A description of the specific nature, extent, date, and time of the violation and the damage or potential damage that reasonably might occur;
2. A notice to cease and desist the violation or the potential violation and, in appropriate cases, the specific corrective actions to be taken; and
3. A reasonable time to comply, depending on the circumstances.

B. The Director may impose an inspection fee for any stormwater drainage system found not to be in compliance with this chapter. This inspection fee shall be independent of any current or future penalties that may be incurred by the property owner for noncompliance with this chapter. Inspection fees shall also be applied if the City is required to inspect a stormwater drainage system because the property owner failed to complete the required annual inspection. Inspection fees shall be in accordance with the fee schedule adopted by resolution of the City Council.

C. If the enforcement order is not adhered to, the City may provide such actions as needed to repair, restore or maintain the stormwater drainage system. If at any time the City determines that the existing system creates any imminent threat to public health or welfare, the City may take immediate measures to remedy said threat. Under such circumstances no notice to the owner of the system shall be required.

D. The owner of the stormwater drainage system shall assume all responsibility for the cost of any maintenance and for repairs to the system . Such responsibility shall include reimbursement to the City within 30 days of the receipt of the invoice for any work the City performs pursuant to TMC Section 14.30.230.D. Overdue payments will require payment of interest at the current legal rate for liquidated judgments. If legal action ensues, any costs or fees incurred by the city will be borne by the parties responsible for said reimbursements.

E. In the event the property owner fails to pay the City within 30 days from the date the costs were incurred, the City shall have the right to file a lien against the real property for all charges and expenses incurred. Such lien shall specify the expenses incurred, provide a legal description of the premises and will be filed with the County Auditor within 90 days from the date of the completion of the work. Payment may at any time thereafter be sought by foreclosure procedures of liens under the laws of the State of Washington.

F. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an order issued by the Director shall be subject to a civil penalty as provided in TMC Chapter 8.45. Each day of continued violation shall constitute a separate violation for purposes of this penalty.

14.30.160 Penalties

~~The following penalties shall be applied in whole or in part for the violation of permit conditions or for the failure to obtain permits required for activities regulated by TMC Chapter 14.30. All remedies shall be considered cumulative in addition to any other lawful action. Each day that a violation of this code is committed or permitted to continue constitutes a separate offense to which both the civil and criminal penalties set forth below shall apply.~~

~~1. The violation of or failure to comply with any order or requirements made in accordance with the provisions of TMC Chapter 14.30 is a civil violation. The provisions of TMC Chapter 8.45 shall be used to enforce this code.~~

~~2. It shall not be a defense to the prosecution for failure to obtain a permit required under TMC Chapter 14.30 that a contractor, subcontractor, person with responsibility on a site or person authorizing or directing the work erroneously believed a permit had been issued to the property owner or any other person.~~

~~14.30.170 Abatement~~

~~The City may abate any surface water activity that is deemed a public nuisance and is performed in violation of TMC Chapter 14.30 or any lawful order or requirement of the Director~~

Section 28. TMC Section 14.30.240 is hereby reenacted to read as follows:

~~14.30.180- 14.30.240~~ **Injunctive Relief**

A. Whenever the City has reasonable cause to believe that any person is violating or threatening to violate TMC Chapter 14.30 or any rule or other provision adopted or issued pursuant to TMC Chapter 14.30, it may either before or after the institution of any other action or proceeding authorized by TMC Chapter 14.30 institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. Such action shall be brought in King County Superior Court.

B. The institution of an action for injunctive relief under TMC Chapter 14.30 shall not relieve any party to such proceedings from any penalty prescribed for violations of TMC Chapter 14.30.

Section 29. TMC Section 14.30.250 is hereby reenacted to read as follows:

~~14.30.190- 14.30.250~~ **Appeals**

The appeals process for/by any person aggrieved by the action of the City is provided under TMC Chapter 8.45, "Enforcement."

Section 30. Figures 14-4, 14-5 and 14-6 Amended. The following figures, as codified in TMC Chapter 14.30, "Surface Water Management," are hereby reenacted to read as shown on the figures attached herein.

Figure 14-4, Tukwila Terminology Equivalent to King County Terminology

Figure 14-5, Tukwila Municipal Code Equivalent to King County Code

Figure 14-6, Tukwila Maps Equivalent to King County Maps or Designation

Section 31. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 32. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 33. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 34. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Special Meeting thereof this _____ day of _____, 2022.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____
Passed by the City Council: _____
Published: _____
Effective Date: _____
Ordinance Number: _____

Office of the City Attorney

- Attachments: Exhibit A - The 2021 King County Surface Water Design Manual
Exhibit B - The 2021 King County Stormwater Pollution Prevention Manual
Figure 14-4, Tukwila Terminology Equivalents to King County Terminology
Figure 14-5, Tukwila Municipal Code Equivalent to King County Code
Figure 14-6, Tukwila Maps Equivalent to King County Maps or Designation

Table 14.4 Tukwila Terminology Equivalents to King County Terminology	
King County Term	City of Tukwila Term
Agricultural Project	Term does not apply.
Critical Drainage Area	Critical Drainage Area means an area as determined by the City needing additional controls <u>beyond those in the SWDM</u> to address flooding, drainage and/or erosion condition that poses an imminent likelihood of harm to the welfare and safety of the surrounding community.
DDES ¹ / DPER	City of Tukwila Department of Community Development.
DNRP ¹	City of Tukwila Department of Community Development.
Director	City of Tukwila Public Works Director.
King County	City of Tukwila.
King County Road <u>Design and Construction Standards (KCRDCS)</u>	City of Tukwila Infrastructure Design and Construction Standards and the requirements of the City of Tukwila Public Works Department.
Water and Land Resource Division	City of Tukwila Public Works.
Zoning Classifications: Agriculture (A); Forest (F); Rural Area (Z) (RA)	These zoning classifications are intended for areas outside the Urban Growth Boundary; therefore the City of Tukwila contains no equivalent zoning. Refer to City of Tukwila zoning maps and designations.
¹ Other terms used in the KCSWDM to reference other King County staff or departments shall also refer to the City of Tukwila Department of Community Development.	

Table 14.5 Tukwila Municipal Code Equivalent to King County Code¹			
King County Code (KCC)	Description	Tukwila Municipal Code (TMC)	Description
KCC 2.98 <u>9.04.060</u>	Critical Drainage Areas	TMC 14.30	WATER AND SEWER – Stormwater Management
KCC 16.82	BUILDING AND CONSTRUCTION STANDARDS – Clearing and Grading	TMC 16.54	BUILDING AND CONSTRUCTION – Grading
KCC 21A.14	Development Standards Design Requirements	TMC 14.30	WATER AND SEWER – Stormwater Management
KCC 21A.24	Critical Areas	TMC 18.45	ZONING – Environmentally Sensitive Areas
KCC 21A.06	Technical Terms and Land Use Definitions	TMC 18.08	ZONING – Districts Established - Map
KCC 20.14	Basin Plans	TMC 14.30	WATER AND SEWER – Stormwater Management
KCC 25 <u>21A.25</u>	<u>Shorelines Management</u>	TMC 18.44	ZONING – Shoreline Overlay District
KCC 9	Surface Water, <u>Stormwater and Groundwater Management</u> General Provisions	TMC 14.30	WATER AND SEWER – Stormwater Management
KCC 9.02	Surface Water Runoff Policy	TMC 18.45	ZONING – Environmentally Sensitive Areas
KCC 9.04	Surface Water Management Program		
KCC 9.08	Water Quality Groundwater Protection		
KCC 9.12 KCC 9.14			
¹ This table identifies the main City municipal code chapters that contain information/requirements for the City where the SWDM references the King County code. There may be other instances where other City code chapters also apply.			

Table 14.6 Tukwila Maps Equivalent to King County Maps or Designation	
King County Map or Designation	City of Tukwila Map or Designation
Coal Mine Hazard Areas Map <u>Coal Mine Hazards</u>	Maps delineating landslide areas, steep slopes and coal mine hazard areas within Tukwila are available at the Department of Community Development service desk.
Landslide Hazard s Area and Landslide Drainage Areas Map <u>Hazards along King County river corridors</u>	Maps delineating landslide areas, steep slopes and coal mine hazard areas within Tukwila are available at the Department of Community Development service desk.
Water Quality Applications Map	Not applicable.
Aquatic areas (as defined in KCC 21A.06)	Maps delineating stream and wetland types and their associated buffers within Tukwila are available at the Department of Community Development service desk.
Wetlands (as defined in KCC 21A.06)	Maps delineating stream and wetland types and their associated buffers within Tukwila are available at the Department of Community Development service desk.
Seismic Hazard Areas	Defined and regulated through the Washington State Building Code.
Flood Hazard Area (as defined in KCC 21A.06)	Flood Plain Management will be regulated through TMC Section 16.52.
Steep Slope Hazard Area (no map referenced in the KCSWDM)	Maps delineating landslide areas, steep slopes and coal mine hazard areas within Tukwila are available at the Department of Community Development service desk.
Critical Aquifer Recharge Area (as defined in KCC 21A.06)	Not applicable.
Wildlife Habitat Conservation Area (as defined in KCC 21A.06)	Fish and wildlife habitat conservation areas will be regulated through TMC Chapter 18.44, Shoreline Overlay District, and the regulations in TMC Chapter 18.45 related to wetlands and watercourses.
Wildlife Habitat Networks (as defined in KCC 21A.06)	No equivalent.
All references in the SWDM to the Stormwater Pollution Prevention Manual shall mean and refer to the SPPM as adopted by the City of Tukwila pursuant to this Chapter 14.30 of the Tukwila Municipal Code.	

All references in the SPPM to the Stormwater Design Manual shall mean and refer to the SWDM as adopted by the City of Tukwila pursuant to this Chapter 14.30 of the Tukwila Municipal Code.
The definition of Critical Drainage Area in Chapter 1 of the SWDM is amended by striking “by administrative rule under the procedures specified in KCC 2.98.”
The reference in Section 1.1.2.4 of the SWDM to Urban Planned Development shall mean and refer to the equivalent such designation under the City of Tukwila Comprehensive Plan as determined by the City of Tukwila Community Development Director.
The note following the third sentence of Section 1.1.3 of the SWDM is stricken.
The last paragraph of Section 1.1.4 beginning with “Additional mitigation” is stricken.
The reference in Section 1.2.2 at paragraph 2 of the SWDM to KCC 21A.24.110 shall mean and refer to the applicable provision of Title 18 of the Tukwila Municipal Code.
All references to Critical Area Review in the SWDM and the SPPM shall mean and refer to Environmentally Sensitive-Critical Area Review pursuant to Title 18 of the Tukwila Municipal Code.
References in the SWDM and SPPM to Chapter 16.82 of the King County Code shall mean and refer to the clearing and grading provisions of Title 16 of the Tukwila Municipal Code.
Subsection F of Section 1.2.4.3 of the SWDM is omitted.
The reference in Section 1.2.7 to King County Ordinance 12020 shall mean and refer to the financial guarantee requirements of the applicable provisions of the Tukwila Municipal Code or the Public Works Surface Water Regulations and Procedures.
Section 1.4.4 of the SWDM is stricken and replaced with the following: All variances (“Adjustments”) from Chapter 14.30 of the TMC, the SWDM and the SPPM shall be governed by the procedures, standards and requirements set forth in Chapter 18.72 of the Tukwila Municipal Code, as it now exists or may hereafter be amended.
The reference in Section 1.4.5 of the SWDM to KCC 20.20 shall mean and refer to the applicable provisions of Title 18 of the Tukwila Municipal Code.
References to offices of King County shall mean and refer to the equivalent offices of the City of Tukwila.
Except when the context indicates otherwise, references in the SWDM and the SPPM to specific codes or sections of codes of King County, such as the King County critical areas code, shoreline management code, clearing and grading code, and road standards, shall mean and refer to the equivalent codes or sections of codes of the City of Tukwila.