



CO00033824

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 10-076

RELATING TO WATER POLLUTION CONTROL, AND AMENDING SCC 7.53.140

WHEREAS, the U. S. Environmental Protection Agency ("EPA") is charged with implementing the Federal Water Pollution Control Act, codified at 33 U.S.C. § 1251 et seq., and commonly known as the Clean Water Act ("CWA"); and

WHEREAS, to further the objectives of the CWA, the EPA created the National Pollutant Discharge Elimination System ("NPDES") permit program; and

WHEREAS, pursuant to chapter 90.48 RCW, the Washington State Department of Ecology ("Ecology") is designated as the CWA's state water pollution control agency for the State of Washington, and is authorized to implement the NPDES permit program at the state level; and

WHEREAS, in 1990, Snohomish County (the "County") was designated by Ecology as a Phase I Municipal Stormwater permittee under the NPDES permit program; and

WHEREAS, Ecology issued the County's first Phase I Municipal Stormwater Permit on July 5, 1995; and

WHEREAS, Ecology issued the County's second Phase I Municipal Stormwater Permit on January 17, 2007 (the "NPDES Permit"); and

WHEREAS, Section S5.C.9 of the NPDES Permit requires the County to implement an operation and maintenance program pursuant to which certain types of drainage facilities must be regularly inspected and maintained; and

WHEREAS, the maintenance standards specified in the NPDES Permit describe the circumstances under which maintenance of drainage facilities must be performed and also establish specific time frames for accomplishing required maintenance work; and

WHEREAS, the maintenance requirements contained in the NPDES Permit apply only to those drainage facilities that are operated or regulated by the County pursuant to the NPDES Permit; and

WHEREAS, in compliance with Section S5.C.9 of the NPDES Permit, the County adopted SCC 7.53.140, which, together with Volume V, Chapter 4 of the Snohomish

1 County Drainage Manual, sets forth minimum requirements for the maintenance of
2 drainage facilities located within the unincorporated County; and

3
4 WHEREAS, revisions to SCC 7.53.140 are needed to clarify that the
5 requirements of SCC 7.53.140 apply to both public and private drainage facilities; and

6
7 WHEREAS, revisions to SCC 7.53.140 are needed to clarify that while all
8 drainage systems and facilities must be maintained in accordance with the substantive
9 standards described in Volume V, Chapter 4 of the Snohomish County Drainage
10 Manual, only drainage facilities that are operated or regulated by the County pursuant to
11 the NPDES Permit must comply with the maintenance schedule contained in Volume V,
12 Chapter 4 of the Snohomish County Drainage Manual; and

13
14 WHEREAS, revisions to SCC 7.53.140 are needed to clarify that Volume V,
15 Chapter 4 of the Snohomish County Drainage Manual contains minimum maintenance
16 standards for drainage facilities rather than inspection procedures; and

17
18 WHEREAS, revisions to SCC 7.53.140 are needed to clarify that the owners or
19 operators of drainage facilities shall be responsible for retaining their inspection and
20 maintenance records for a minimum of five years;

21
22 NOW, THEREFORE, BE IT ORDAINED:

23
24 Section 1. The council hereby adopts the foregoing recitals as findings of fact
25 and conclusions as if set forth in full herein.

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27 Section 2. Snohomish County Code Section 7.53.140, last amended by
28 Ordinance No. 08-135 on October 29, 2008, is amended to read:

29
30 **7.53.140 (~~(Inspection, maintenance)~~) Maintenance and repair of drainage**
31 **facilities(~~(not owned by Snohomish County)~~).**

32 (1) Any owner or operator of a drainage facility of the types described in Volume ((5))
33 V, Chapter 4 of the Snohomish County Drainage Manual must ((inspect)) ensure that
34 the drainage facility is maintained in accordance with the ((inspection procedures))
35 maintenance standards set forth in that chapter(~~(once before February 15, 2012, and~~
36 ~~once every five years thereafter.))~~; except that the drainage facility maintenance
37 schedule contained in Volume V, Chapter 4 of the Snohomish County Drainage Manual
38 shall only apply to drainage facilities that are operated or regulated by the County
39 pursuant to the County's NPDES permit.

40 (2) (~~(If conditions in a drainage facility indicate that maintenance or repair is needed~~
41 ~~based on Volume 5, Chapter 4 of the Snohomish County Drainage Manual, the owner~~
42 ~~or operator shall perform the maintenance and repair actions described in that chapter~~
43 ~~in accordance with the schedule set forth therein.))~~

1 ((3--)) Inspection and maintenance records shall be retained by the owners or
2 operators of the drainage facilities described in SCC 7.53.140(1) for a minimum of five
3 years, and shall be made available to ((Snohomish))the County upon request.
4

5 Section 3. Severability and Savings. If any section, sentence, clause or phrase
6 of this ordinance shall be held invalid or unconstitutional by a court of competent
7 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
8 constitutionality of any other section, sentence, clause, or phrase of this ordinance.
9 Provided, however, that if any section, sentence, clause, or phrase of this ordinance is
10 held to be invalid by a court of competent jurisdiction, then the section, sentence,
11 clause, or phrase in effect prior to the effective date of this ordinance shall be in full
12 force and effect for that individual section, sentence, clause, or phrase as if this
13 ordinance had never been adopted.

14
15 PASSED this 29th day of Sept., 2010.
16

17 SNOHOMISH COUNTY COUNCIL
18 Snohomish County, Washington

19 Dave Barrett
20
21 Chairperson

22
23 ATTEST:

24 Barbara Sitorust
25
26 Clerk of the Council, *ASST.*

27
28 APPROVED
29 EMERGENCY
30 VETOED

31 DATE: 10-1-10

32
33 Gary Haakenson
34 for: County Executive
35 **GARY HAAKENSON**
36 **Deputy County Executive**

37 ATTEST:

38 Linda Hall
39 Approved as to form only:

40 Bree She July 8, 2010
41
42 Deputy Prosecuting Attorney
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