



STORMWATER ORDINANCE UPDATE  
STAKEHOLDER WORK GROUP  
MEETING #5 - May 6, 2009

**Water Resources Education Center**  
4600 SE Columbia Way  
Vancouver, Washington  
4:30-6:30 p.m.

The meeting was called to order at 4:32 p.m.

Members Attending

Bill Custis, Eric Golemo, Tim Kraft, Chad McMurry, Stephen Murphy, Greg Winters, Annette Griffy, and Al Schauer, facilitator

Members Excused

Steve Madsen and Brian Carlson, due to previously announced schedule conflicts.

Staff

Richard Hoiland, Doug Wise, Kris Olinger, Dorie Sutton, Rhonda Morgan, Loretta Callahan

Public

Sean Darcy, Carol Panfilio

Mr. Schauer called the meeting to order at 4:32 p.m. Staff Members Richard Hoiland and Doug Wise introduced themselves. Mr. Schauer asked if there were any comments on last week's meeting notes. Ms. Griffy distributed the revised Table and explained that the meeting notes will now be more succinctly summarized to allow staff more time for developing the Table and General Requirements. She is hoping to have Law review the comments to proposed revisions for ordinances 14.24 and 14.26 soon so that the Work Group can focus on 14.25. She referred to questions regarding Table items 13 and 14.

**14.26 Water Resources Protection**

**14.26.100 Purpose**

Mr. Schauer asked if anyone had comments on 14.26.100, Purpose Section.

Mr. Golemo asked if item F was in the other ordinances and said it would be nice if it were.

Mr. Hoiland said that this relates particularly to business and industry inspections.

Ms. Griffy asked if it would be helpful to the Work Group to have some history on this ordinance.

Mr. Hoiland explained the history of the city's Water Resources Protection Ordinance, relating the sole source aquifer protection needed and the team effort of the stakeholder group that helped develop that ordinance.

A water protection ordinance was first proposed in Vancouver in response to threats to the community's groundwater by industrial and commercial contamination sources, including chrome plating operations, dry cleaning operations, and underground storage tanks. Since 100 percent of the community's drinking and industrial process water comes from groundwater, there was a great deal of community support for developing a local ordinance to help protect the aquifers. In 2002, a stakeholders team was formed which included representatives from environmental groups, businesses, industries, and regulatory agencies. The team members worked through their differences to develop the Water Resources Protection Ordinance, VMC 14.26, which was then approved by City Council and became law in 2003.

In addition to protecting the groundwater, the ordinance was also written to protect surfacewater, because the city anticipated future requirements in the forthcoming NPDES Phase II Stormwater permit. As such, the ordinance effectively provides a solid legal foundation for source control measures and for meeting Phase II stormwater requirements, specifically those related to illicit discharge detection, public outreach, ordinance enactment and stormwater best management practices (BMPs).

The City's Water Resources Protection Program uses provisions in the ordinance to eliminate threats to the city's sole-source aquifer and prevent pollutants from entering the Columbia River, Burnt Bridge Creek, Vancouver Lake and other water bodies. The focus of inspections has been primarily toward commercial and institutional facilities that manage potentially harmful materials, although staff also responds to complaints and requests from city residents for assistance on a variety of water-related concerns.

Mr. Wise said that while the focus of the ordinance is on technical assistance, it also includes IDDE (Illicit Discharge Detection & Elimination) and enforcement and this is where the city has requirements. He said it is more about preventing and fixing problems.

Mr. Kraft asked what this was mainly about – Business inspections? IDDE?

Mr. Wise said yes to both, and pointed out the differences between existing and new facilities.

Ms. Griffy said that the original ordinance was adopted in February 2003 when Ecology's 2001 Manual was available and the City's NPDES Permit was pending. Therefore changes today are minimal and have mostly to do with moving enforcement provisions to the Unified Enforcement Code VMC 22.

Mr. Hoiland said that the ordinance has been in effect for six years and the program has celebrated its 500<sup>th</sup> inspection. He said much of the ordinance is common sense and the business community has been quite cooperative.

Mr. Golemo asked what Municipal Waste Disposal Sites in 14.26.115 item C.7 meant and stated that he did not see it in the Definitions section.

Mr. Hoiland referred him to the Disposal Site definition.

Mr. Wise explained that a Municipal Disposal Site would be a landfill with the associated risk of leachate reaching groundwater, but a transfer station would be allowed under the ordinance.

Mr. Golemo asked about junk yards.

Mr. Hoiland said that the ordinance and proposed revisions would not prohibit junk yards. The ordinance included seven prohibited commercial operations because they have a history of causing water contamination. Junk yards are inspected and monitored.

#### **14.26.100 Purpose, 14.26.105 Interpretation and 14.26.110 Definitions**

Mr. Schauer again asked if there were comments or questions regarding Purpose, Interpretation and/or Definitions.

Mr. McMurry asked if the definitions were consistent with the other ordinances and the manuals.

Mr. Hoiland said yes.

Mr. Golemo asked about car washing.

Mr. Hoiland referred him to 14.26.117 D – Allowable discharges to Permeable Surfaces.

Mr. Schauer asked about 14.26.110 definition “Responsible Government Official.”

Ms. Griffy said that language was from the earlier ordinance.

Mr. Golemo asked about an Oil/Water Separator section.

Ms. Griffy said it is in the Stormwater Manual.

Ms. Olinger said it is in the existing VMC 14.25 and covered in the Stormwater.

Mr. McMurry commented on the differences in the Clark County ordinance.

Audience Member Mr. Darcy asked about the definition of Stormwater Manual and if it pertained only to Volume 5.

The Work Group responded that it meant all five volumes of the 2005 Manual, not just Volume 5.

Mr. McMurry asked if the Stormwater Manual definition will be the same in all three ordinances once the Work Group decides what that definition will be.

Ms. Griffy referred to item No. 7 in the Table.

Mr. Hoiland mentioned that there are only a few water protection guidelines in the General Requirements including Oil/Water Separator and Fueling Station details.

**14.26.112 Authority** No comments.

#### **14.26.113 Adoption of Manual**

Mr. Golemo said that item C “most protective effect on water quality” made sense here in this ordinance.

Ms. Griffy said she understood but it is part of the hierarchy issue the Work Group wanted to address. She referred to page 4 of the Table and the hierarchy issue. She said city staff are looking for clear solutions that would universally apply to all three ordinances. She said the specific sections of the code where hierarchy has been an issue is noted in the Table.

#### **14.26.114 Cross References**

Mr. McMurry said that he has the same comment as he has had on 14.24.036 and 14.25.106 and referred to item No. 7 on the Table.

#### **14.26.115 Scope and Applicability**

Mr. McMurry commented on the sole source aquifer.

Mr. Hoiland explained that defining a Critical Aquifer Recharge Area (CARA) was required by the Growth Management Act (GMA) and since the city is underlain by an aquifer the CARA encompasses the entire city limits.. The Special Protection Areas (SPAs) are around the municipal water stations.

Mr. McMurry said that’s probably why this section was different for the city than the county.

Mr. Hoiland agreed.

Mr. Golemo asked if "CARA" was defined anywhere, and suggested that be done if it had not.

Mr. McMurry asked about the ramifications of the SPAs and whether the requirements were more stringent.

Mr. Hoiland said that the Group will get to that in 14.26.135.

Mr. Golemo asked if the original group of stakeholders that developed this ordinance will be notified of these changes.

Mr. Hoiland said that if the changes could have an adverse impact on the stakeholders they would be consulted.

#### **14.26.117 Discharges to Water Resources**

Mr. Kraft commented on item D, “Allowable Discharges to Permeable Surfaces.” He asked if this was permit language.

Mr. Hoiland said the language is from the original permit. He added that these discharges to permeable surfaces are generally not a threat to groundwater but must be kept out of surface water.

Mr. Wise referred to the definition of Permeable Surface in this ordinance and said that it only applied to this ordinance.

Mr. Murphy asked about wetlands and draining swimming pools.

Mr. Hoiland said he believed that wetlands are considered waters of the state and such discharges are not allowed.

Mr. Winters said that this is a question for Mr. O’Brien at Ecology.

Mr. Schauer said that if it is “permeable” it is probably not a wetland.

Audience Member Mr. Darcy asked about permeable surfaces and underdrains. He said there was no real definition for something that has an under drain or something that does not. He also asked about whether runoff from roofs that might include zinc is allowable under item C.6.

Mr. McMurry said bare galvanized roofing could no longer be installed without doing some kind of treatment for the metals that come off the roof.

Mr. Hoiland said that if Ecology’s General Industrial NPDES permits allow roof runoff they would include protective requirements including monitoring.

Ms. Griffy referred to item C “unless the City determines” that there is a threat to water resources then Ecology will be notified.

Audience member Mr. Darcy asked about industrial permits.

Mr. Hoiland said that if Ecology issues a General Industrial NPDES Permit to an operation, then the protections provided by that permit will be sufficient.

Audience Member Mr. Darcy said that Ecology is making the City do their work for them.

Mr. Winters said Ecology does everything regarding the Industrial NPDES Permits including inspections.

Mr. McMurry asked if item D.4 “lawn watering” could be changed to include broader landscape irrigation.

Mr. Hoiland said that it could be considered.

#### **14.26.120 Minimum Standards**

Mr. McMurry referred to item A.3 and asked where residents were to report these.

Mr. Wise said that the phone numbers for Ecology and the City are on the City’s website as well as on printed materials distributed in the usual course of inspections and investigations.

Ms. Griffy added that the phone numbers are also submitted to the telephone directory white pages.

It was agreed by the Work Group that including specific contact information in the ordinance was not very practical as the phone numbers can change over time.

Mr. Murphy asked about item B, “Commercial Operations Requiring Additional BMPs,” and why they related to these specific businesses.

Mr. Hoiland replied that the Storm Water Manual has additional BMPs for some businesses and these are the ones.

Mr. McMurry commented on cleaning and maintenance (perhaps referencing item A.5 and questioned the word "applicable."

#### **14.26.125 Application of Greater Standards**

Mr. McMurry asked about “Fuel Tank Declassification.”

Mr. Wise replied that the point of the proposed change was to avoid the interpretation that every large pickup truck with a gas tank was a facility and must have secondary containment.

Mr. Golemo asked why oil tanks were not included.

Mr. Hoiland said that as oil tanks typically do not contain benzene, they are not considered as high a risk.

Mr. McMurry asked if mobile fueling operations were exempt and commented on spill control.

Mr. Hoiland said no, and added that everyone must meet the minimum requirements.

**BREAK 5:29 Meeting resumed 5:45 - Mr. Winters had to leave for another commitment**

Ms. Griffy informed the Work Group of the City website "Gov Delivery" feature whereby the Group and the public may sign up for automatic email notification of web page updates, which includes posting of meeting notes, tables and other materials.

**14.26.130 Greater Standards for Hazardous Materials Operations**

Mr. McMurry referred to item H and asked if it meant only volume 4 of the Stormwater Manual.

Mr. Hoiland said yes.

Ms. Olinger said that the word "applicable" should cover it.

Mr. Kraft asked why the word "structural" rather than "source control" was used.

Mr. Wise said that Stormwater Manual Volume 4 states that all structural BMPs must be in place.

Mr. McMurry said that the section should be expanded.

Mr. Hoiland said that changes can be considered.

Mr. Wise explained that the use of "structural" was tied to the issuance of the certificate of occupancy, as some operational BMPs cannot be in place until after occupancy has occurred.

**14.26.135 Restrictions in Special Protection Areas**

Mr. Hoiland handed out copies of a revision regarding oil tanks to this section that he would like the Work Group to consider.

Mr. Golemo said that the requirements of item C Infiltration Facilities may make some sites unbuildable.

Mr. Hoiland said that the request for relief is available when there is no alternative and no risk to water resources. He said it isn't a prohibition, but rather requires there be something done to show it will not be a risk to groundwater.

Mr. McMurry was concerned that there would be more hoops to through and again expressed concern it could mean a project could not be built.

Mr. Hoiland said that the Underground Injection Control (UIC) regulations have not been tested much. He said there appeared to be a lot of guidance and not much enforcement.

Ms. Griffy said that there is coverage in UIC for most cases.

Mr. Kraft said the UIC guidance is less stringent. He also asked about No.2 and said the 200 foot language seemed rather onerous.

Ms. Olinger said that this code is already in place and the City has approved infiltration for projects in Special Protection Areas, although more stringent water quality was required for those sites. With the new UIC rules, that may be enough.

Mr. McMurry asked if Low Impact Development (LID) was allowed in these areas.

Ms. Olinger said that if the project meets the UIC requirements, then it should meet this.

Mr. Golemo asked about roofs.

Mr. Hoiland said that if UIC covers item C.2, then maybe it does not need to be in this ordinance.

Mr. McMurry spoke of the burden, saying that there are cases where 14.26.135 C2 could cause an industrial site to use surface water for discharge and then incur the stringent detention requirements under the pre-forested standard.

Ms. Griffy said it is mainly about Class I and II facilities, the Special Protection Areas, and many sites at the Port of Vancouver.

Mr. McMurry used the former Cadet facility as an example and talked about how a redevelopment of that site might be handled. He said there are a lot of light industrial lands along Fruit Valley's west side that don't have a direct connection to the large waterbody.

Ms. Griffy said that Fruit Valley might be the one area with the city where there isn't an outlet for industrial site and infiltration is only available.

Mr. McMurry said that LID is not UIC but LIDs do infiltrate.

Mr. Wise referred to the definition of Infiltration Facility and noted that these facilities do not provide treatment.

Mr. McMurry asked if the title of item C could be changed to Untreated Infiltration Facilities or something similar.

Mr. Golemo said that it is dangerous to have different definitions in different ordinances.

Ms. Olinger suggested using infiltration facilities "as defined in this chapter."

Mr. McMurry stressed the need for a different word or modifier that would make it clear that it was untreated infiltration.

Ms. Griffy agreed there may need to be some clarity.

**14.26.140 Administrative Programs** No comments.

**14.26.145 Enforcement**

Mr. Golemo and Ms. Griffy briefly discussed the movement of these provisions to the Unified Enforcement Code VMC 22.

**14.26.150 Trade Secrets and Confidential Records** No comments.

**14.26.152 Alternative Practices** No comments.

**14.26.154 Adjustments and 14.26.155 Special Exceptions**

Mr. Golemo said that the original stakeholders who wrote this ordinance might want to know about the changes in Special Exceptions.

Ms. Griffy said that this language is from the City Attorney's Office and Permit requirements.

Mr. Hoiland said that the deleted original language was primarily from the Industrial Pretreatment ordinance and not written by the original stakeholder group.

**14.26.160 Appeals** No comments.

**14.26.165 Halogenated Solvent Table**

Audience Member Mr. Darcy asked if this would be better placed in the General Requirements since it was the only table.

Ms. Griffy said including it here made it more enforceable.

Mr. Hoiland said that there is another table listing about 900 chemicals that is referred to, but that the table in this section lists the ones currently known to be of most risk to groundwater.

Mr. Schauer asked if there were any other questions or concerns about this ordinance. There were none. He then asked if there were any other items needing discussion at this meeting.

Ms. Griffy and Ms. Olinger handed out the draft Applicability flow chart currently under development and said the staff will continue working on this draft and the Work Group could discuss next week.

It was determined that Flow Control will be the topic for next week's meeting.

**Meeting adjourned at 6:20 p.m.**