

Chapter 14.04

WATER AND SEWER USE--REGULATIONS AND CHARGES*

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Section 14.04.00E Editor's Note to Chapter 14.04.

* For provisions on water and sewer service connections generally, see Chapter 14.16 of this title. For provisions on sewer connection permits, see Chapter 14.08 of this title.

Section 14.04.010 Water-sewer department created--Appointment of personnel.

There is hereby established a Water-Sewer Department of the City of Vancouver which shall be under the supervision of the Director of Public Works for the purposes hereinafter enumerated. The officers and other employees of the department shall consist of a superintendent and such officials, clerks, accountants, engineers, laborers and assistants, to be appointed by the city manager, as may be necessary for the efficient administration of the department.

(Ord. M-810 § 2, 1966: Ord. M-298 (part), 1956: Ord. M-144 § 2, 1954)

Section 14.04.020 Power and duties of director of public works.

The director of public works shall have full supervision, charge and control of the water-sewer department, and shall make, in addition to the rules and regulations contained in this chapter, such additional written rules and regulations from time to time as he may deem necessary for the efficient administration and regulation of the department. (Ord. M-810 § 2, 1966: Ord. M-298 (part), 1956: Ord. M-144 § 2, 1954)

Section 14.04.022 General Sewer Plan.

A. The City hereby adopts by reference the "City of Vancouver April 2011 General Sewer Plan as amended August 2011" (2011 General Sewer Plan) as its general sewer plan. The 2011 General Sewer Plan is a required comprehensive plan for a system of sewers adopted by the local government entity. The 2011 General Sewer Plan is adopted by ordinance as required by RCW 35.67.030. The Washington State Department of Ecology has approved the 2011 General Sewer Plan as required by RCW 90.48.110, as being in compliance with WAC 173-240-030, 173-240-040, and 173-240-050.

B. At least one copy of the 2011 General Sewer Plan shall be filed in the Office of the City Clerk for use and examination by the public. The 2011 General Sewer Plan may also be made available for use and examination by the public at the Office of the Director, and on the City website.

(M-4011, Added, 03/19/2012, Sec 3-Effective 4/19/2012)

Section 14.04.030 Departmental regulations--Altering.

The following rules and regulations are the effective rules and regulations of the municipal water-sewer department of Vancouver. No officer, employee or agent of the water-sewer department has any authority to waive, alter or amend in any respect the provisions of these rules and regulations. Changes, amendments or additions may be made at any time by action of the city council. The city council shall have authority to decide any question which may arise and which is not fully settled by any of the provisions of this chapter and its decision in such cases shall be final. (Ord. M-144 § 3, 1954)

Section 14.04.035 Right of entry to public utility easements.

After January 1, 2013 all new public utility easements required under this Title shall provide that the Public Works Director and other duly authorized employees of the City of Vancouver bearing proper credentials and identification shall be permitted to enter all utility easements located on private properties for the purposes of inspection observation, measurement, sampling, testing, and maintenance in accordance with the provisions of this title.

(M-4022, Added, 09/10/2012, Sec 1-Effective 10/10/2012)

Section 14.04.040 Definitions.

For the purposes of construing this chapter, the following definitions are made a part thereof:

"Agent" means any person empowered in writing to act on behalf of the legal owner in matters concerning utility service.

"Building permit" means those permits issued pursuant to Title 17 of the Vancouver Municipal Code, authorizing the customer or his agent to perform work upon his premises.

"Combined sewer" means those sewers which are designed to carry both waste matter permitted by this title to enter the system and surface drainage water.

"Commercial" means all property zoned or used for nonresidential purposes.

"Consumer" means any person who uses services of the city's utility; provided that in the case of calculating the pro rata charges for service when one line serves multiple premises owned by multiple customers, it shall mean each single family unit, or unit of a multi-family residential complex, or each separate business which occupies a commercial or industrial building.

"Customer" means the fee owner of property or premises served by the city's utility through and by the department, provided that the fee owner may designate an agent for purposes managing the customer's account and provided further that a tenant may put service in his/her own name under the provisions of Sections 14.04.192 through 14.04.195 of this chapter.

"Customer line" means the pipe, valves and fittings leading from the water meter into the premises served.

"Department" means the water/sewer/stormwater division of the department of public works of the City of Vancouver, and the City of Vancouver, acting by and through its water/sewer/stormwater utility, its authorized agents and employees.

"Director of utilities" or "Director" means the Director of Public Works or duly authorized representative.

"Fee owner" means the owner of record, as shown by the records of Clark County. (See also "customer.")

"Final Acceptance" means the acceptance of civil improvements by the City of Vancouver upon completion of all required development conditions, document submittals, and final inspections of all civil improvements installed as part of a project. Final acceptance shall be documented by signature of the Director of Public Works or designee on the Final Acceptance letter. Once final acceptance is issued the City of Vancouver will assume operation and maintenance of said civil improvements.

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“Main Line Fee” means reimbursement to the City paid by new customers under the terms of VMC 14.04.280 for the costs of City-extended water and/or sewer mains.

"Monthly base charge" means the minimum charge for water/sewer service as established by this chapter or as hereafter amended.

"Person" means any individual, firm, company, partnership, association, society, corporation or group.

"Premises" means a continuous tract of land, building or groups of adjacent buildings under a single ownership or control with respect to water or sewer service and responsibility for payment therefore. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined here.

"Public sewer" means a sewer constructed for conveyance of liquid wastes and which is located in a public right-of-way, street, alley or easement and is controlled by the city or other public authority. The public sewer does not include sewer laterals serving individual buildings, properties or premises.

"Right of way use permit" means any permit required by any public agency authorizing the customer or his agent to perform work within public rights-of-way. For the purpose of this title, the term "right of way use permit" includes, but is not limited to, street-cut permit, sidewalk permit, driveway permit, curb permit, utility permit.

"Sanitary sewer" means those sewers used to collect and transport only domestic, commercial or industrial waterborne wastes permitted to be discharged thereto by this title.

"Service line" means the pipe, fittings and water meter connecting the main to the customer's meter.

"Sewer lateral" means the pipe and fittings necessary for connecting the customer's building sewer to the public sewer main.

"Sewer system" means the system of conduits, pipes, pumps, treatment facilities and structures used for the purpose of conveying from their source, treating in any manner, and conveying to final points of disposal all wastes of any nature permitted by this title.

"Storm sewer" means those sewers used to collect and transport stormwater runoff, surface drainage, or other water which may be permitted under this title.

"Utility" means the water/sewer/stormwater utility consisting of the water/sewer/stormwater division of the city department of public works and the utility administration division of the city department of public works, or successor department or division which are charged with the furnishing of water and sewer service within the City of Vancouver's water and sewer and stormwater service areas.

"Water main" means the pipe laid in a public right-of-way, street, alley, or easement owned by the city, and used or intended for the distribution of water to customers through service lines, and may also be referred to as "main."

"Water meter" means any device used for the measurement of water delivered to an individual location, customer or user.

"Water system" means the system of conduits, pumps, treatment facilities, and structures used for the purpose of production and conveying potable water from their source, treating in any manner, and

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conveying to users in the city and adjacent areas. (Ord. M-2629 § 7, 1986; Ord. M-2481 § 1, 1984; Ord. M-810 § 3, 1966; Ord. M-298 (part), 1956; Ord. M-144 § 4, 1954)
(M-4022, Amended, 09/10/2012, Sec 2-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 1 - Effective 10/01/2006)

Section 14.04.060 Deposit of moneys.

All charges, deposits, late fees, penalties and other moneys of whatever kind accruing to the benefit of the department shall be paid to the City of Vancouver through the Director of Financial and Management Services, or designate and by him or her deposited to the credit of the water-sewer fund. (Ord. M-144 § 6, 1954)

(M-3755, Amended, 08/28/2006, Sec 2 - Effective 10/01/2006)

Section 14.04.070 Information on charges or delinquent accounts.

The city shall upon request of any interested person give information as to whether any water service lien or other charge is outstanding against any given piece of property. (Ord. M-1167 § 2, 1970; Ord. M-810 § 5, 1966; Ord. M-298 (part), 1956; Ord. M-144 § 7, 1954)

(M-3755, Amended, 08/28/2006, Sec 3 - Effective 10/01/2006)

Section 14.04.080 Inspection and Approval.

All work done under a permit issued pursuant to this chapter shall be subject to the inspection by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

(M-4022, Added, 09/10/2012, Sec 3-Effective 10/10/2012)

Section 14.04.090 Charges for water meter and service line installation.

If any street or alley is to be improved, the service lines to all adjacent tracts, lots or parcels of lands, either vacant or occupied, shall be installed prior to such improvement at the property owner's expense.

The charges for water meter and service line installation shall be adopted by ordinance.

(Ord. M-2481 § 2, 1984; Ord. M-1167 § 4, 1970; Ord. M-578 (part), 1961; Ord. M-144 § 8-A, 1954)
(M-3755, Amended, 08/28/2006, Sec 4 - Effective 10/01/2006)

Section 14.04.100 Condition of water and/or sewer service.

A. Accounts to be in name of the fee owner. Effective October 1, 2006, all accounts for water/sewer/stormwater shall be kept in the name of the fee owner of the property or premises served; provided that:

1. Rental tenants whose accounts are in their own names as of October 1, 2006, may retain their existing accounts in their names until they change service address or their accounts are otherwise terminated;

2. Tenants may put service in their own names pursuant to Sections 14.04.192 through 14.04.195 of this chapter;

3. As provided by RCW35.21.217, the fee owner may request to have duplicate bills mailed to a

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tenant, lessee, contract buyer, or agent, provided that:

a. This shall not relieve the fee owner from liability for charges incurred; and

b. Current contact information for the fee owner and for the tenant, lessee, contract buyer, or agent must be provided to the city, on forms approved by the city, in order for a customer/owner to have bills mailed to a tenant, lessee, or agent; and

4. Nothing in this section shall prevent a tenant from paying a utility charge which has been billed to a fee owner.

B. Ownership of Lines. The department shall install, own and maintain all water service lines from the main to and including the meter. Water service lines from the main to and including the meter box may be installed by the customer's contractor, subject to payment of fees, inspection and approval by the city. Customer lines from the meter to the building or premises shall be installed, owned and maintained by the customer. Insofar as is possible, customer lines leading to such service lines shall be installed so that they will not be under any concrete walk or driveway or other obstruction.

C. Individual Service Required. Each service line or sewer lateral shall be connected to only one house or building or a multi-tenant commercial building and for only one consumer insofar as practicable; provided, that the owner of a multifamily building may at his option supply such building from a single connection, in which case the billing provisions of Section 14.04.190 shall apply. Any meters that are inter-tied within the customer's system shall be combined into one account; separate accounts for inter-tied meters will not be allowed.

D. Installation on Private Property. Service lines and meters shall not be installed on private property except where the Department of Public Works finds that service can be afforded in no other practical way, in which case an easement granted to the city shall be secured from the legal owner.

E. Charge for Installation of Larger Service Line or Relocation of Existing Service Line. Whenever a customer desires to have a service line changed to a larger size, he shall pay all charges and fees applicable for installation of such larger size line and meter. Whenever a customer desires to have an existing service line relocated without a change in size of service the customer shall pay the costs as required in Section 14.04.210.G. In either case, the work shall be done by the department at the customer's expense as provided in Section 14.04.090. In all cases, the customer shall pay the costs thereof in advance.

F. Transferring Customer Line. Whenever a service line is relaid or changed in position for any reason by the department, the customer shall immediately upon notice and at his own expense transfer the customer line to the newly laid or newly positioned service line.

G. Customer Responsible for Installation and Maintenance.

1. The water customer to be served by the department's mains shall install and maintain, at the customer's own expense, all water pipe, fixtures, and plumbing on his premises and shall own and maintain the customer line to the meter.

2. The sewer customer to be served by the department's mains shall install and maintain, at the customer's own expense, the sewer lateral from the premises to the public sewer main and shall own and maintain the sewer lateral from the premises to the public sewer main.

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3. The customer or authorized agent shall be responsible for obtaining all building and right of way use permits required for work performed either on the premises or within public rights-of-way; provided, that the city may reimburse the customer for the cost of repair of that portion of the sewer lateral within dedicated public right-of-way, if damage to the sewer lateral was the result of deficiencies caused by acts or omissions of the city or third parties not acting as agents of the customer, and specifically excluding damage to the sewer lateral resulting from deficiencies caused by acts of God, root intrusion from the customer's trees or any other act or omission of the customer or customer's agent(s) or contractor(s). A claim for such reimbursement shall be submitted to the city within ten days of the incurrence of such costs and shall meet all of the following criteria:

- a. Eligible costs shall include only those actual expenses paid by the customer for any required city permits or to a licensed, bonded contractor.
- b. Only that portion of costs for repair work done within the dedicated right-of-way shall be eligible.
- c. The customer shall submit copies of the itemized invoices from the contractor. Such invoices shall indicate the type and cause or suspected cause of such damage.
- d. The amount of the reimbursement shall not exceed the estimated cost for installation of a new sewer lateral from the public sewer to the property line.
- e. All work shall be in conformance with city codes, ordinances and standards, including obtaining all necessary permits, inspections and approvals.
- f. The director shall investigate all claims submitted for reimbursement and shall determine the validity of such claims and the amount of reimbursement, if any, which is due the customer.

H. Specifications for Customer Lines and Sewer Laterals. All customer lines shall be laid to a depth of two feet below the surface of the ground and shall be equipped with a readily accessible valve for each house or building so that the customer may at any time shut off the entire water supply. Customer lines larger than two inches shall be equipped with an accessible gate valve controlling the full supply on the premises.

All sewer laterals shall be installed in accordance with the department's standard details and with Chapter 17.20 of this code. When a property is connected to public sewer each sewer lateral shall be provided with a cleanout to within six inches of finish grade at the property line, except that when a cleanout is provided at a distance not to exceed thirty feet from the property line, no additional cleanout will be required at the property line.

I. Installation of Service Lines and Sewer Laterals. All installations performed within public rights-of-way shall be performed by a licensed contractor acting as the owner's agent. The contractor shall be responsible for obtaining all necessary permits for work within the right-of-way. All installation shall be performed in accordance with the department's standard details.

J. Liability for Leakage or Stoppage. Under no condition shall the department be held responsible or liable for any partial or complete stopping of flow, any leakage, or damage to any customer's pipeline, fixtures, sewer lateral, plumbing, premises or contents therein, served by the water/sewer utility.

K. Approval of New, Re-laid Lines. Approval of all new, re-laid or relocated customer lines must be secured from the department before water will be turned into the service.

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L. Temporary Water Use from Hydrants. Temporary use of water from fire hydrants may be authorized by the Director of Public Works or designee. "Temporary Water Use from Hydrants" is defined as use of water from a fire hydrant where an established service point or permanent water meter is not available. The Director of Public Works shall approve a written policy that will include, but not be limited to; when temporary water use from hydrants will be permitted, the appropriate deposit for the renting of a temporary meter, conditions of forfeiture of water meter deposit, rental fees for the temporary meter, and fees for temporary water use from hydrants. Persons requesting temporary water use from hydrants shall apply for a temporary water use permit on forms prescribed by the city at the City of Vancouver Utilities Administration offices. Such permits shall be subject to conditions of use set forth therein, and subject to the written policy of the Public Works Director, including provisions for cross connection control and other measures prescribed by the Director to ensure the public safety and health and water conservation. This subsection shall not apply to authorized fire-fighting agencies.

M. Temporary Service. Where water service is desired from a permanent service line for a period of less than three years, upon approval of the Director of Public Works, it shall be considered temporary service, except that permanent buildings or establishments where service is discontinued because of change of occupancy shall not be considered as coming under this regulation.

N. Tap and Line for Temporary Service. When a new tap and service line is required for a temporary service, the department shall collect, at the time application is made, an amount covering the estimated installation cost as provided in Section 14.04.090. The installation cost shall include all labor and material necessary for connection and disconnection and shall not be less than the regular charge for a new service.

O. Advance Payment for Temporary Service. In all cases of temporary service, the department shall collect in advance the minimum charge for one month for the size of meter in use and in no case shall the charge be less than this amount. Temporary services shall be billed at the rate applicable to the current use of the premises.

P. Transfer of Temporary to Permanent Status. Temporary service may be transferred to permanent service status upon payment of system development charges effective as of the date of transfer to permanent status as assessed by VMC 14.04.235.

Q. Existing Service Out of Use. When any existing service line of two inches or less has been out of use for three years or more, the same shall be considered out of service and shall not be used again for water service purposes, unless the department determines that the existing service line is acceptable.

(Ord. M-2486 § 1, 1984; Ord. M-1 167 § 5, 1970; Ord. M-810 § 7, 1966; Ord. M-604, 1962; Ord. M-144 § 9, 1954)

(M-4022, Amended, 09/10/2012, Sec 4-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 5 - Effective 10/01/2006; M-3543, Amended, 04/02/2001)

Section 14.04.105 Permit required for plumbing work.

It shall be a violation of this chapter for a plumber or any other person to make connection, installation, replacement, extension or repair to any city water service pipe, or to connect one service pipe with another building, without having first obtained a permit from the department. Upon issuance of a permit to a plumber or other person authorized by the department to do plumbing work, the permittee shall make a report in writing to the department of all connections, attachments and extensions made by him in accordance with the permit within three days after the completion of work. (Ord. M-3029 § 1, 1992)

Section 14.04.110 Unauthorized use of water.

If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall forthwith upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly theretofore obtained or delivered. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the owner shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which such unauthorized service may have been obtained. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this section and failure to pay for all costs incurred shall constitute a violation of this chapter. These penalties shall be in addition to amounts assessed under VMC Title 22.

(Ord. M-3029 § 2, 1992; Ord. M-144 § 10, 1954)
(M-4022, Amended, 09/10/2012, Sec 5-Effective 10/10/2012)

Section 14.04.120 Sharing or selling water to another.

No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

(Ord. M-3029 § 3, 1992; Ord. M-144 § 11, 1954)

Section 14.04.130 Effect of leakage on bills.

When any customer in any given billing period because of a broken water pipe on his or her premises, has used according to his or her meter, an amount of water which is more than double the average amount of water which had been used on such premises in similar period in prior years, he may apply to the city in writing for an adjustment under this section. If the customer reports that there are broken water pipes on his or her premises which have caused the high consumption of water and if repairs are verified by inspections by the city, the city shall thereupon reduce the bill in question to the average amount billed to such property for similar periods in previous years plus, for the excess over such average caused by such breakage, a special rate of only twenty cents per hundred cubic feet. In cases where repairs are not visible, proof of repairs must be supplied. A given piece of property shall be entitled to the benefits of this section unless it appears that continued waste of water is due to a continued negligent failure to repair. Reductions shall not be permitted on account of leaking toilets, plumbing fixtures, or unexplained usage and shall not exceed two bills.

The department may discontinue service to any premises if the owner customer or consumer refuses to make repairs necessary to avoid waste of water. If after reasonable efforts to contact the customer or consumer at the premises are not successful, and it is observable that water is being lost through leakage, the department at its option may terminate water service and shall leave written notice as to its action and

the reason therefore.

(Ord. M-1421 § 1, 1973)

(M-4022, Amended, 09/10/2012, Sec 5-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 6 - Effective 10/01/2006)

Section 14.04.140 Unlawful acts.

A. Trespass. Any person or persons found trespassing upon the watershed, polluting the water, damaging or attempting to sabotage or destroy any reservoir, tank pump, pump house, pipeline, treatment plant, or any other property of the department shall be guilty of a violation of this chapter.

B. Cross Connections. No person shall connect in any manner any fire pump or other apparatus drawing from any other water supply or carrying any foreign liquid or material to any main or pipe connected to the city water system even though such connection may be protected to some extent by check valves or closed gate valves, except in conformity with Section 9 of this ordinance, codified as VMC 14.04.155. Particular attention is called to the danger of pollution from ice machines, compressors, sewage pumps and other apparatus causing pressures higher than those in the system. Any customer having or making any such cross connection shall immediately remove it and pay the department all costs, direct and consequential, incurred because of the connection. The existence of any cross connection, whether open or not, shall be deemed cause to hold the customer solely responsible and liable for any and all expense, claims, or suits and damages, either direct or resultant, that could in any possible manner have been caused by such cross connection.

C. Authority to Disconnect. The department shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any operating reason. In all such cases, reasonable previous notice will be given to consumers, except in emergencies shut-off to prevent damage to plumbing. The department shall be responsible for closing at the meter all service lines which are affected by a shut-down to preclude drainage of water from tanks. The necessary work will be done as rapidly as practicable and whenever feasible, at times which will cause the least inconvenience. The department shall not be held responsible or liable for any direct or resultant damage to any person, company or consumer or to any pipe, fixture or plumbing caused by cessation of supply or reduced or insufficient pressure.

D. Dangerous Industrial Uses. Water for steam boilers, gas engines, ice plants or other industrial use involving possible danger will not be furnished by direct pressure from the mains.

E. Defective Customer Equipment. The department shall have the right to refuse water service or to discontinue water service without notice at any time to any customer upon finding any apparatus or appliances, the operation of which will be detrimental to the water system or an annoyance to any or all of its customers. Standpipes, hydrants, gate valves or any other apparatus or equipment that causes water-hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the department.

F. Liability for Damage. The customer shall be responsible for and pay for any damage to meter, meter boxes, seals, curb stops, yokes, pipe, and other appliances belonging to the department caused by any unauthorized use, carelessness or neglect by the customer.

G. Unauthorized Alteration of Equipment. The department shall, under all circumstances and conditions, exercise through its authorized employee, full authority and complete jurisdiction over the entire water system. No one other than an authorized employee of the Department of Public Works shall remove, relocate, turn off, turn on, test, regulate, repair, damage, or otherwise molest or alter any meter, curb stop,

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yoke, valve, or other property of the department. Any person so doing shall be guilty of a violation of this chapter and subject to amounts assessed under VMC Title 22.

H. Department Access. The department shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the customer's pipe, fixtures, plumbing and any other apparatus, in any manner connected with the city water system. The department shall have the right and option to demand termination of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that will in the opinion of its engineer in any manner affect the water supply or water system or the supply or fixtures of other consumers.

I. Noncompliance. If any customer fails to comply with any of the rules and regulations in force the department shall give notice of such failure. If the customer does not comply as the rules provide and within reasonable time, the department shall have the right to shut off the water and collect the scheduled charge for restoration of service or to remove the meter and make the same charge for resetting as if the meter were removed at the customer's request. Any person who fails to comply with any of the rules and regulations in force consistent with this chapter shall be guilty of a violation of this chapter.

J. Tampering with Fire Hydrants. It shall be a violation of this chapter for any person other than an employee of the department or the city Fire Department to operate, alter, change, remove, disconnect, connect with, or interfere or attempt to interfere in any manner with any fire hydrant owned or used by the city without first obtaining a permit from the department.

K. Unlawful to Turn on Water Without Authority or After Shut Off for Nonpayment. Subject to the provisions contained in Sections 14.04.191 through 196, if water is shut off for nonpayment and is subsequently turned on by any water customer or other person without authority from the department and any outstanding bill for prior water service charges remains unpaid, the department may then stop water service by either shutting off the water at the main, by removing the meter, or by any other appropriate method. The charge for stopping water service by any other method and the charge for subsequent restoring of the water service shall be as set forth in this title. All such charges shall be charged to the customer or such other person and when the delinquent customer and/or such other person occupies the premises, water shall not again be furnished to the premises until the charges have been paid. The remedies and charges set forth in this section shall be in addition to and not in lieu of amounts assessed under VMC Title 22.

L. Unauthorized use of water. If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall forthwith upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly theretofore obtained or delivered. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer or to both. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the customer shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which such unauthorized service may have been obtained. The department's estimate of charges due shall be deemed conclusive unless rebutted by the customer by clear and convincing evidence. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this subsection and failure to pay for all costs incurred shall constitute a violation of this

title.

M. Sharing or selling water to another. No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

N. Access to and obstruction of meters, hydrants, manholes, and easements.

1. No material or obstruction shall be placed on or over the meter box at any time regardless of whether the box is installed on public or private land.

2. No vegetation will be allowed to overgrow a meter box. Vegetation will be trimmed at the Department's discretion within an area that is 2' horizontal and 5' vertical of the meter box.

3. No person shall open, enter into, place, or allow anything to be placed in a manhole of the City's sanitary sewer system without written approval from the Director of Public Works or his designee.

4. No person shall damage, obstruct or cover a manhole of the City's sanitary sewer system.

5. No person shall plant trees, shrubs, or other plants within a water or sewer easement or obstructing a meter without prior written approval from the Director of Public Works or his designee.

6. No person shall place any part of a structure or any permanent equipment within a water or sewer easement or obstructing a meter without prior written approval from the Director of Public Works or his designee. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls, and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.

(Ord. M-3029 § 4, 1992; Ord. M-898 § 1, 1967; Ord. M-810 § 8, 1966; Ord. M-144 § 13, 1954)
(M-4022, Amended, 09/10/2012, Sec 7-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 7 - Effective 10/01/2006)

Section 14.04.145 Cause of action for tampering, unauthorized connections and diversion of services.

RCW 80.28.240 is hereby adopted by reference. Pursuant to RCW 35.21.180, an amendment, addition or repeal by the Washington State Legislature of such statute shall be deemed to amend, add or repeal this subsection without further action of the city. The remedies provided by RCW 80.28.240 and this subsection shall be in addition to and supplemental to all other remedies set forth in this chapter for tampering, unauthorized connections and diversion of services.

(M-3755, Added, 08/28/2006, Sec 8 - Effective 10/01/2006)

Section 14.04.150 Fluoridation authorized.

The city council of the City of Vancouver hereby authorizes and directs that a source of fluoridation approved by the state department of health be added to the City of Vancouver water supply, under the

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rules and regulations of the Washington State Department of Public Health, such addition to be administered in a manner approved by the State Director of Public Health, and in accordance with the laws of the State of Washington. (Ord. M-602 § 1, 1961)

Section 14.04.155 Cross Connection Control Program.

A. Adoption of state regulations. Rules and regulations of the Washington State Department of Health regarding public water supplies, entitled “Cross-Connection Control,” WAC 246-290-490, as they presently exist and as they may, from time to time, be amended, are hereby adopted and incorporated herein by this reference as if set forth in full.

B. Backflow prevention assemblies to be installed. In addition to situations requiring backflow prevention assemblies as set forth in subsection A above, the city reserves the right, as a condition of water service, to require any party seeking water service to install a backflow prevention assembly when the city, or the city’s designee, determines a need to protect the city’s water system and/or facilities. Premise isolation for all service connections by an approved air gap or reduced pressure backflow assembly is required for all customers with access to unapproved auxiliary water supplies, as defined by WAC 246-290-010, connected to a piping system whether or not an interconnection exists between the unapproved auxiliary water supply and the city water system. All backflow prevention assemblies shall be installed and maintained by, and at the expense of, the customer.

C. Backflow prevention assemblies to be inspected. Backflow prevention assemblies installed shall be inspected and tested:

1. At the time of initial installation;
2. Annually after initial installation;
3. After the device is repaired;
4. After the device is moved, relocated, or reinstated; and
5. More often if tests indicate repeated failures.

D. The city shall provide 30-day advance notification to the customer of the required annual test of the backflow prevention assembly. Failure of the city to provide notification shall not affect the customer’s duty to obtain testing under this section. The customer shall have such test performed by any person certified by the Washington State of Health, and the results shall be delivered to the city on a form prescribed by the city. If such test is not performed within the time required herein, the city may initiate proceedings for termination of water service.

E. The customer shall be responsible for the repair, overhaul or replacement of backflow prevention assemblies as required by the city whenever they are found to be defective within a time period as required by the city.

(M-4022, Amended, 09/10/2012, Sec 8-Effective 10/10/2012; M-3755, Added, 08/28/2006, Sec 9 - Effective 10/01/2006)

Section 14.04.160 Department employee rules.

A. Office Transactions Only. All transactions concerning water service and the business of the department shall be made only through the office of the department and no service shall be commenced other than by

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and through the procedure herein provided and in conformity with these regulations.

B. Identification. Every employee of the department being authorized to enter upon private property to inspect or have charge of the services, mains, plant or equipment of the department shall be furnished with means of identification and shall carry such identification at all times when engaged upon the duties of his position and produce and exhibit the same upon request.

C. Tips Prohibited. Every employee of the department is strictly prohibited from demanding or accepting if offered any gratuity, tip or compensation in any form whatsoever from any person during or in connection with his performance of his duties and any disrespect or unwarranted act of any employee shall be, upon complaint made to the director or utilities, suitably dealt with.

D. Department Employees are not permitted to Work on Customer Equipment. No employee of the department shall do any work whatsoever on any customer's pipe lines, fixtures, or plumbing.

E. Communicating Regulations. It shall be the duty of the director of utilities to see that every employee is aware of all regulations governing his conduct.

(Ord. M-298, 1956; Ord. M-144 § 14, 1954)
(M-4022, Amended, 09/10/2012, Sec 9-Effective 10/10/2012)

Section 14.04.170 Meter connections--Exceptions--Placement.

A. Unmetered Connections. There shall be no unmetered connections to the city water system except to automatic sprinkler systems for fire protection services which are approved by the Director of Public Works. This subsection shall not apply to single-family residential structures; all single-family residential fire protection services shall be metered.

B. Meters. All meters and meter boxes shall be owned, installed and maintained by the department.

C. Meter Location Specifications.

1. Whenever practicable the meter shall be installed in a convenient place in the public right-of-way between the curb line and the property line. When the meter cannot be placed in the usual position within public right of way, then the legal owner of the premises shall give consent in writing and grant an easement to the city and the meter and the meter box shall be placed at a suitable place which will be permanently accessible at all reasonable times for meter inspection, reading and testing. Meters shall not be located within any finished surface area other than dirt, grass, barked or landscaping rock and shall not be located within a driveway or sidewalk area unless prior approval is obtained from the Director of Public Works. Meter shall not be obstructed, as set forth under VMC 14.04.140.N. Where meters are at present or may be installed within a building, the department shall not be held responsible for damage from leaking meter, pipe or fittings. No rent or other charge whatever shall be made by any customer against the department for placing or maintaining meters upon the customer's premises.

D. Maintenance of Service Line. The service line from the main to the meter shall be maintained by the department. The department may charge the customer for damage to the service line or meter which is located outside the public right-of-way. In the event of a maintenance repair on a water service or meter that is located within a surface area other than allowed in subsection C.1 above, the property owner will be responsible for the repair of the surface area or the City may repair at the property owner's expense. The customer shall be charged for such damage on a time and material basis and shall be provided with a specific account of such charges.

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E. Meter Connection Shut Off By City. If a service has been shut off for nonpayment, and the customer has turned the water service on without city authorization, the department may cut off service to the premises from the public right of way. The minimum base fee charged the customer for such cut off shall be \$1300, plus any additional actual and reasonable costs incurred by the city on a time and materials basis. The customer shall be provided with a specific account of such additional charges.

(Ord. M-2486 § 2, 1984; Ord. M-1167 § 6, 1970; Ord. M-810 § 9, 1966; Ord. M-144 § 15, 1954)
(M-4022, Amended, 09/10/2012, Sec 10-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 10 - Effective 10/01/2006)

Section 14.04.180 Meter tests and adjustments.

A. Customer Request for Test. The department shall test meters as it finds necessary or upon the request of any customer.

B. Result of Test--Meter Repair. If the meter is found by such test to be defective, it shall be replaced or repaired at the city's expense and affected bills outstanding or paid during the previous six months shall be adjusted. Such adjustments shall be based, at the option of the department, upon either the nearest preceding six-month average use when the meter was in good order, or upon the same month of the preceding year if the use is seasonal.

C. Meters for Seasonal Requirements. Meters of different sizes will not be installed to meet seasonal or temporary requirements except on payment of the cost of all charges by the customer.

D. Deduct Meter. Deduct meters, for the purpose of subdividing the registration of the master meter, may be installed by the department for its convenience. Where one or more deduct meters are installed the master meter consumer shall be billed by deducting the amount registered on the deduct meter or meters from the master meter registration.

E. Meter Damaged by Hot Water. Whenever a meter is found to have been damaged by hot water from the customer's heating equipment, the customer shall pay the actual cost of removing, repairing and replacing the meter. The previous water bills shall be corrected on an estimated basis to cover the period during which the meter was evidently so damaged and all such charges and amounts shall be thereupon due and payable.

F. Check and Relief Valve Installation. The department may, at its option, install a check valve in any service where there has been damage to the meter caused by hot water, or where there is reason to believe danger of such damage exists. The customer shall be notified at the time of installation of a check valve and shall be warned of the danger of possible bursting of hot water tanks and piping. The department will not resume service prior to such installation by the customer of a relief valve, and will not be liable for any damage, direct or consequential, from any accident due to the placing of a check valve or failure of the consumer to receive notice and install a relief valve.

(Ord. M-1167 § 7, 1970; Ord. M-810 § 10, 1966; Ord. M-144 § 16, 1954)
(M-4022, Amended, 09/10/2012, Sec 11-Effective 10/10/2012)

Section 14.04.190 Billing procedure and conditions.

A. Billing Period. Bills for metered water service shall be rendered according to the registration of the meter at regular intervals and shall be due and payable upon mailing. Bills shall clearly state when they

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will be considered delinquent; provided that no bill shall be considered delinquent until at least fifteen days after mailing.

B. Reading Meters. Residential meters shall be read as nearly as possible at regular intervals, unless otherwise arranged by the department. There shall be no special vacation rate or reduction made on any water bill because of part-time or restricted use. If a meter is pulled and the account is closed at the customer's request or if the account has been inactive for more than five (5) years, upon installation of a new meter, all new meter installation fees shall apply.

C. Billing When Meter Unread. On metered service where the meter has not been read, the bill rendered shall be an average bill for the preceding year or applicable portion of year.

D. Billing for Special Periods. Opening and closing bills and bills for water service for periods less than the regular intervals shall be calculated on a pro rata basis.

E. Bills for Special Services. All bills for service charges, material and labor furnished, contributions to extensions and other authorized charges, shall be due and payable immediately upon presentation. If such bills are not paid, the department may refuse to furnish water service, and may shut off and discontinue service already being supplied until all bills are paid, and this without prejudice to its right to collect all amounts theretofore due.

F. Separate Billing for Separate Meters. When one customer is served by more than one meter on separate service lines, the meter minimum for each meter and the surcharge for water supplied may be calculated and billed separately.

G. Responsibility for Joint Use. When more than one consumer, whether a family, business, or other person, receives water through one meter on a single service line, in one building, and it is found impractical by the department to separate the water piping for each consumer, the customer shall be solely responsible and shall pay the total bill for such joint water service.

H. Joint Consumer Responsibility. All service to joint consumers shall be on the basis that if it becomes necessary to enforce these rules and regulations against any or all joint consumers that the department shall have the right to shut off the entire supply to all the joint consumers. Separate meters shall be installed and separate bills rendered to each consumer if the customer separates the piping and installs individual supply pipes from the property line.

I. Separate Billings Required. When two or more houses, buildings or other premises occupied by separate consumers are supplied from a single service connection, the customer shall immediately, upon notice from the department, separate each customer's lines and connect up individually to meters at the property line, and if separate services are not established within a reasonable time thereafter, the department may shut off the water and refuse further service to all such consumers.

J. Billing Before Lines are Separated. Until the joint consumer lines are separated, computation of the total bill shall be made by multiplying the quantity in each bracket of the rate schedule by the number of consumers on one meter. The minimum charge shall be the regular minimum charge multiplied by the number of consumers served.

K. Customer Emergency Assistance.

1. Eligibility. Upon satisfactory proof, emergency assistance may be issued to each household for which:

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- a. A member of the household is billed by the city for water services;
- b. The household has been verified by the city or the city's agent:
 1. To have an annual income that, when combined with the annual income of all household members, meets the eligibility standards for the Low Income Energy Assistance Program (LIHEAP) authorized by the Low Income Home Energy Assistance Act of 1981, the Omnibus Budget Reconciliation Act of 1981, the Energy Policy Act of 2005, Public Law 109-58; and
 2. To not receive subsidized housing assistance.
- c. The household has received notice from the city that payment or payment arrangements must be made to prevent disconnection;
- d. The household is served with city water service at a residential, single-family account.
 2. Emergency credit - Maximum. Upon verification of eligibility, the household may receive an emergency credit of a maximum of two hundred (\$200) dollars of the delinquent bill for the service address; provided that the household may only receive such credit once in a twenty-four (24) calendar month period.
 3. Administrative rules and procedures. Pursuant to VMC 14.04.020 and this section, the Director of Public Works jointly with the Director of Financial and Management Services shall promulgate administrative rules and procedures not inconsistent with this section to implement the customer emergency assistance program.

(Ord. M- 1167 § 8, 1970: Ord. M-810 § 11, 1966: Ord. M-772 § 2, 1965: Ord. M-604 (part), 1962: Ord. M-144 § 17, 1954)

(M-4022, Amended, 09/10/2012, Sec 12-Effective 10/10/2012; M-3978, Amended, 05/02/2011, Sec 1 - Effective 06/02/2011; M-3755, Amended, 08/28/2006, Sec 11 - Effective 10/01/2006)

Section 14.04.191 Termination of utility service to rental dwellings.

Except in cases involving public health or safety, or as otherwise provided in this chapter, the city will terminate utility service to a residential tenant occupying a rented dwelling pursuant to RCW 35.21.290 and 35.21.300 for a delinquent bill only when: (a) the bill was incurred by a current occupant; or (b) the dwelling is vacant. When a rented dwelling is occupied by a tenant who has opened an account in his/her own name, no termination or threat of termination will occur because of the nonpayment of a bill for water or sewer utility services if the bill is the obligation of the tenant's landlord or the obligation of a prior occupant of the premises not currently residing therein; provided, however, that the term "threat of termination" shall not include the notices authorized by subsequent sections of this chapter. (Ord. M-2629 § 1, 1986)

Section 14.04.192 Termination of utility service to rental dwellings--Exceptions.

A. Delinquent Status.

1. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant, and the delinquent bill is in the landlord's name, no termination will occur until the tenant is first provided

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an opportunity to place the account in his or her name without liability for the landlord's delinquent bill.

2. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant and the delinquent bill is in the name of, and incurred by, a prior tenant no longer occupying the dwelling, no termination will occur until the current tenant is first provided the opportunity to have the account placed in his or her own name without liability for the delinquent bill.

B. Application for Exception. The current tenant must make application in person at a designated city office during normal office hours unless this is proved to be impossible because of a disability, to complete any forms required by the city in order to place service in his/her name. Arrangements for continued service cannot be made by phone except that on Fridays such applicants can arrange by phone to have service over the weekend, pending applications to be made on the next Monday. Such applicant will be required to present personal identification, a copy of his/her rental agreement, and/or a bill from another utility in his/her name, and to provide the name, address, and telephone number of the landlord.

(Ord. M-2629 § 2, 1986)

(M-4022, Amended, 09/10/2012, Sec 13-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 12 - Effective 10/01/2006)

Section 14.04.193 Termination of utility service to rental dwellings--Service restored.

If service is terminated before the current tenant has exercised the right provided for in the preceding section to have the account placed in his or her own name, the current tenant can have water restored without liability for the delinquent bill by applying to place the account in his or her own name for future service, as provided in Section 14.04.192, and by paying the usual reconnect charges.

(Ord. M-2629 § 3, 1986)

(M-4022, Amended, 09/10/2012, Sec 14-Effective 10/10/2012)

Section 14.04.194 Termination of utility service to rental dwellings--Action by utilities administration.

The city will not take any action which encourages or permits, whether by regulation, informal policy or oral statement, the termination of water services to residential tenants occupying single-family units or individually metered multifamily units because a prior occupant of the residence owes an unpaid bill or where the tenant's landlord has contracted for water service to the dwelling and the account is delinquent, unless the following procedures are complied with. Procedures applicable to termination of utility services to consumers other than residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.197.

A. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a reminder notice to the service address, and to the address (if any) listed for the property's owner of record or agent in the department's file. This notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made. A statement describing tenants' rights as provided in this chapter will be presented on the back of the reminder notice.

B. 1. If payment on a utility account has not been received by the thirty-seventh day after the bill date, the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

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2. Such final notice shall advise that the account is past due and that service will be terminated not less than eight (8) days from the final notice date and will advise the customer of the process for service restoration.

3. A statement describing tenants' rights will be printed on the back of the disconnection notice.

C. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

NOTICE OF TENANTS' RIGHTS

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. **You will be responsible for future bills coming due during your tenancy.**

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, and make application in person for continued service during normal work hours. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, his current address, and telephone number.

If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.

You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

(Ord. M-2629 § 4, 1986)

(M-4022, Amended, 09/10/2012, Sec 15-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 13 - Effective 10/01/2006)

Section 14.04.195 Termination of utility service to rental dwellings--Transfer charges.

If a tenant elects to contract for future water service under the preceding sections he or she must agree to pay appropriate transfer of account charges, reconnection charges if service has been terminated before the tenant has exercised the right to have the account placed in his or her name, and all future utility bills coming due during his or her occupancy of the premises. Application must be made in person at the City of Vancouver Utilities Administration offices during normal working hours except by handicapped persons as provided in Section 14.04.192. The tenant will not be required to pay a deposit to obtain service unless that tenant's own credit worthiness justifies the imposition of a deposit under rules or policies regularly adopted under Section 14.04.030 and applied to all customers.

All notices required by this chapter will also give notice of the Utility Division's customer appeal process.

A tenant may request a hearing under this customer appeal process if the tenant has a dispute with the utility regarding the new account for the premises.

(Ord. M-2629 § 5, 1986)

(M-4022, Amended, 09/10/2012, Sec 16-Effective 10/10/2012)

Section 14.04.196 Termination of utility service--City's rights.

Nothing set forth in this chapter shall be construed to limit the city's rights to proceed either by judicial process or by the remedies prescribed by RCW 35.21.290 and 35.21.300 to the extent that such actions do not interfere with tenant's rights as provided in this chapter. A "tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement. A "landlord" is the owner of record of the dwelling unit, as shown by the records of Clark County, or the owner's agent.

(Ord. M-2629 § 6, 1986)

(M-4022, Amended, 09/10/2012, Sec 17-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 15 - Effective 10/01/2006)

Section 14.04.197 Termination of utility service to customers other than residential rental tenants occupying single-family units or individually metered multifamily units - Action by utilities administration.

A. Applicability. This section specifies procedures applicable to termination of utility services to consumers other than residential rental tenants occupying single-family units or individually metered multifamily units. Procedures applicable to termination of utility services to residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.191 through VMC Section 14.04.196.

B. Past Due Reminder Notice For All Service Types.

1. This past due reminder procedure is applicable to all service types governed by this VMC Section 14.04.197.

2. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a past due reminder notice to the service address, and to the address (if any) listed for the property's owner of record or agent in the department's file. This past due reminder notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made.

C. Termination of Service For Single Family units and Multi Family units that are individually metered.

1. For single family units and multi family units that are individually metered, if payment on a utility account has not been received by the thirty-seventh day after the bill date the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

2. If payment on the utility account has not been received by the forty-fifth (45) day the account will be transferred to the shut off list and service will be terminated.

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3. Thereafter, a utility service inspector will physically deliver to the services address a disconnection notice and will terminate the service

4. Such disconnection notice shall advise that the account is past due and that service has been terminated and will advise the customer of the process for service restoration.

D. Termination of Service For Multi-Family units that share a single meter.

1. For multi-family units that share a single meter, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.

2. Thereafter, a utility service inspector will physically deliver to the service address(es) or will post at the service address door(s) a 10 day disconnection notice.

3. Such 10 day disconnection notice shall advise that the account is past due and that service will be terminated not less than ten (10) days after such delivery or posting of the notice unless payment is made or other arrangements satisfactory to the city have been made. Such notice will advise other tenants sharing the service, if any, of their rights for continuing service

E. Termination of Service For Commercial units

1. For commercial units, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.

2. Thereafter, a utility service inspector will physically deliver to the service address or will post at the service address door a twenty four (24) hour disconnection notice.

3. Such twenty four (24) hour disconnection notice shall advise that the account is past due and that service will be terminated not less than twenty four (24) hours after such delivery or posting of the notice unless payment made or other arrangements satisfactory to the city have been made. Such notice shall advise other tenants sharing the service, if any, of their rights for continuing service.

F. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for bills coming due during your tenancy.

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, during normal work hours and make application in person for continued service. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, their current address and current phone

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number.

If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.

You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

(M-4022, Added, 09/10/2012, Sec 18-Effective 10/10/2012)

Section 14.04.210 Water service--User charges.

A. Base charge, all customer classes.

1. For all water customers, each customer shall pay a monthly base charge as follows:

Effective January 1, 2012

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	5.49	8.24
b. 3/4 inch	per month	7.27	10.93
c. 1 inch	per month	11.10	16.65
d. 1-1/2 inch	per month	20.65	31.02
e. 2 inch	per month	31.99	48.02
f. 3 inch	per month	58.65	88.01
g. 4 inch	per month	96.65	145.00
h. 6 inch	per month	191.76	287.67
i. 8 inch	per month	305.87	458.83
j. 10 inch	per month	457.92	686.87
k. 12 inch	per month	889.79	1,334.72

Effective January 1, 2013

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	5.76	8.65
b. 3/4 inch	per month	7.63	11.48
c. 1 inch	per month	11.66	17.48

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d. 1-1/2 inch	per month	21.68	32.57
e. 2 inch	per month	33.59	50.42
f. 3 inch	per month	61.58	92.41
g. 4 inch	per month	101.48	152.25
h. 6 inch	per month	201.35	302.05
i. 8 inch	per month	321.16	481.77
j. 10 inch	per month	480.82	721.21
k. 12 inch	per month	934.28	1,401.46

Effective January 1, 2014

<u>Meter Size</u>		<u>Base Charge</u>	
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	6.05	9.08
b. 3/4 inch	per month	8.01	12.05
c. 1 inch	per month	12.24	18.35
d. 1-1/2 inch	per month	22.76	34.20
e. 2 inch	per month	35.27	52.94
f. 3 inch	per month	64.66	97.03
g. 4 inch	per month	106.55	159.86
h. 6 inch	per month	211.42	317.15
i. 8 inch	per month	337.22	505.86
j. 10 inch	per month	504.86	757.27
k. 12 inch	per month	980.99	1,471.53

2. The monthly base charge set in (1) does not include any charge for consumption of water.

3. The monthly base charge for any single family residential customer shall not exceed the charge set in (b) above.

B. Volume Charge (uniform volume).

1. In addition to the monthly base charge in subsection A(1), each customer shall pay the following additional charge on his/her bill, based upon the amount of water consumed per each billing period:

Effective January 1, 2012

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Customer Class	Inside City Limits	Outside City Limits
Single Family:	1.54/CCF	2.32/CCF
Multi-Family:	1.33/CCF	2.01/CCF
Non-Profit Shelters:	0.34/CCF	0.52/CCF
Commercial ¹ :	1.33/CCF	2.01/CCF
Industrial ¹ :	1.39/CCF	2.08/CCF
Government ¹ :	1.19/CCF	1.78/CCF

Effective January 1, 2013

Customer Class	Inside City Limits	Outside City Limits
Single Family:	1.62/CCF	2.44/CCF
Multi-Family:	1.40/CCF	2.11/CCF
Non-Profit Shelters:	0.36/CCF	0.55/CCF
Commercial ¹ and Industrial ¹ :	1.40/CCF	2.11/CCF
Government ¹ :	1.25/CCF	1.87/CCF

Effective January 1, 2014

Customer Class	Inside City Limits	Outside City Limits
Single Family:	1.70/CCF	2.56/CCF
Multi-Family:	1.47/CCF	2.22/CCF
Non-Profit Shelters:	0.38/CCF	0.58/CCF
Commercial ¹ and Industrial ¹ :	1.47/CCF	2.22/CCF
Government ¹ :	1.31/CCF	1.96/CCF

Note ¹: As this use is classified under Vancouver Municipal Code Title 20

2. All volume charges are computed per hundred cubic feet (CCF).

3. "Single family customer" class shall include single dwelling unit with one meter, mobile homes either on individual lots or in mobile home parks. This definition is for utility billing purposes only.

4. "Multi-family customer" class shall apply to customers with two or more living units per meter. This definition is for utility billing purposes only.

5. "Non-profit Shelter" For the purpose of applying the rates as set forth in subsection B(1) above, the term non-profit shelters shall be defined to mean a facility operated by a non-profit organization that provides clients with on site food, beds or shelter for free or at significantly below market rates.

C. Charges for Cutting Off and Restoring Service.

1. Service cut off.

a. Cutting off service for non payment. There shall be a forty dollar (\$40) charge to cut off service for nonpayment. There shall be no additional charge for restoring service after such cut-off.

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b. Emergencies - cut off. No cut-off charge shall be made if service is cut off to meet an actual emergency.

c. Customer request. No cut-off charge shall be made if service is cut off at customer's request for the first such request.

2. Starting or Restoring Service.

a. For starting or restoring service at the customer's request, the charge shall be no charge for the first such request during regular working hours, and a fee of fifty dollars for each such request outside of regular office hours.

b. Altered service. If the meter or service has been altered without the written authorization of the Director Public Works or designee, the charge shall be fifteen dollars additional to all other charges in this section.

c. Multiple cut off/restoration requests. For customers who require more than one trip to the service address to cut off or restore service at their request, there shall be a fee of twenty-five dollars per each additional trip during office hours.

D. Testing Meters - Customer's Request. Schedule of meter test charges for test of a meter at the request of a customer where meter is found not defective:

1 inch and under	\$50.00
1-1/2 inch	\$60.00
2 inch	\$60.00
3 inch	\$80.00
4 inches or more	At Cost
Meter Resets	\$50.00

Meters tested and found to be defective will be replaced at no cost to the customer for testing or for replacement.

E. Testing Meters - Other Than at Customer's Request. The city reserves the right to test meters at any time. No charge will be made to the customer for meters tested pursuant to this subsection.

F. Meter and Service Installation:

Meter/Service Diameter	Meter and Service	Service Only	Meter Only
5/8 x 3/4 with 1" service	\$1,335.00	\$1,300.00	\$85.00
1 inch	\$1,385.00	\$1,300.00	\$135.00
1-1/2 inch	\$2,490.00	\$2,100.00	\$440.00
2 inch	\$2,700.00	\$2,300.00	\$450.00
3 inch	Note 1	Note 1	\$2,700.00

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4 inch	Note 1	Note 1	\$3,200.00
6 inch	Note 1	Note 1	\$4,900.00
8 inch and larger	Note 1	Note 1	Note 2

Note 1. The city does not install service larger than 2 inch. For larger services the customer is responsible for submitting drawings for city approval and for installation of the service.

Note 2. Prices available upon request.

G. Meter and Service Relocates

Effective June 1, 2004, rates for relocation of water service shall be as follows:

Service relocates ten feet (10') and less	\$200.00
Service relocates over ten feet (10')	\$900.00 (Note 3)
Meter box raise/raise yoke fee	\$100.00
One (1") inch yoke replacement fee	\$200.00
Half street restoration pass-through fee	\$2,000.00 deposit (Note 3)

Note 3. The half street restoration pass-through fee applies only to service relocates and new service installations which involve street cuts for which the jurisdiction imposes a half street restoration requirement.

The \$2,000.00 deposit will be required at the time of application for half street restoration pass through. Charges to the customer will be billed against the deposit on a time and material basis. Any unused portion of the deposit will be returned to the customer within 30 days of completion of the improvement. In addition, all work performed outside the city limits of Vancouver, will require a street cut permit from the applicable jurisdiction. The cost of the street cut permit shall be paid at the time of application.

H. Commencing January 1, 2005, and effective January 1 of each year thereafter, the fees set by subsections (F) and (G) of this section shall be adjusted annually at a rate based upon the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the Portland-Vancouver Metropolitan Area as prepared by the United States Department of Labor, Bureau of Labor Statistics and as published as of the preceding December 31st. The annual fee adjustment for each rate category shall be rounded to the nearest five (\$5.00) dollars. This annual adjustment shall not apply to the "Meter Only" fees.

I. Temporary Water Use from Hydrant fees shall be set by the Director pursuant to VMC 14.04.100.L.

J. A water document recording fee in the amount of \$50 will be collected in advance of the installation of a new water meter that requires payment of a system development charge.

(Ord. M-3096 § 1, 1993; Ord. M-3061 § 1, 1993; Ord. M-2920 § 1, 1990; Ord. M-2913 § 1, 1990; Ord. M-2848 § 1, 1989; Ord. M-2659 § 2, 1986; Ord. M-2520 § 2, 1985; Ord. M-2278 § 1, 1982; Ord. M-2256 §§ 1-4, 1981; Ord. M-2166 § 1, 1980; Ord. M-2144 §§ 1-8, 1980)
(M-4032, Amended, 11/19/2012, Sec 1-Effective 01/01/2013; M-4022, Amended, 09/10/2012, Sec 19-Effective 10/10/2012; M-4007, Amended, 12/19/2011, Sec 1-Effective 1/1/2012; M-3899, Amended, 11/17/2008, Sec 1-Effective 01/01/2009; M-3755, Amended, 08/28/2006, Sec 16 - Effective 10/01/2006; M-3689, Amended, 01/24/2005, Sec 1; M-3651, Amended, 04/19/2004, Sec 1; M-3398, Amended, 10/05/1998; M-3337, Amended, 12/15/1997)

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Section 14.04.230 Sanitary sewer service--User charges.

A. Monthly User Charges.

1. Residential customers. Each residential customer shall pay a monthly user charge as follows:

Effective January 1, 2011:

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$39.40 per mo. or \$3.93 per CCF	\$59.54 per mo. or \$5.95 per CCF
b. Multi-Family Residential	\$32.54 per mo. or \$3.93 per CCF	\$47.97 per mo. or \$5.95 per CCF
c. Non-Profit Shelter	\$1.06 per CCF	\$1.50 per CCF

Effective January 1, 2012:

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$41.96 per mo. or \$4.19 per CCF	\$63.41 per mo. or \$6.34 per CCF
b. Multi-Family Residential	\$34.66 per mo. or \$4.19 per CCF	\$51.09 per mo. or \$6.34 per CCF
c. Non-Profit Shelter	\$1.13 per CCF	\$1.60 per CCF

Effective January 1, 2013:

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$42.95 per mo. or \$4.29 per CCF	\$65.00 per mo. or \$6.50 per CCF
b. Multi-Family Residential	\$34.36 per mo. or \$4.29 per CCF	\$51.99 per mo. or \$6.50 per CCF
c. Non-Profit Shelter	\$1.16 per CCF	\$1.64 per CCF

Effective January 1, 2014

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$43.97 per mo. or \$4.40 CCF	\$66.63 per mo. or \$6.66 per CCF
b. Multi-Family Residential	\$35.18 per mo. or \$4.41 per CCF	\$53.30 per mo. or \$6.66 per

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		CCF
c. Non-Profit Shelter	\$1.19 per CCF	\$1.68 per CCF

2. Sewer charges for each single-family or multifamily residential customer shall be based upon that customer's water usage, either in the previous November/January billing period or in the previous December/February billing period provided each customer, other than qualifying low-income seniors as defined in subsection 2(E), is subject to a minimum volume charge of 3 CCF per month.

A. Single-family or multi-family residential customers who have "a complete two-month water consumption history" in either of the two billing periods specified above, shall be charged the applicable inside city or outside city rate per CCF for sewer as set forth in section 1 above. For new accounts in which the two month water consumption history has not been established, an interim rate may be established by the Director of Public Works in accordance with department policies. The Director of Public Works shall approve a written policy for the setting of this interim rate that will include, but not be limited to, how the interim rate is calculated.

B. The applicable inside city or outside city flat rate set forth in section 1 above shall be used as the monthly sewer billing rate for any customer for whom for any reason the provisions of this subsection cannot be used.

C. The Utilities Division shall develop written rules consistent with this subsection and this ordinance for the fair and efficient administration of such sewer rate.

D. For the purpose of applying the rates as set forth in subsection A(1)(c) above, the term non-profit shelters shall be defined to mean a facility operated by a non-profit organization that provides clients with on site food, beds or shelter for free or at significantly below market rates.

E. For the purpose of applying the low income senior minimum sewer flow waiver as set forth in subsection A(2) above, applicants shall meet the following:

1. Applications shall be obtained from and filed with the Public Works director, or his or her designee. The application shall be on a form prescribed by the Public Works director, and shall contain the information necessary to evaluate the applicant's qualification for the low income senior minimum sewer flow waiver.

a. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.

b. Once approved by the department, the application shall become effective the next billing cycle after approval of the application.

c. Each application is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to re-apply for successive 12-month periods of eligibility.

d. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence.

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e. The applicant must be the head of the household for the residence for which the rate reduction is requested.

f. The utility account must be in the applicant's name or the name of the applicant's spouse.

2. For purposes of this section, the term low income senior shall be defined as follows:

a. Be 62 years of age or older at all times during any period for which a minimum sewer flow waiver is requested; and

b. Have been a sewer customer of the city at all times during any period for which a minimum sewer flow waiver is requested; and

c. Have an income during the calendar year or portion thereof for which a minimum sewer flow waiver is requested, from all sources whatsoever, either (1) not exceeding two hundred (200) percent of the Federal Poverty Guidelines for a household of any size as published by the Secretary of Housing and Urban Development or (2) not exceeding the income qualification for low-income seniors set forth in RCW 84.36.381(5)(a), whichever is greater.

3. Commercial, industrial, electronics and government customers. Each such customer shall pay a monthly user charge per hundred cubic feet (CCF) as follows; provided, each such customer is subject to a minimum user charge equal to the applicable inside or outside city flat monthly rate for one single-family service set forth in subsection A.1. above:

Effective January 1, 2011:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$4.61 per CCF	\$6.94 per CCF
b. Government	\$2.81 per CCF	\$4.24 per CCF
c. Industrial	\$4.77 per CCF	\$4.96 per CCF
d. Electronics	\$3.51 per CCF ³	\$3.64 per CCF ⁴

Notes to Electronics Customer Class - Effective January 1, 2011 - December 31, 2011:

³ For monthly average flows above 2.88 million gallons per day, the rate shall be \$2.81 per CCF.

⁴ For monthly average flows above 2.88 million gallons per day, the rate shall be \$2.91 per CCF.

Effective January 1, 2012:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$4.91 per CCF	\$7.39 per CCF
b. Government	\$2.99 per CCF	\$4.52 per CCF
c. Industrial	\$5.08 per CCF	\$5.28 per CCF

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d. Electronics	\$3.74 per CCF ⁵	\$3.88 per CCF ⁶
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Notes to Electronics Customer Class - Effective January 1, 2012 - December 31, 2012:

⁵ For monthly average flows above 2.88 million gallons per day, the rate shall be \$2.99 per CCF.

⁶ For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.10 per CCF.

Effective January 1, 2013:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$5.03 per CCF	\$7.58 per CCF
b. Government	\$3.07 per CCF	\$4.63 per CCF
c. Industrial	\$5.21 per CCF	\$5.41 per CCF
d. Electronics	\$3.83 per CCF ⁷	\$3.98 per CCF ⁸

Notes to Electronics Customer Class - Effective January 1, 2013 - December 31, 2013:

⁷ For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.07 per CCF.

⁸ For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.18 per CCF.

Effective January 1, 2014:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$5.16 per CCF	\$7.77 per CCF
b. Government	\$3.15 per CCF	\$4.75 per CCF
c. Industrial	\$5.34 per CCF	\$5.55 per CCF
d. Electronics	\$3.93 per CCF ⁹	\$4.08 per CCF ¹⁰

Notes for Electronic Customer Class - Effective January 1, 2014 - December 31, 2014:

⁹ For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.15 per CCF.

¹⁰ For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.26 per CCF.

4. The rate for discharging septage at the City's Publicly Owned Treatment Works (POTW) as provided for in VMC 5.72 effective January 1, 2013, shall be \$125.00 for each one thousand (1,000) gallons, or fraction thereof discharged in to POTW. If required, there shall also be added to such charge a tipping fee as determined by the Clark County Public Health District to support the Department's Septic System Preventive Maintenance Program.

5. INDUSTRIAL CUSTOMER is defined as an industrial user of the public sewer system who:

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a. Has a discharge flow of ten thousand gallons or processed wastewater or more per average work day; or

b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of two hundred milligrams per liter per average work day; or

c. Is found by the city, State Department of Ecology or U.S. Environmental Protection Agency to have potential for a significant impact on the wastewater treatment system.

6. ELECTRONICS USER is defined as an industrial user of the public sewer system who:

a. Has a discharge flow of five hundred thousand gallons or more per average work day; and

b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) less than two hundred milligrams per liter per average work day.

B. Liquids Not Originating From City Water System.

Any person discharging into the city sanitary sewerage system sewage which has in it liquids which did not originate from the city water system shall meter or measure by some method approved by the Director of Public Works all water used in the premises, whether the water is obtained from the municipal water supply system or from wells, private water systems or other sources.

C. Used Water Not Flowing Into Sewer System.

Where the user of water is such that a portion of all of the water used does not flow into a city sewer but is lost by evaporation or is used in manufacture or processes such as ice, beverages, foods or the like and the person in control provides proof of this fact and installs a meter or other measuring device approved by the Director of Public Works to measure the amount of water so used or lost, no charge shall be made for sewerage because of water so used or lost.

D. Computation of Utility Rates.

For the purpose of computing water and sewer bills, all residences, regardless of number of units, shall be deemed residential, and each unit therein shall be deemed a residence. All other uses shall be deemed commercial, industrial or government.

E. A sewer document recording fee in the amount of fifty dollars (\$50) will be collected in advance of the installation of a new sewer hookup that requires payment of a system development charge.

(Ord. M-3096 § 2, 1993; Ord. M-3061 § 2, 1993; Ord. M-2923 § 1, 1990; Ord. M-2913 § 2, 1990; Ord. M-2867 § 1, 1990; Ord. M-2848 § 2, 1989; Ord. M-2792 § 2, 1988; Ord. M-2659 § 3, 1986; Ord. M-2520 § 4, 1985; M-2278 §§ 2-3, 1982; M-2256 §§ 5-9, 1981; Ord. M-2144 §§ 9-13, 1980)

(M-4032, Amended, 11/19/2012, Sec 2-Effective 01/01/2013; M-4022, Amended, 09/10/2012, Sec 20-Effective 10/10/2012 ; M-3968, Amended, 11/01/2010, Sec 1 - Effective 11/6/2010; M-3924, Amended, 08/03/2009, Sec 1; M-3899, Amended, 11/17/2008, Sec 2-Effective 01/01/2009; M-3690, Amended, 01/24/2005, Sec 1; M-3651, Amended, 04/19/2004, Sec 2; M-3609, Amended, 12/02/2002; M-3514, Amended, 10/16/2000; M-3398, Amended, 10/05/1998; M-3386, Amended, 09/08/1998; M-3337, Amended, 12/15/1997)

Section 14.04.230B Conditions and charges applicable to water, sewer and stormwater accounts.

A. Deposits.

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1. Customer. Applications for water, sewer or stormwater/drainage service by a customer who is the owner or owner's agent of the serviced property and who has previously been delinquent in paying for such service shall be accompanied by a deposit equal to twice the largest bill at the service address applied for the prior two years. Payments must be made by owner or owner's agent.

2. As authorized by 11 U.S.C. section 366, unless otherwise directed by the director of the affected department, the minimum deposit for adequate assurance of payment in the event of bankruptcy shall be:

a. Two months estimated utility charges for Chapter 7 and Chapter 11 filings; and

b. One month estimated utility charges for Chapter 13 filings.

3. Rental tenants. Applications for service made by the tenant of a rented or leased residential or commercial premises who has previously been delinquent in paying for such service, shall be accompanied by a deposit equal to twice the amount of the largest bill at the service address applied for or at the tenant's previous service address for the prior two years.

4. Processing of deposits. Deposits shall not bear interest. Upon termination of service to the customer/owner or rental tenant, the amount of the deposit shall be applied against any water, sewer, stormwater/drainage or other utility charges then due or to become due from the customer/owner or rental tenant, including any late fees, interest, penalties, reconnection/disconnect fees, or other charges or fees, and shall be remitted to the appropriate fund. If the amount of the deposit is not sufficient to pay the total unpaid charges, remittance shall be made to the appropriate fund or funds pursuant to rules prescribed pursuant to VMC 14.04.020. If there is a balance remaining on the deposit after payment of all charges, such balance shall be refunded, less a city processing fee of five dollars.

5. Application of deposit prior to termination of service. In the event that the Director determines, based on rules and criteria prescribed pursuant to VMC 14.04.020, that a deposit is no longer needed to ensure payment prior to termination of services to the customer, the deposit may, with customer consent, be applied to current utility charges.

6. Nothing in this ordinance shall prevent the city from requiring new or additional deposits should the conditions so warrant.

B. Late fee. There shall be added to any delinquent water, sewer, or stormwater bill a one-time late fee equal to ten percent (10%) of the delinquent bill.

C. Missed appointments. There shall be a twenty five dollar (\$25) fee for customers who miss an appointment for which a city employee is dispatched to the service address unless the service call is cancelled by the customer twenty four (24) hours prior to the appointment.

D. Incorrect bank numbers. For those customers who choose to utilize an electronic bill paying system, and who provide the city an incorrect routing transit number of the bank or incorrect bank account number, there shall be a fifteen (\$15) dollar fee assessed for each time the city utilizes such bank number until the customer provides the correct number.

E. Requested reads. For customers who request for meter reads not resulting from the sale or transfer of property will be charged seven dollars and fifty cents (\$7.50) for the first meter read, and twenty five dollars (\$25) for each additional meter read.

F. Dishonored checks. Utility customers whose checks to the city are dishonored shall be subject to the

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fees established under VMC 3.08.060. The city reserves the right to require payment by cash or certified funds from any customer who has previously tendered a dishonored check.

G. Application of payments. Payments, when received, shall be applied by date in the following sequence:

1. Deposits;
2. Service charges;
3. Stormwater penalties;
4. Sewer penalties;
5. Water penalties;
6. Stormwater
7. Sewer; and then
8. Water.

H. Budget payment plan. The Public Works Director is hereby authorized to create and implement a budget payment plan in accordance with state law. Such plan shall permit the authorized customer to make payments of utility charges on an annual averaged basis rather than on a per billing cycle basis, with at least one annual adjustment to ensure that the amount paid by the customer on an annual basis reflects the actual charges incurred.

(M-3755, Added, 08/28/2006, Sec 17 - Effective 10/01/2006; M-4022, Amended, 09/10/0212, Sec 21-Effective 10/10/2012)

Section 14.04.235 System development charges--Connection fees.

A. General. The following facts are found by city council based upon staff reports furnished to it and upon the testimony and evidence presented at public hearings:

1. Findings of fact made in Section (1) of Ordinance M-2267 and in the whereas clauses thereto are ratified and confirmed and this section is adopted pursuant to and consistent with RCW 35.92.025.
2. The need for connection charges has been previously established through engineering studies, task force reports, consultant reports and council action.
3. This chapter is consistent with the intent of previous ordinances and resolutions relating to system development charges.
4. It is found desirable to provide the Director of Public Works with the authority to establish rules and regulations necessary to administer collection of system development charges, provided that such rules and regulations shall be consistent with the intent of this chapter and related resolution.
5. The "unit" or "equivalent dwelling unit" measure used in this chapter is found to be the best method available to council to provide that customers will bear their equitable shares of the cost of the utility system and is found to comply with RCW 35.92.025.

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B. Definitions. The following definitions are adopted for the following words and phrases as used for computing system development charges (connection fees):

“Accessory Dwelling Unit” (ADU) means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

"Average daily attendance (ADA)" means the average number of students attending an elementary or secondary school used for the design of the facility.

"Commercial unit" means any building or facility used for any purpose other than dwelling.

"Dry industry" means any industry which does not produce industrial waste as defined in Section 14.12.010 of this title.

"Dwelling unit" means one room or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

"Equivalent dwelling unit (EDU)" means any residential or nonresidential use which has been reasonably found by the Director of Public Works to place a demand on the city's sewerage system or water system approximately equal to the demands thereon by a single family dwelling.

"Expanded service" means any additional use, expanded use or change in use which will cause an additional demand on the water-sewer utility. Such additional demand shall be recognized to include, but shall not be limited to, the following changes in service:

- a. Additional water meter;
- b. Increased size of existing water meter;
- c. Additional number of dwelling units on an existing water meter or sewer lateral;
- d. Any change of occupancy or use which would increase the number of equivalent dwelling units connected or to be connected to an existing water meter or sewer lateral;
- e. Expansion of an existing use where the system development charge is independent of the meter equivalent size.

"Fast food restaurant" means a restaurant in which the majority of items sold are served on paper or other nonwashable materials.

"Full-time equivalent (FTE)" means the equivalent number of full-time students attending a post secondary school such as a trade school, college or university.

"Industrial unit" means any building or facility other than a single-family dwelling, multiple-family dwelling, or hotel which discharges or is expected to discharge to the sanitary sewerage system a flow containing a total of more than fifty pounds of suspended solids and BOD in any one day.

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"Industrial user" means a nonresidential user of the public sewer who discharges a waste that is distinct from sanitary sewage, resulting in an industrial waste.

"Industrial waste" means any liquid, solid or gaseous material or combination thereof resulting from any process of industry, manufacturing, commercial, food processing, business, agriculture, trade or research, including, but not limited to, development, recovering, or processing of natural resources and leachate from landfill or other disposal site.

"Irrigation meter" means a water meter used exclusively for irrigation of landscaped areas.

"Meter equivalent size (MES)" means the hydraulic equivalency of any meter related to a 5/8" by 3/4" meter. By definition a 5/8" by 3/4" meter has an MES of 1.

<u>Meter Size</u>	<u>Meter Equivalent Size (MES)</u>
5/8 " x 3/4"	1.0
1"	2.5
1-1/2"	5.0
2"	8.0
3"	15.0
4"	25.0
6"	50.0
8"	80.0
10"	144.0
12"	231.0

"Mobile home" means any unit used or designed to be used for living or sleeping purposes or both, and which is designed to be equipped with wheels for the purpose of transporting the unit.

"Mobile home park" means a commercial enterprise in which rented or leased space, area, and/or buildings are designed, equipped or maintained for the harboring, parking or storing of two or more trailer coaches, or vehicles which haul such trailer coaches, or motor homes being used as living and/or sleeping quarters for humans; provided, two or more mobile homes located on a single parcel, allowed under a variance, conditional use or nonconforming use, shall be considered as single-family dwellings.

"Multiple family (multi-family) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units.

"Noncontact cooling water" means a separate water system exclusively for temperature conditioning that remains in a closed system from the water meter to the point of discharge into a storm sewer or dry well.

"Significant industrial user" means any industrial user of the public sewer system who:

- a. Has a discharge flow of twenty-five thousand gallons or more per average workday; or

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b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of three hundred milligrams per liter per average workday; or

c. Is found by the city, State Department of Ecology, or U.S. Environmental Protection Agency to have significant impact on the waste systems effluent quality.

"Single-family dwelling" means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels.

"System development charge (SDC)" means that connection fee charged so that the property upon which it is imposed will pay its equitable share of the costs of water-sewer system facilities which are system-wide in nature and are not site-specific needs, including such property's equitable share of the amount required to upgrade such system to meet the demands imposed by the development.

"Wet industry" means any industry which generates industrial wastes in addition to domestic wastes.

C. Payment Required Prior to Connection. A system development charge is imposed as a connection charge pursuant to RCW 35.92.025 upon all lands in the city and all lands outside the boundaries of the city which connect to either the city water system or sewerage system or to both. The system development charge shall be paid in full with an application for connection to the sewer system or water system, provided that a building permit application or an application for expanded service has been filed. In any case in which a building permit expires from passage of time any utility connection permit which had been issued for the use provided for in that building permit shall likewise expire and a new system development charge must be paid and a new utility connection permit secured.

D. Exemptions. The sewer system development charge imposed in this chapter shall not be applied to any person seeking to connect property to the sanitary sewer for any part of his property for which a sewer area charge computed under Ordinance M-1977 or previous ordinances had been paid prior to the effective date of Ordinance M-2135, that date being October 27, 1980. Nothing in this chapter shall reduce the amount to be collected by the city under any sewer reimbursement contract entered into under Section 14.08.040 of this title, as amended.

E. Waiver and/or Mitigation. The city council may authorize the city manager to enter into a contract to mitigate or waive systems development charges as set forth in this section provided that a written application for such mitigation or waiver is submitted to the Director of Public Works from an applicant proposing a new or expanded development within the City of Vancouver.

In order to be eligible for mitigation or waiver, an applicant shall meet all of the following criteria:

1. Type of Industry. The applicant proposes a new development or an expansion of an existing development within the City of Vancouver that is environmentally compatible with the surrounding area and the city as a whole.

2. Capital Investment Requirement. Any new development or expansion of an existing development within the City of Vancouver will result in a minimum capital investment of one hundred million dollars over a five-year period. At least thirty million dollars in capital investment will be completed within the first two years (adjusted for inflation).

3. Employment Base Requirement. The employment base generated by any new development or

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expansion of an existing development within the City of Vancouver shall provide an average annual compensation amount for employees of that new or expanded development equal to or in excess of thirty thousand dollars including all fringe benefits. For existing companies, average annual compensation for employees shall have equaled or exceeded thirty thousand dollars including; fringe benefits, bonuses, etc., over the previous two-year period. Effective January 1, 1996, and every January 1st thereafter, the average annual compensation amount set forth above shall be adjusted by an amount equal to the percentage change in the Consumer Price Index for the Portland Metropolitan Area for Wage Earners and Clerical Workers (CPI-W), All Items (Revised Series), 1967=100, July to July, prepared by the Department of Labor, Bureau of Labor Statistics (the "CPI") or a replacement index.

If the Director of Public Works finds that the applicant meets such criteria, the director is authorized to negotiate a performance contract with any such qualifying company. The terms of such performance contract may include, if applicable, a timeline by which the entire capital investment commitment and the established annual compensation requirement shall be met. The extent of mitigation or the waiver of a systems development charge will be determined on a case-by-case basis which determination shall include, but not be limited to, the following:

- a. The estimated amount and characteristics of waste flow generated by the industry;
- b. The then current capacity and capability of the water-sewer utility;
- c. The number of jobs created by the proposed development and the extent to which such jobs exceed the average annual compensation requirement;
- d. Probability of significant increases in assessed valuation and generation of property tax revenues to reduce the tax burden;
- e. A determination that the location or expansion of the company is in compliance with the land use, transportation and other elements of the City of Vancouver comprehensive plan;
- f. An agreement by the company to contribute to the mitigation of impacts on the provision of public services attributable to the proposed development or expansion as the City of Vancouver deems justifiable.

Each such contract or agreement will include a recapture provision or other remedies to ensure that appropriate systems development charges will be paid by the industry in the event that it fails to meet its contractual obligations. Such recapture provisions shall not be imposed if the industry has made a good faith effort to comply and has failed to do so for reasons beyond its control. Each such contract shall be submitted to the city council for consideration at a public meeting.

F. Credit for Existing and Prior Uses. A credit against the system development charge (SDC) may be allowed by the Director of Public Works for the elimination or conversion of existing water services or sewer connections in conjunction with improvement, expansion of use or redevelopment on such parcel. The credit shall be calculated using the prevailing SDC rate schedule and is subject to the following limitations:

1. Existing and prior use sewer and water credit shall be allowed if the Public Works Director finds that sewer and water capacity is available in the service area; and
 - a. If the existing or prior use has paid monthly water and sewer fees, respectively, within the five-year period immediately prior to the date of application for connection, the customer may apply for a

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100% credit against any new SDCs associated with the new use; or

b. If the existing or prior use has paid monthly water and sewer fees, respectively, prior to five years before the date of application for connection, the customer may apply for a partial credit for previous payments of SDCs, using the entire amount previously paid to be applied as credit against the current SDC charge calculated using the prevailing SDC rate schedule; or

c. If the City Council approves a development agreement authorized under RCW 36.70B.170 that provides for a use credit for prior water and sewer uses if the City Council finds that the proposed development will substantially advance the policies of the Comprehensive Plan.

2. Calculation of system development charge credits for water or sewer shall be separate, that is, not interchangeable or counter balancing toward one another; and

3. The credit against the SDC shall apply only to the parcel that the existing or prior water service or sewer connection serves; and

4. No refunds shall be allowed for credits which exceed the amount of the SDC for which an application for connection is made.

G. Credit for System Improvements: The Public Works Director will consider requests for project participation by the City for the construction of water and/or sewer extensions or Local Improvement Districts, in the form of a credit against the system development charge (SDC) for system improvements. The restrictions in VMC 14.04.235.F.2, 14.04.235.F.3, and 14.04.235.F.4 shall apply to any SDC credits. Consideration may be given when the improvements meet one of the following criteria:

1. There is a high economic return to the utility. A project will qualify for consideration under this criteria when the following equation is true:

$$2 \times (\text{City Participation Costs}) < \text{1st Year of Estimated Revenue from SDCs}$$

2. There is future City cost avoidance, such as installing utilities in advance of new road construction.

3. Master plan sizing is required under VMC 14.04.280(B) and the pipe size required is 12 inches or larger in diameter.

H. Administration. The Director of Public Works is authorized to establish rules and regulations consistent with this title, for the express purpose of interpretation and administration of this title.

I. Additional Fees Permitted. The city reserves the right to maintain, develop and impose other charges as may be found necessary for the support and improvement of the water-sewer system.

J. System Development Charge Schedule. The following system development charge schedule shall be used to determine the connection fees for new connections and expanded use or conversion of use:

1. Water System Development Charge. The system development charge for all types of use except multi-family shall be based upon the meter equivalent size of the water meter serving the premises without regard to type of use as follows:

Effective January 1, 2010

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One meter equivalent size \$2,360.00
(MES)

The water system development charge for each unit of a multi-family dwelling shall be fifty-seven percent of the system development charge for a single-family dwelling.

2. Sewer System Development Charge. The system development charge shall be based upon equivalent dwelling units (EDU) as follows:

a. Charge per equivalent unit:

Effective January 1, 2010

One meter equivalent \$2,740.00

The sewer system development charge for each unit of a multi-family dwelling shall be seventy percent of the system development charge for a single-family dwelling.

b. Distribution of equivalent dwelling units shall be as set forth in Table 14.04.235.

Type of Unit	Unit	EDU Per Unit
I. Residential		
1. Single-Family residential (including condominium)	Each	1.00
2. Multi-Family Dwelling	Each Dwelling Unit	0.70
3. Mobile home park	Space	1.00
4. Living group with shared kitchen and bath facilities	Bed	0.33
II. Nonresidential		
5. Hotel, motel, resort		
a. Without kitchen	Room	0.40
b. With kitchen	Room	.60
6. Schools		
a. Day (nonresidential)		
i. Grades 13 and up (post-secondary)	25 students (FTE)	1.00
ii. Grades 9 thru 12 (high)	25 students	1.00

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iii. Grades K thru 8 (elementary)	50 students (ADA)	1.00
b. Board (residential)	Student (ADA)	0.50
7. Churches, lodges, club houses, theaters		
a. Without kitchen facilities	100 seats	0.90
b. Kitchen facilities	Each	0.60
(added to the amount calculated for seating)		
8. Institutions		
a. Medical hospitals	Bed	1.00
b. Convalescent/rest homes	Bed	0.60
9. Restaurant, lounge, tavern		
a. Full service (indoor seating)	12 seats	1.00
b. Fast-food or tavern (indoor seats)	12 seats	1.00
c. Fast-food without seats		1.00
10. Commercial and Industrial (2)		
a. Commercial and dry industrial		
b. Special commercial		
i. Laundries (commercial)		
ii. Car wash		
iii. Laundromat (self service)		
c. Service stations and garages (3)		
d. Wet industry		
11. Irrigation systems (4)		
12. Noncontact cooling water systems (4)		

Notes to system development charge schedule:

1. Restaurants, lounges or taverns located within a main commercial or industrial building shall be charged a separate SDC, in addition to the SDC for the main building.
2. Fast-food restaurants without seats (9c) and commercial and industrial uses (10a through 10c) shall be charged system development charges, based upon water meter equivalent size (MES).
3. System development charges for any wet industrial use (10d) shall be based on a separate engineering study by the Director of Public Works. Such study shall assess the utility's actual costs to

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serve the specific use, but shall not be less than if calculated as a commercial or dry industrial use (10a).

4. Irrigation meters (11) and noncontact cooling water (12) shall be charged system development charges for water only.

5. An Accessory Dwelling Unit (ADU) shall be charged the same sewer system development charge as a multi-family dwelling.

K. Determination of SDC for Other Uses. Other establishments not defined specifically in this chapter shall be determined on a specific use basis, consistent with the criteria of this section.

L. Combined Uses. Developments which include a combination of two or more uses as defined in this chapter shall be charged system development charges based on the summation of SDC calculated on each separate use.

M. System Development Charge Capital Surcharge. In lieu of paying a sewer system development charge prior to connection as required pursuant to Section 14.04.235.C of this title, any new nonresidential sewer customer that uses the equivalent of fifty (50) EDU's per month or less of capacity may apply for the option to pay a higher monthly sewer service user charge that includes a capital surcharge equivalent to the carrying cost of sewer capacity recovered through the sewer system development charge. In calculating the applicable SDC capital surcharge, the department will generally use the methodology for sewer connection fee installment contracts described in Section 14.04.240 of this title. Any nonresidential customer authorized by the city to pay the sewer capital surcharge rate may elect to return to the standard sewer service user charge by paying in full the sewer system development charge at the rate in effect as of the date of the election.

(Ord. M-2867 § 2, 1990; Ord. M-2848 § 4, 1989; Ord. M-2568 § 2, 1985; Ord. M-2520 § 5, 1985) (M-4022, Amended, 09/10/2012, Sec 22-Effective 10/10/2012; M-3899, Amended, 11/17/2008, Sec 3-Effective 01/01/2009; M-3861, Amended, 12/17/2007, Sec 1; M-3514, Amended, 10/16/2000; M-3398, Amended, 10/05/1998; M-3337, Amended, 12/15/1997; M-3332, Amended, 11/17/1997)

Section 14.04.236 In-city rates for some property--When.

Property in any area for which city council per RCW 35.13.125 has accepted a ten percent annexation petition, which property receives city water or sewer service, shall receive such service at the in-city utility rates for the next six months after such acceptance, provided that the city council specifically approves such rates at the time it accepts a ten percent annexation petition. Thereafter, city council by motion may continue such in-city rates or it may discontinue them. (Ord. M-3132 § 1, 1994; Ord. M-3060 § 1, 1993; Ord. M-3037 § 2, 1992)

Section 14.04.237 In-city rates for property outside city--When.

For property outside the city limits for which a ten percent annexation petition has been accepted by city council under RCW 35.13.125, connection charges computed under Section 14.04.235 shall be at the inside city limits rates for the six-month period so provided in Section 14.04.236. (Ord. M-3060 § 2, 1993; Ord. M-3037 § 2, 1992)

Section 14.04.240 Sewer connection fee installment contract.

Any person who has a sewer available to his/her property but who on the date of his or her application to

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connect to a sewer is using a subsurface sewage disposal system and/or any person whose property is included in a sewer LID established after the effective date of the ordinance codified in this section, may, in either case, enter into a written installment contract with the city on a form approved by the city attorney and signed for the city by the Director of Public Works or his designate. Such contract shall include or incorporate the legal description of the property, be signed by the owner of the property and provide for the property owner to pay his or her connection fee (systems development charge computed under Section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the then most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500," plus one percent. Such interest shall be computed and compounded annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall provide that the property owner shall pay off such contract upon any future land division, prior to final plat approval. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280, and as an additional or concurrent method of enforcement, water service to the property may be terminated in accordance with RCW 35.67.290 until the delinquent payments have been paid. Upon full payment of the contract the director of Financial and Management Services or his/her designate shall execute and mail to such property owner a release of such lien. The interest shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may choose to pay such fee in cash.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such a contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be a part of the assessment nor be included in the assessment roll.

(Ord. M-2867 § 3, 1990; Ord. M-2848 § 5, 1989; Ord. M-2568 § 1, 1985)
(M-4022, Amended, 09/10/2012, Sec 23-Effective 10/10/2012)

Section 14.04.241 Water connection fee installment contract.

Any person who has water available to his/her property but who on the date of his/her application to connect to the city water system is using well water and/or any person whose property is included in a water LID established after the effective date of the ordinance codifying this section, may, in either case, enter into a written installment contract with the city on a city attorney approved form and signed for the city by the city manager or his designee. Such contract shall include or incorporate the legal description of the property, be signed by the owner to pay his or her connection fee (systems development charge computed under section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500", plus one percent. Such interest shall be computed and compounded annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as described in RCW 35.67.200, enforceable in accordance with RCW 35.67.220

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through 35.67.280, and as an additional or concurrent method of enforcement, water service may be terminated in accordance with RCW 35.67.290, until the delinquent payments have been paid. Upon full payment of the contract, the city manager or his designee shall execute and mail to such property owner a release of such lien. The interest charged shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may elect to pay the entire connection charges at the time of application for connection to the city water system.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be part of the assessment nor be included in the assessment roll.

(M-3464, Added, 11/15/1999)

Section 14.04.250 Fire hydrants.

A. Fire Hydrants--City Ownership. All public fire hydrants with their gate valves, tees and connections from the mains shall, when inside the city, be installed, owned, maintained and used only by the various departments of the city, or may be used by a fire district when acting under an agreement with the city. The city shall solely be responsible for the costs of installation and maintenance of hydrants inside the city limits, except that in newly developed parcels of land and subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

B. Fire Hydrants--Outside City. The city may install such hydrants outside the city in areas in which the city provides water service as the applicable fire district finds necessary if consistent with the fire plans for such areas; provided, no hydrant shall be installed except with the prior written concurrence of the city fire chief. The city shall solely be responsible for the costs of installation and maintenance of hydrants except that in newly developed parcels of land and subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant, or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

(M-4022, Added, 09/10/2012, Sec 24-Effective 10/10/2012)

Section 14.04.260 Automatic sprinkler systems for fire protection services.

A. City Installation. Upon application of any customer installing an automatic sprinkler system for fire protection service only, the department shall permit laying of service lines to the affected property line.

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Such installations shall be made in accordance with city standards and shall be approved prior to connection to the building.

B. Meters not Required. A meter shall not be required on such automatic sprinkler system installed for fire protection service, provided that there is an approved backflow assembly and a water motorized flow alarm on sprinkler system pipes going into the building and that no water is drawn from such service for any purpose other than fire protection. No fire protection service charge will be made for customers receiving separate metered domestic water to the structure or property served. Customers not receiving domestic metered water shall be charged the minimum monthly charge based upon the size of the fire service line in accordance with rates in Section 14.04.210(A)(1) of this chapter, in addition to any reimbursement or main line fees. This subsection shall not apply to single-family residential structures; all single family residential fire protection services shall be metered.

C. The department requires that all new single family dwelling residential structure combination domestic/fire sprinkler service and meters be served by a minimum 1-inch service and 1-inch meter. The customer is required to pay all fees to construct said 1-inch service and 1-inch meter and all applicable main charges. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210A.1.

D. If a residential customer has an existing 3/4-inch x 5/8-inch service and meter that shows inadequate flow capacity, the customer will be required to pay the additional fees to retire the 3/4-inch service and install a new 1-inch service. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210.A.1.

E. Meter Bypass. The department may at any time place a small meter bypass around the main gate valve to detect leakage or unauthorized use of water.

F. Repairing Defective Equipment. Immediately upon notice from the department, the customer shall repair or replace any defective piping and cease unauthorized use of water.

G. Service Termination on Failure to Comply. For failure of the customer to comply with the rules and regulations as directed, the department may terminate the service and render an estimated bill for the water used or wasted, and may install a meter in the service at the customer's expense and charge thereafter at the regular rate for metered service.

H. Liability in Fire. The city shall not be held responsible or liable for any fire loss or damage of any nature directly or indirectly caused by the condition of the customer's fire mains or other apparatus, by flow or fluctuating pressure, by amount of water available, or by shutoff for nonpayment, to make tests or to enforce rules.

(Ord. M-2803 § 1, 1989; Ord. M-2520 § 6, 1985; Ord. M-1167 § 11, 1970; Ord. M-810 § 14, 1966; Ord. M-479, 1959; Ord. M-298, 1956; Ord. M-144 § 20, 1954)
(M-4022, Amended, 09/10/2012, Sec 25-Effective 10/10/2012)

Section 14.04.265 Automatic sprinkler systems for fire protection purposes--Unmetered water connections--No charge.

Unmetered water connections for automatic sprinkler systems for fire protection purposes which meet the requirements of Section 14.04.260 (that is, where the alarm system is connected to a fire alarm system and there is an approved backflow assembly and a water motorized flow alarm on the alarm system), shall

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be furnished with water for fire protection and fire fighting purposes only at no charge, and Section 14.04.210(4) and Section 14.04.260 are not applicable to connections under this section, to the extent inconsistent herewith.

(Ord. M-1240 § 1, 1971)

(M-4022, Amended, 09/10/2012, Sec 26-Effective 10/10/2012)

Section 14.04.270 Polluting or obstructing water supply.

A. Polluting Water. It is unlawful for any person to bathe in, fish in, or throw any substance into any reservoir or standpipe, or to place any foreign substance upon any ground belonging to or under the control of the water supply system of the City of Vancouver.

B. Obstructing Access. It is unlawful for any person to obstruct the access to any fire hydrant by placing around, thereon, or within twenty feet thereof, any stone, brick, lumber, dirt, rubbish or other material, or to open or operate any fire hydrant, or to draw or attempt to draw water therefrom, or to willfully or carelessly injure the same. Property owners shall maintain a three foot (3') minimum landscaping clearance around fire hydrants.

(Ord. M-144 § 21, 1954)

(M-4022, Amended, 09/10/2012, Sec 27-Effective 10/10/2012)

Section 14.04.280 Procedure for extending mains.

A. Size of Main Extensions. All sewer and water main extensions installed whether within or without the corporate limits of the city shall be eight inches in diameter or larger unless otherwise authorized by the Director of Public Works; provided, the director may require the main extensions to be larger than six inches if it appears to him that the water and/or sewer needs of the area will require larger mains within the expected life of the main.

B. Design Criteria. Proposed water and sewer lines must be designed in accordance with master plan sizes, elevations, alignments, and capacities as found necessary by city staff for overall system development and network extensions.

C. Development Extension Criteria. Developing properties must at a minimum extend utility lines to the site, across the property frontage, and through the property, to allow connection and also to allow extensions for the development of adjacent parcels. Additional offsite work may be required at the department's discretion to provide a looped water main for water quality, fire protection, or system redundancy purposes. All development main extensions must be made from existing public mains.

D. City Participation Criteria. The Director of Public Works will consider requests for project participation under the conditions of VMC 14.04.235.G whereby SDC credits may be granted. In addition to SDC credits, the director may instead, under the same criteria as for SDC credits, authorize the contribution of city-supplied materials.

E. Customer Expense. All new mains and all new extensions of mains required to serve new customers shall be laid at the expense of the customers. The cost of such mains shall be assessed either by the formation of a local improvement district under Chapter 35.50, RCW, as applicable, or in lieu of formation of such district such new customers may pay to the city in cash the actual costs of the pipes, valves and fittings to be installed and the actual costs of the mains to be installed, according to the records

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which shall be kept by the city.

Anyone later desiring to connect a house or building to a main which has been constructed or extended by the city by means other than by formation of a local improvement district may do so only upon payment to the city, in addition to normal connection charges, of a "main line fee." Said fee shall have been computed by the Director of Public Works upon completion of construction of the main by dividing the cost thereof by the number of parcels of property and considering the lineal feet of each such parcel which in his opinion could connect thereto either at the time of construction or later. Said fee shall be filed in the office of the Department of Public Works and be a public record. When applicable the "main line fee" must be paid in cash prior to connection to the main. The cost for each customer shall be ratable and computed in proportion to the whole cost according the entire number of continuous lineal feet of frontage owned by the customer which abuts upon the street, alley or easement in which the main lies or by some other equitable method selected by the Director of Public Works.

F. Terms of Payment. The charge mentioned in subsection E of this section is in addition to any other new tap, service line, or connection charge and either must be paid in full in cash or by LID warrants before such customer shall receive water service.

G. Requirement to Install Larger Main. If in the judgment of the city it is to the best interests of the city and of the general locality where a new main is contemplated to install a larger main than that needed by the owners immediately abutting upon the street, alley or easement in which the main is to be placed, the city may require installation of such larger main and shall with the Public Works Director's approval pay the increased difference in cost between installation of the smaller and of the larger main or supply the pipe or apply SDC credits.

H. Reimbursement Contracts. The city may enter into a contract with any owners of real estate pursuant to Ch. 35.91, RCW, whereby said land owner or owners will construct water or sewer facilities at his or their own expense to serve an area in which the real estate of such owner or owners is located. Such contract shall provide that for a period of not to exceed fifteen years from the date of such contract there may be reimbursement of such owner or owners or their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently directly taps onto or use the same of a fair pro rata share of the cost of the construction of such facilities. All such contracts shall be recorded in the office of the Clark County auditor.

No person shall be granted a permit or be authorized to tap into or use any such water or sewer facility without first paying to the city, in addition to any and all costs and charges made or assessed for such tap or connection, or for the water lines or sewers constructed in connection therewith, the fair pro rata charge above referred to, computed under such contract for the parcel of land. All amounts so received during the fifteen years after the execution of the contract shall be paid out by the city under the terms of its contract within sixty days after receipt thereof.

I. Development Agreement. The city may enter into a development agreement pursuant to RCW 36.70B.170 under which a developer will construct water or sewer facilities to serve an area in which the development is located and the expense of such facilities may be reimbursed by the city through system development charge (SDC) credits pursuant to section 14.04.235 of this title. Anyone later desiring to connect to and use facilities constructed pursuant to such a development agreement may do so only upon payment to the city of normal connection charges. This must be paid in full in cash before such customer shall receive water or sewer service.

J. Supervision of Connection. The department shall not connect to or provide service to any main or pipe unless that pipe was installed under the supervision of the department engineer and approved in writing

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with the consent of the state health department.

K. Conditions for Approval. The Director of Public Works shall not grant such approval if the main or pipe be of inferior material or improperly constructed or likely to produce future difficulties for the department through complaints of insufficient supply or pressure, leakage or waste.

L. Meter Accessibility. The department shall not connect to or provide service to any main unless that pipe was installed in a public road or alley in such manner that each and every meter shall be easily accessible to the meter reader.

M. Quality of System. In the interest of development of desirable districts the department shall not supply nor connect to its own or by private line any recorded or unrecorded subdivision or part thereof hereafter laid out, inside or outside the city limits, unless the plat or plan of same is substantially equal in standard to that adopted by the City of Vancouver of suburban areas.

N. Negotiating Contract. If the foregoing regulations are complied with, and not otherwise, the department may negotiate the terms of a contract (to be approved by the city attorney and accepted by the council) for the supply of water through lines owned by others. Such supply may be at wholesale rates through a single meter or through individual service meters owned by the city. Such contract shall specify that the prevailing schedule or rate shall apply. If the supply is through individual meters, a percentage of the annual total of bills for water sold through such a system may under such contract be paid annually in one sum to the owners thereof to amortize the purchase of the system.

O. Easement Requirements. When public sanitary sewer and water mains are extended outside of public right-of-ways to serve new development, the mains shall be extended in easements dedicated to the City of Vancouver. The minimum easement width for a single utility main is 15 feet. Two utilities require a minimum 20-foot wide easement. Obstructions, including fences and other structures, shall not be placed over grantee's facilities or in, upon, or over the property within such an easement without the prior written consent of the City of Vancouver. An access easement shall also be dedicated to the City of Vancouver to provide proper access to the sewer and water easement location and infrastructure for maintenance.

(Ord. M-981 § 1, 1968; Ord. M-810 § 15, 1966; Ord. M-298, 1956; Ord. M-144 § 22, 1954)
(M-4022, Amended, 09/10/2012, Sec 28-Effective 10/10/2012; M-3332, Amended, 11/17/1997)

Chapter 14.08

CONNECTION TO PUBLIC SEWERS

Sections:

- 14.08.010 Permit required.**
- 14.08.011 Inspection and Approval.**
- 14.08.015 Sewer availability.**
- 14.08.020 Application--Fee.**
- 14.08.040 Conditions for permit issuance.**
- 14.08.041 Contract in lieu of connection fee for industrial sewer customers.**
- 14.08.050 Separate connections by Tee- or Wye-branch required.**
- 14.08.061 Sewer incentive fund -- Established.**
- 14.08.064 Sewer connection incentive fund -- SCIP Phase II.**
- 14.08.070 Sewerage - Filing of notice - Alternate enforcement.**

Section 14.08.010 Permit required.

No person shall make or cause to be made or maintain any sewer connection with any sewer of the city or with any sewer which is connected directly or indirectly with any sewer of the City of Vancouver without first having obtained a permit therefore. (Ord. C-432 § 1, 1951)

Section 14.08.011 Inspection and Approval.

All work done under a permit issued pursuant to this chapter shall be subject to the inspection and approval by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

(M-4022, Added, 09/10/2012, Sec 29-Effective 10/10/2012)

Section 14.08.015 Sewer availability.

For the purposes of Chapters 14.04 and 14.08, a sewer is available if one is within two hundred feet of the nearest property line for existing structures. Sewer is available if one is within three hundred feet of the nearest property line for new structures.

(Ord. M-2144 § 15, 1980: Ord. M-1956 § 1, 1979)

(M-4022, Amended, 09/10/2012, Sec 30-Effective 10/10/2012)

Section 14.08.020 Application--Fee.

Application for any such permit shall be made to the department of public works upon a form to be provided by the city. A fee of twenty-five dollars for each connection shall be paid by the applicant. All work shall be done and inspection of the work shall be made in accordance with the plumbing code of the city of Vancouver. (Ord. M-3055 § 6, 1933: Ord. M-810 § 16, 1966: Ord. C-432 § 2, 1951)

Section 14.08.040 Conditions for permit issuance.

The following subsections relate to proper payment of connection charges by persons connecting to a sewer constructed by any means other than a Local Improvement District (LID) for which such property

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was assessed:

A. As a condition precedent to issuance of a permit to connect any premises to any sewer or water facility constructed as part of a local improvement district for which the applicant's property was not assessed, the applicant shall pay the system development charge and a sum equal to the amount that would have been assessed against such property if it had been included in such LID regardless of other provisions of Ordinance M-2267.

B. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer under a reimbursement contract pursuant to a contract with the city under Section 14.04.280, as amended, the applicant shall pay a system development charge and the fee provided for in the reimbursement contract.

C. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer pursuant to a development agreement with the city under Section 14.04.280, as amended, the applicant shall pay a system development charge.

D. As a condition precedent to issuance of a permit to connect any premises to any sewer constructed by the applicant, through the developer extension process, to serve the applicant's property, the applicant shall pay a system development charge.

E. As a condition precedent to issuance of any permit to connect any premises directly to any trunk or interceptor sewer, the applicant shall be required to pay, in addition to the system development charge, the following trunk line fee:

1. If standard construction which involves any pavement removal or replacement, a sum equal to the amount that would have been assessed against such property in such LID using the zone and termini average cost of sewer LIDs imposed in the two previous years in which the trunk to which such connection is permitted had been constructed;

2. If construction did not involve pavement removal and replacement, a figure equal to eighty-three percent of such LID figure;

3. If construction did not involve the installation of sewer laterals, a figure equal to eighty-three percent of such average LID cost;

4. If no construction of sewer laterals was involved, and removal and replacement of pavement was also not required, a figure equal to sixty-six percent of such average LID cost.

F. If connection is to a sewer or water main or facility which a private party constructed and then conveyed to the city under Section 14.04.280, and the right of the developer to reimbursement has lapsed, as by passage of fifteen years' time as contemplated by RCW Chapter 35.91, the person seeking to connect thereto shall pay a sum equal to that provided for in the reimbursement contract, but shall pay it to the city for payment to the water sewer fund.

(Ord. M-2267 § 7, 1981; Ord. M-1977 § 9, 1979; Ord. M-1956 § 7, 1979; Ord. M-1789 § 16, 1977; Ord. M-1734 § 1, 1977; Ord. M-309, 1959; Ord. C-432 § 4, 1951)
(M-4022, Amended, 09/10/2012, Sec 31-Effective 10/10/2012; M-3332, Amended, 11/17/1997)

Section 14.08.041 Contract in lieu of connection fee for industrial sewer customers.

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Any new or potential industrial sewer customer who wishes to reserve treatment plant capacity may, in lieu of paying connection fees set forth in Section 14.08.040, enter into a contract or contracts with the city to reserve such capacity. Such contract shall be approved as to form by the city attorney and shall not be entered into except upon a finding by the Director of Public Works that the capacity to be reserved either is or will be available for such customer. Such contracts shall provide that such customer, after the effective date of the agreement, shall make monthly payments of its proportionate share of capital improvements made to the system, and its proportionate share of capital improvements to be made to the system within the term of the contract as are necessary for the system to treat sewage produced or to be produced by such customer during the contract term, and its proportionate share of base operation and maintenance costs, as defined in Section 14.12.010, Ordinance M-1977, and as are set and agreed to in said contract.

(Ord. M-1977 § 10, 1979; Ord. C-432 § 16A, 1951)
(M-4022, Amended, 09/10/2012, Sec 32-Effective 10/10/2012)

Section 14.08.050 Separate connections by Tee- or Wye-branch required.

It is unlawful for any person to make or cause to be made any individual connection to a city sewer unless such connection is made by means of a Tee-or Wye-Branch, using city-approved methods and materials. Every main building shall be separately connected to or with the public sewer unless otherwise approved by the Director of Public Works. A private garage, out-building or Accessory Dwelling Unit located on the same property may have its plumbing connected to or with the plumbing of the main building if approved by the Director.

(Ord. C-432 § 5, 1951)
(M-4022, Amended, 09/10/2012, Sec 33-Effective 10/10/2012)

Section 14.08.061 Sewer incentive fund -- Established.

There is established a new fund designated the sewer connection incentive fund. The sum of six hundred thousand dollars and is provided to be paid the sewer connection incentive fund from moneys presently in the water/sewer fund which are proceeds of fees paid since 1979 by property owners who have a city sewer available to their property but who have not been connected to it. Such fees have been imposed by the city, pursuant to city ordinances codified as Sections 14.08.015 and 14.08.035 of this code and to state statute codified as RCW 35.67.190. Such fees shall be discontinued effective January 1, 1999, pursuant to Sections 1 and 2 of this amendatory ordinance. The city may pay such additional water sewer fund moneys into said sewer connection incentive fund as council finds necessary from time to time to accomplish the program's purposes as set forth in VMC 14.08.062 and in Section 5 of this amendatory ordinance codified as VMC 14.08.064. (Ord. M-3100 § 1, 1993; Ord. M-3055 § 2, 1993)
(M-3386, Amended, 09/08/1998)

Section 14.08.064 Sewer connection incentive fund -- SCIP Phase II.

Sewer Connection Incentive Program Phase II (SCIP II) funds shall be spent only for the purposes authorized in subsection A of this section, in conformity with the eligibility criteria set forth in subsection B of this section, subject to the priorities set pursuant to subsection C of this section, and subject to the deferral criteria set forth in subsection D of this section. For purposes of this section, "existing single family residential property" shall mean the property on which a conforming single family residence is situated as of the effective date of this section of this ordinance.

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A. Authorized Expenditures. Moneys in the sewer connection incentive fund established in VMC Section 14.08.061 shall be spent only for the following purposes under the Sewer Connection Incentive Program Phase II (SCIP II):

1. To finance a system development charge imposed by VMC Section 14.04.235 upon an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less.

2. To finance city sewer main line fees for city-extended sewers outstanding pursuant to VMC 14.04.280E for an existing single-family residential property or property that uses 50 EDUs of sewer capacity or less, subject to the following limitations and conditions:

a. In the case of main line fees for the city's sewer line construction costs related to the 60th Street sewer and the Northgate sewer, such funds may be spent to pay any costs of main line fees for sewer line construction for such projects in excess of \$3,424.00.

b. In the case of main line fees for city-extended sewer projects constructed after the effective date of this amendatory ordinance, and notwithstanding the provisions of VMC 14.04.280(B), there shall be a maximum guaranteed main line fee assessed for single family residences accepted into SCIP Phase II based on the sewer construction costs for a single family residential lot with a nominal 75 foot frontage served by a standard 8-inch sewer, installed at a typical depth of nine feet, in residential street paving. The fee maximum calculation shall be made by the Director of Public Works or designate using latest cost factors.

c. In the event any main line fee for a single family residential property accepted into SCIP Phase II calculated pursuant to VMC 14.04.280E exceeds the main line fee calculated pursuant to subsections A.2.a or A.2.b of this section, the excess main line fee shall become a lien on the property which shall become due and payable upon final approval for any further short platting or subdivision of the property. Any financing contracts executed after January 1, 2013 under SCIP II associated with the original parcel (prior to development) shall be paid in full prior to final plat approval.

d. The maximum guaranteed main line fee as calculated in 14.08.064.A.2.b will be available to a single family residence up to two years after the project's public sewer is available for connection. After two years the main line fee will be raised to the actual per lot cost or the guaranteed main line fee for that year in which connection is being sought, whichever is less.

e. Payment of the sewer main line fee is not allowed unless the appropriate applications and permits are also completed for connection of the parcel to the public sewer.

f. Properties, other than single family residential, that use 50 EDUs of sewer capacity or less shall be required to pay the actual sewer main fee for the SCIP II associated with that parcel and shall not be eligible for the maximum guaranteed main line fee as calculated in 14.08.064.A.2.b.

3. To finance payment of any sewer reimbursement contract outstanding under VMC Section 14.04.280H.

4. To finance the actual costs to any owner of an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less to connect the property to a city sewer lateral and to pay for the costs of abandonment of the septic system for the property as documented by an invoice from a licensed plumber.

5. To finance the costs of payment deferrals of system development charges, main line fees, and

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sewer reimbursement contracts, and actual on-site sewer connection and septic decommissioning costs for the owner/occupants of existing single family residences who are found to be economically disadvantaged, subject to the deferral criteria and standards set forth in subsection (d) of this section.

B. Eligibility for SCIP II. Payments and waivers as set forth in subsection (a) of this section shall be made only subject to the following eligibility criteria:

1. The property is an existing single family residential property.
2. The property is a property that uses 50 EDUs of sewer capacity or less.
3. The property is on a septic or other on-site sewage disposal system and is not connected to sewer or a substandard connection is being corrected.
4. The property has sewer available as defined by VMC 14.08.015 whether constructed by the city or by a developer.
5. The applicant for financial assistance is the owner of the property.
6. The applicant enters into an agreement with the city that the applicant will connect to the city sewer within one hundred eighty (180) days of execution of the agreement and that the use of the septic tank or other on-site sewage disposal system will immediately cease upon connection of the property to sewer and that such on-site system will immediately be properly treated and terminated.
7. The applicant pays all application and permit fees pursuant to VMC 14.08.020.
8. The applicant enters into loan and security agreements with the city providing for repayment and financing of the SCIP II funds expended for the property and for any excess main line fees calculated pursuant to subsection (a)(2)(C) of this section. Such agreements shall provide that the applicant at any time may elect to pay the debt in full together with accrued interest. For contracts executed after November 1, 2012, repayment shall be due upon sale or transfer of the benefited property, and shall be paid prior to final plat approval if the property is subdivided.

C. Prioritization Criteria. The Director of Public Works or designate shall develop administrative criteria for prioritizing selection of projects and applications for assistance under SCIP II taking into consideration:

1. Projected risks to water resources.
2. Viability of existing septic systems in an area or particular property.
3. Coordination with roadway and other utility projects.
4. Total cost of connection.
5. Other available resources for sewer construction and connections.

D. Deferrals.

1. Eligibility. An economically disadvantaged applicant for SCIP II funds under this section may defer repayment installments for sums advanced from the sewer connection incentive fund pursuant to

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this section up to eighty percent of the amount of the applicant's equity value in the existing residential property which is benefited by such sewer connection incentive fund monies, and collection of installments for repayment of such funds may be deferred, upon application to the director of Financial and Management Services for a deferral certificate; provided that the director or his or her designate finds all of the following:

- a. The applicant has, at the time of application, an ownership interest in the existing residential property which is subject to repayment for the allowable costs set forth in subsection (a) of this section;
- b. The applicant resides in such residence and the property is used for residential use only;
- c. The applicant is economically disadvantaged as defined by this section.
- d. Each certificate shall be for no longer period than one year, with provision for annual reviews of continued eligibility; and provided further that no deferral certificate period so granted shall extend beyond the term of the loan and security agreements entered into by the applicant for repayment and financing of SCIP II funds.

2. Definitions. As used in this section, except where the context clearly indicates a different meaning:

"Applicant" means a person who applies to defer repayment of installments of funds from the sewer connection incentive fund which benefit the applicant's existing single family residence by filing an application for a certificate of deferral as provided by this section. When two or more individuals of a household file or seek to file a certificate of deferral, they may determine between them as to who the applicant shall be.

"Combined disposable income" means the disposable income of the person applying for the deferral, plus the disposable income of his or her spouse, and the disposable income of each co-tenant occupying the residence for the calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the calendar year for:

- a. Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and
- b. The treatment or care of either person received in the home or in a nursing home.

"Co-tenant" means a person who resides with the applicant for the deferral and who has an ownership interest in the residence.

"Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director of Financial and Management Services or designate may provide by rule consistent with the purpose of this subsection, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

- a. Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

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- b. Amounts deducted for loss;
- c. Amounts deducted for depreciation;
- d. Pension and annuity receipts;
- e. Military pay and benefits other than attendant-care and medical-aid payments;
- f. Veterans benefits other than attendant-care and medical-aid payments;
- g. Federal social security act and railroad retirement benefits;
- h. Dividend receipts; and
- i. Interest received on state and municipal bonds.

"Economically disadvantaged" means at the time of application the applicant's combined disposable income shall not exceed 80% of the area median income adjusted for family size as determined by the Department of Housing and Urban Development (HUD). An applicant is presumed to be economically disadvantaged if his or her entire income and that of his or her spouse and any co-tenant is derived from benefits under the Federal Social Security Act.

"Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

"Ownership interest" means a property interest in an existing single family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.

3. Security Provisions. The director of Financial and Management Services or designate shall not issue such a deferral certificate, however, unless the applicant and his or her spouse and co-tenant, if any, has signed a contract with the city providing that:

a. Unpaid interest on any deferred payments shall accrue and be added annually to the unpaid principal balance. The deferred payments together with any unpaid interest shall bear the same rate of interest as under the payment agreement.

b. The city shall have a lien on the benefited property in an amount equal to the amount paid from the sewer connection incentive fund, plus interest at the same rate of interest as under the payment agreement, computed to the date the payment is made;

c. The applicant shall have and keep in force fire and casualty insurance on the benefited property in sufficient amount to protect the interest of the city in the property; provided, if the applicant fails to keep such insurance in force, the amount deferred shall not exceed one hundred percent (100%) of the applicant's equity in the land or lot only;

d. The obligations deferred pursuant to this section shall become due and payable in

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full, including principal and accrued interest, upon the earliest of the following dates:

1. Upon the sale of property which is the subject of the deferral;
2. Upon the death of the applicant with an outstanding deferred certificate except a surviving spouse who is qualified under this ordinance may elect to continue the deferral and who agrees that the deferral lien shall then be payable by that spouse or co-tenant as provided in this section.
3. Upon the condemnation of property with a deferral lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070 for properties subject to a lien for taxes.
4. At such time as the applicant ceases to reside permanently in the residential property upon which the deferral certificate has been granted; provided that a spouse or co-tenant may apply for the continuance of the deferral.
5. Upon the failure of any eligibility criteria or condition set forth in subsection (a) of this section.
 - e. If any obligations deferred pursuant to this section are not paid in full (including principal and interest) within thirty (30) days of the occurrence of any of the events listed in subsection (d)(3)(D) of this section, the entire remaining amount of the debt shall become due and payable and the city may begin foreclosure upon the entire remaining debt.
 - f. No deferral period shall be granted or shall extend beyond the end of the loan term of the original payment agreement.
 - g. The applicant to whom a deferral certificate is granted at any time may elect to pay the debt in full together with accrued interest.
 - h. Filing of Contract and Certificate. Each contract and deferral certificate executed pursuant to this section shall be filed by the city with the county auditor.
 - i. Rules. The director of Financial and Management Services, with assistance of the city attorney, shall adopt reasonable rules and forms for administration of the deferral program consistent with this section.

(M-4022, Amended, 09/10/2012, Sec 34-Effective 10/10/2012; M-3386, Added, 09/08/1998)

Section 14.08.070 Sewerage - Filing of notice - Alternate enforcement.

A. All delinquent and unpaid rates and charges for sewer service and connection charges, including interest charges, if any, shall become a lien upon the property to which such sewer service is furnished or such connection is made, superior to all other liens or encumbrances except those for general taxes and special assessments. Enforcement and foreclosure of such lien or liens shall be in the manner provided by law for enforcement of the same and for delinquent sewerage service charges, as provided in Chapter 35.67 RCW.

B. The sewerage lien provided in this section shall be effective for a total not to exceed twelve (12) months' delinquent service charges without the necessity of any writing or recording of the lien with the county auditor; provided that if such delinquent charges are not paid upon demand, the Finance Director shall cause to be filed with the Clark County Auditor a notice of sewerage lien in the form prescribed by

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law for a total charges not to exceed one year's delinquent charges, plus future charges. All costs associated with the filing and release of the lien shall be charged to the delinquent property's sewer account at the time the lien is filed.

C. As an additional and concurrent method of enforcing its lien upon any premises for sewer service charges, the city may, in accordance with RCW 35.67.290 and in the manner provided by Chapter 14.04 VMC, terminate water service to such premises for so long as any delinquent fees or charges remain unpaid.

D. The city reserves the right to terminate sewer service to premises for nonpayment of sewer charges. (M-4022, Amended, 09/10/2012, Sec 35-Effective 10/10/2012; M-3755, Added, 08/28/2006, Sec 18 - Effective 10/01/2006)

Chapter 14.09

STORMWATER MANAGEMENT--REGULATIONS AND CHARGES

Sections:

- 14.09.010 Purpose.**
- 14.09.020 Stormwater management.**
- 14.09.030 Ownership of city stormwater facilities and assets.**
- 14.09.035 Inspection and Approval.**
- 14.09.040 Definitions.**
- 14.09.050 Surface water program and stormwater capital plan.**
- 14.09.060 Rates for storm and surface water management.**
- 14.09.070 Authority for charges for connection to the stormwater system.**
- 14.09.080 Surface water management fund.**
- 14.09.090 Billing.**
- 14.09.100 Credits allowed.**
- 14.09.110 Remedies.**
- 14.09.120 Appeals.**
- 14.09.130 Liens for service/interest.**

Section 14.09.010 Purpose.

Council finds that this chapter is necessary to protect public and private property, to preserve streams, wetlands and floodways, to minimize water quality degradation from urban runoff and to ensure the sound development of property within the city to the benefit of all citizens.

The recognition of the city's stormwater system as an additional component of the municipal water-sewer utility is necessary to provide for the proper management and funding of the stormwater system, and for the orderly development of required stormwater systems and facilities.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 36-Effective 10/10/2012)

Section 14.09.020 Stormwater management.

Pursuant to RCW 35.67, the City of Vancouver water and sewer utility establishes provisions for storm and surface water management. Such provisions shall give the utility authority and responsibility for carrying out the comprehensive stormwater plan, including responsibility for planning, design, construction, maintenance, administration and operation of all city stormwater facilities, as well as establishing standards for design, construction and maintenance of improvements on private property where these may effect stormwater management.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 37-Effective 10/10/2012)

Section 14.09.030 Ownership of city stormwater facilities and assets.

Title and all other incidents of ownership of the following assets are vested in the water and sewer utility:

All properties, interests, and physical and intangible rights of every nature owned or held by the city,

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however acquired, insofar as they relate to or concern storm or surface water runoff.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 38-Effective 10/10/2012)

Section 14.09.035 Inspection and Approval.

All work done under a permit issued pursuant to this chapter shall be subject to the inspection and approval by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

(M-4022, Added, 09/10/2012, Sec 39-Effective 10/10/2012)

Section 14.09.040 Definitions.

As used in this chapter:

"Commercial/multi-family" means all property zoned or used for multi-family, commercial, industrial, retail, governmental, or other nonresidential purposes.

"Director" shall mean the City of Vancouver Public Works' Director.

"Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water.

"Single family" means all property zoned or used for single-family detached housing units. All other residential development shall be classified as "multi-family."

"Single-family equivalent unit (SFU)" means the area of impervious surface on a property divided by two thousand five hundred square feet.

"Utility" means City of Vancouver water-sewer-surface water utility.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 40-Effective 10/10/2012)

Section 14.09.050 Surface water program and stormwater capital plan.

The stormwater capital plan which is attached to SR 229-94 is adopted as the city's stormwater plan. Said plan shall be reviewed and updated by staff periodically as necessary to meet the needs of the system and returned for public hearing and may then be added to or amended. Such plan provides a practical and reasonable means to relieve the stormwater issues of the city and to preserve the integrity of the city's water supply and to protect its wastewater collection and treatment system.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 41-Effective 10/10/2012)

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Section 14.09.060 Rates for storm and surface water management.

A. Because all real property in the city contributes stormwater runoff to and/or benefits from the city's stormwater system, the owners thereof shall pay monthly charges as set forth in this section. Monthly charges will have two components as follows:

1. Operation and Maintenance. To provide for administrative and field operations, billing, accounting, and for the maintenance, repair and upgrade of existing stormwater facilities.

2. Capital Expenditures. To provide for basin-wide and system master planning and subsequent capital improvement projects as identified in the stormwater capital plan.

B. The water and sewer utility is authorized to establish charges for the use and discharge to the city's stormwater system. Such charges shall be based on the cost of providing stormwater service to all properties within the city and may be different for properties receiving different classes of service. Monthly charges shall be established as follows:

Effective January 1, 2012

Single Family	Multi-Family	Commercial	Industrial
\$7.10 per month	\$7.10 per 2,500 sq. ft. impervious surface per month (\$7.10 minimum)	\$7.10 per 2,500 sq. ft. impervious surface per month (\$7.10 minimum)	\$7.10 per 2,500 sq. ft. impervious surface per month (\$7.10 minimum)

Effective January 1, 2013

Single Family	Multi-Family	Commercial	Industrial
\$7.46 per month	\$7.46 per 2,500 sq. ft. impervious surface per month (\$7.46 minimum)	\$7.46 per 2,500 sq. ft. impervious surface per month (\$7.46 minimum)	\$7.46 per 2,500 sq. ft. impervious surface per month (\$7.46 minimum)

Effective January 1, 2014

Single Family	Multi-Family	Commercial	Industrial
\$7.83 per month	\$7.83 per 2,500 sq. ft. impervious surface per month (\$7.83 minimum)	\$7.83 per 2,500 sq. ft. impervious surface per month (\$7.83 minimum)	\$7.83 per 2,500 sq. ft. impervious surface per month (\$7.83 minimum)

C. "Multi-family Customer" class shall apply to customers with living units that share a common wall.

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1. Multi-family customers with two or more living units per meter will be charged the effective rate per 2,500 sq. ft. of impervious surface.

2. Multi-family customers with one water meter per living unit will be charged the prevailing "Single-family customer rate" per unit.

D. State Highway Charge. Pursuant to RCW 90.03.525, the monthly charge for all state highway properties within the city shall be 30% of the charge provided in paragraph B above, unless the city and state agree to a different rate or unless the court of competent jurisdiction holds otherwise.

E. Application to Publicly Owned Properties. Other publicly owned properties shall be charged at the industrial rate as set forth herein.

F. Application to active gravel mining operations and publicly owned streets, alleys and rights of way. Active gravel mining operations, publicly owned streets, alleys and rights of way shall be charged at the State Highway Charge rate provided in paragraph D as set forth herein.

G. Application to certain qualifying properties. For qualifying properties meeting all of the following criteria, the monthly charge shall be 30% of the charge provided in paragraph B above.

1. The qualifying property is subject to a stormwater management program regulated by and in compliance with the requirements for a Secondary Permittee as defined by Special Condition S6 of the 2007 NPDES Western Washington Phase II Municipal Stormwater Permit.

2. The qualifying property does not discharge stormwater into the City of Vancouver surface water drainage system.

(Ord. M-3274, 1996; Ord. M-3145 § 1 (part), 1994)

(M-4032, Amended, 11/19/2012, Sec 3-Effective 01/01/2013; M-4022, Amended, 09/10/2012, Sec 42-Effective 10/10/2012; M-4007, Amended, 12/19/2011, Sec 2-Effective 1/1/2012; M-3899, Amended, 11/17/2008, Sec 4-Effective 01/01/2009; M-3677, Amended, 12/06/2004, Sec 1; M-3650, Amended, 04/19/2004, Sec 1; M-3514, Amended, 10/16/2000; M-3398, Amended, 10/05/1998; M-3337, Amended, 12/15/1997)

Section 14.09.070 Authority for charges for connection to the stormwater system.

The utilities shall be authorized to establish a systems connection charge for properties seeking to be developed and discharge stormwater to the city's stormwater system. Such connection charges shall be adopted by separate ordinance as either part of the service charge ordinance referenced in Section 14.09.060 or the city's general development fee ordinance. The fees for connection to the city's stormwater system shall be modified from time-to-time to reflect the true cost of service to new development. The city's stormwater master plan shall form the basis for such modifications to these charges.

(Ord. M-3145 § 1 (part), 1994)

(M-4022, Amended, 09/10/2012, Sec 43-Effective 10/10/2012)

Section 14.09.080 Surface water management fund.

There is established a surface water management fund as part of the water and sewer utility into which all revenue from user fees, connection charges, grants, taxes and other funding sources shall be deposited and from which all expenditures related to the city's stormwater system shall be paid. This fund shall be kept

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in the manner prescribed by state law as to accounting and reporting expenditures.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 43-Effective 10/10/2012)

Section 14.09.090 Billing.

The charges imposed by this chapter shall be billed in conjunction with the property or user's customary water and sanitary sewer bill issued by the city. Such charges shall be due and payable as provided in this chapter. In the event a property does not have water or sanitary sewer service, but is subject to the charges imposed in this chapter, a new account shall be established and that property shall be billed separately for the surface water service charges.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 45-Effective 10/10/2012)

Section 14.09.100 Credits allowed.

A reduction in the rates described herein may be granted for the following reasons and purposes:

A. Multi-family, commercial and industrial accounts may receive a fifty percent rate reduction if the affected property either meets or exceeds the water quantity and water quality requirements established by the Stormwater Manual or city ordinance, whichever is more restrictive, applicable to civil plan approval of new development or redevelopment. In order to be eligible for such discounts, an applicant must submit the following:

1. Stormwater quantity and quality facilities site plan; and,
2. Report prepared by a professional registered civil engineer verifying by appropriate calculations that the facilities meet or exceed the requirements of the Stormwater Manual applicable to civil plan approval of new development or redevelopment.
3. Documentation that an existing water quality or quantity facility is properly maintained in accordance with the applicable requirements of the Stormwater Manual as defined in VMC 14.25.105. Failure to provide documentation demonstrating proper maintenance may result in revocation of credits.

B. Properties with facilities that provide water quality treatment to publicly-owned property or right of way and which have been identified in the surface water program as facilities of basin or system-wide importance may be eligible for a percentage reduction in the surface water charge.

C. Accounts identified for special rates in VMC 14.09.060 sections D, F and G shall not be eligible for additional credits allowed herein.

D. Properties relying on publicly-owned or maintained stormwater facilities for water quality or quantity treatment shall not be eligible for credits.

E. Rainwater harvesting credits. Pursuant to RCW 35.67.020, accounts not eligible for any other credit allowed herein shall be eligible for a 10 percent reduction in the monthly charge for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building(s). The

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reduced rate shall apply only to the portion of the site impervious area draining to the rainwater harvesting system.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 46-Effective 10/10/2012)

Section 14.09.110 Remedies.

In the event a customer or property owner shall fail to pay the surface water service charge, the city shall have the authority to terminate domestic water service to said property or customer. Termination of such water service shall not limit other remedies available to the city under state law.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 47-Effective 10/10/2012)

Section 14.09.120 Appeals.

Any customer or property owner who feels that the surface water service charge as set forth in VMC 14.09.060 for their property has been incorrectly computed or applied, and/or that credits have not been properly granted may petition, in writing, to the Director of Public Works for a review of said computations, application or credit. The petitioner shall provide drawings and calculations demonstrating the factual basis of the claimed error in the service charge.

If not satisfied with the determination of the director, the petitioner may appeal to the hearing officer in accordance with the provisions of Chapter 14.20 of this code. Any credits authorized by the appeals process shall only be applied toward billings subsequent to the date the appeal is filed.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 48-Effective 10/10/2012)

Section 14.09.130 Liens for service/interest.

Pursuant to RCW 35.67.200, the city shall have a lien for delinquent or unpaid surface water service charges. Enforcement and foreclosure of said lien(s) shall be as provided by law. Interest on the unpaid balance shall be eight percent per year or such higher rate as authorized by state law. Penalties, as authorized by state law in the amount of five percent will also be assessed.

(Ord. M-3145 § 1 (part), 1994)
(M-4022, Amended, 09/10/2012, Sec 49-Effective 10/10/2012)

Chapter 14.10

PRETREATMENT ORDINANCE

Sections:

- 14.10.010 Purpose and Policy.**
- 14.10.020 Administration.**
- 14.10.030 Abbreviations.**
- 14.10.040 Definitions.**
- 14.10.050 Prohibited Discharge Standards.**
- 14.10.060 National Categorical Pretreatment Standards.**
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- 14.10.080 Local Limits.**
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- 14.10.870 Severability.**
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Section 14.10.010 Purpose and Policy.

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Vancouver (City) to comply with all applicable State and Federal laws, including Chapter 173-216 Washington Administrative Code, the Clean Water Act (33 United States Code, Section 1251 et seq.), and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

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- A. To protect the POTW from potential harm by establishing clear standards and requirements for pretreatment of non-domestic waste. Harm to be prevented includes: causing Interference or otherwise harming the collection system; causing Pass Through, or otherwise harming the receiving environment; or causing the POTW to respond to a discharge based on a real or perceived threat;
- B. To protect POTW staff who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- C. To promote reuse and recycling of industrial wastewater by Industrial Users;
- D. To provide high-quality end products, such as reclaimed water and biosolids from the POTW, for beneficial use;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- F. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Ordinance shall apply to all Persons connected (or believed connected) to the POTW. The Ordinance compels the production of information; authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall replace Ordinance M-3264, and shall constitute Chapter 14.10 of the Vancouver Municipal Code, and may be referred to as the Pretreatment Ordinance.

The provisions of this Ordinance shall be revised or amended from time to time, consistent with the purpose and policy stated in Section 14.10.010, to conform to changes in the State and Federal water quality laws and regulations.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.020 Administration.

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel. The Director is authorized to adopt implementing regulations consistent with this Chapter.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.030 Abbreviations.

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

AKART - All Known, Available, and Reasonable methods of prevention, control, and Treatment

BOD - Biochemical Oxygen Demand

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BMPs Best Management Practices

CFR Code of Federal Regulations

CIU - Categorical Industrial User

EPA U.S. Environmental Protection Agency

gpd gallons per day

mg/L milligrams per liter

MIU – Minor Industrial User

NAICS - North American Industry Classification System

NPDES National Pollutant Discharge Elimination System

POTW Publicly Owned Treatment Works

RCRA Resource Conservation and Recovery Act

SIC - Standard Industrial Classification

SIU - Significant Industrial User

TSS Total Suspended Solids

U.S.C. United States Code
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.040 Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

B. AKART. All Known, Available, and Reasonable methods of prevention, control, and Treatment. AKART shall represent the most current methodology that may reasonably be required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices" is considered a subset of the AKART requirement.

C. Approval Authority. The Washington State Department of Ecology, Water Quality Program Manager.

D. Authorized or Duly Authorized Representative of the User.

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1. If the User is a corporation:
 - a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 4. The individuals described in Section 14.10.040(D)(1-3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.
- E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
- F. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 14.10.050(A) and (B) of this Ordinance and 40CFR Part 403.5(a)(1) and (b). BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- G. Bypass. The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- H. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 471.
- I. Categorical Industrial User or CIU. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- J. City. The City of Vancouver, the City Council of Vancouver, or the Director of Public Works, as appropriate.
- K. Control Authority. The City of Vancouver.

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L. Control Document. A wastewater discharge permit or any other formal written wastewater discharge authorization or prohibition issued by the Director.

M. Composite Sample. A representative composite of samples of a waste stream taken throughout the period of a calendar day or equivalent representative 24-hour period when discharges are produced by a regulated activity. Composite samplers must interface with a flow metering device to produce a representative “flow proportionate” composite sample unless the Director has determined that flow proportionate samples are not required or the analyte is not amenable to composite sampling (pH, temperature, oil, etc.).

N. Daily Limit or Daily Maximum Limit. The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily limits are expressed in units of mass, the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.

O. Director. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance. The term also means a duly authorized representative of the Director.

P. Discharge. Is the same as Indirect Discharge.

Q. Domestic User or Residential User. Any Person who contributes, causes, or allows the contribution of wastewater to the City POTW that the City determines is of similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include kitchen wastes, human wastes, and housekeeping cleaning materials in volumes and/or concentrations normally discharged from these classes of Users and typically include up to 100 gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

R. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.

S. Existing Source. Any source of discharges subject to Categorical Standards and discharging prior to the promulgation of those Standards or otherwise not meeting the definition of a “New Source” in this Section.

T. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

U. High Strength User. Any User who, in any given month, discharges non-domestic wastewater which is found to contain a monthly average of more than five hundred (500) pounds per day each of BOD and five hundred (500) pounds per day of suspended solids.

V. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any User or non-domestic source subject to this Ordinance or other State or Federal regulations.

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W. Industrial User. Is the same as User.

X. Industrial Waste. Any solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade, health service, educational institution, business, laboratory, research establishments or facility, or from the development, recovery, or processing of natural resources, excluding domestic waste; any non-domestic waste.

Y. Industrial Wastewater. Wastewater, non-domestic wastewater, process wastewater or any liquid wastestream resulting from any industrial, manufacturing, trade, or business process; or from the development, recovery, or processing of natural resources.

Z. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. For analytes for which Users must take a grab sample for compliance purposes, this standard is the same as the daily maximum limit. For all other pollutants the instantaneous limit shall be twice the daily maximum limit. For analytes for which Users must take a composite sample for compliance purposes, this standard is twice the daily maximum limit.

AA. Interference. A discharge which causes (either by itself or in combination with other discharges) a violation of the City's NPDES permit(s) or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. For example, a discharge from a User which causes a blockage resulting in a discharge at a point not authorized under the City's NPDES permit(s).

BB. Local Limits. Effluent limitations developed for Users by the Director to specifically protect the POTW from the potential of Pass Through, Interference, and intended biosolids uses. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater.

CC. Minor Industrial User or MIU. Any Industrial User that does not otherwise qualify as a Significant Industrial User of the POTW and is identified by the Director as having the potential to discharge wastewater that, when taken into account with the wastewaters of other Industrial Users, may have a significant impact on the POTW; or is classified as such by the Director.

DD. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

EE. Monthly Average. The arithmetic mean of the effluent sample results collected during a calendar month or specified 30-day period. Where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.

FF. Monthly Average Limit. The limit to be applied to the monthly average to determine compliance with the requirements of this Ordinance.

GG. New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

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a. The building, structure, facility, or installation is constructed at a site at which no other source is located;

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program,

i. Any placement, assembly, or installation of facilities or equipment; or

ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

HH. Non-Discharging Categorical Industrial Users or NDCIU's. Any Person that generates wastewater subject to a Categorical Standard that does not discharge those wastewaters subject to the Categorical Standard to the POTW. NDCIU's are considered a potential source of indirect discharge.

II. Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Non-Contact Cooling Water may contain protective additives.

JJ. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit(s), including an increase in the magnitude or duration of a violation.

KK. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

LL. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in

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standard units. pH is an expression of the intensity of the alkaline or acid condition of a liquid. The pH may range from 0 to 14, where 0 is most acid and 14 most alkaline.

MM. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, Carbonaceous Oxygen Demand, toxicity, or odor).

NN. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

OO. Pretreatment Facilities. Wastewater treatment equipment, unit, device, facility or portions thereof designed for providing pretreatment of wastewater.

PP. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

QQ. Pretreatment Standards or Standards. Pretreatment Standards shall mean discharge prohibitions (Section 14.10.050), Categorical Pretreatment Standards (Section 14.10.060), State Pretreatment Standards (Section 14.10.070), local limits (Section 14.10.080), and site specific limits based on potential for vapor toxicity, explosion, sewer corrosion, or other detrimental effects to the POTW.

RR. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

SS. Residential User. Is the same as a Domestic User.

TT. Septage. Is the same as Septic Tank Waste.

UU. Septic Tank Waste or Septage. Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The Director may also consider wastes from chemical toilets, campers, trailers, or cesspools to be septic tank waste so long as they are absent chemicals at concentrations which might inhibit biological activity at the POTW.

VV. Sewage. Human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).

WW. Significant Industrial User or SIU. Except as provided in paragraph (3) of Section 14.10.040(WW), a Significant Industrial User is:

1. A User subject to Categorical Pretreatment Standards; or
2. A User that:
 - a. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to

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the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.

3. Upon a finding that a User meeting the criteria in Section 14.10.040(WW)(2) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

XX. Slug Load or Slug Discharge. Any discharge of a non routine, episodic nature, including but not limited to an accidental spill or a non customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions. This includes discharges at a flow rate or concentration which could cause a violation of the prohibited discharge Standards of Section 14.10.050 of this Ordinance.

YY. Standards. Is the same as Pretreatment Standards.

ZZ. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

AAA. Total Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

BBB. User or Industrial User. Any Person that does not qualify as a Domestic User and is a source, or potential source, of indirect discharge.

CCC. Wastewater. Any combination of liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

DDD. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.050 Prohibited Discharge Standards.

A. General Prohibitions. No User or Domestic User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users and Domestic Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW any of the following pollutants, substances, or wastewater:

1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW,

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a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21.

2. Wastewater having a pH less than 5.5 or more than 10.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by a permit issued by the City pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH.

3. Solid or viscous substances in amounts which may cause obstruction to the flow in the sanitary sewer or other Interference with the operation of the sanitary sewer system or POTW. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged. Specifically prohibited substances in amounts that produce interference include, but are not limited to: grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

5. Wastewater having a temperature which will interfere with the biological activity in the POTW, has detrimental effects on the collection system, or prevents entry into the sanitary sewer. In no case shall wastewater be discharged which causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 degrees C).

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Pass Through or Interference.

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 14.10.140 of this Ordinance.

9. The following are prohibited unless approved by the Director under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (as required under WAC 173-216-050):

- a. Non-contact cooling water in significant volumes;
- b. Stormwater, or other direct inflow sources; and
- c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the POTW.

10. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sanitary sewers for maintenance or repair.

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11. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit(s).
12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
13. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted water, unless specifically authorized by the Director.
14. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
15. Medical wastes, except as specifically authorized by the Director.
16. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
17. Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
18. Fats, oils, or greases of animal or vegetable origin in amounts that may cause obstructions or maintenance problems in the sanitary sewer system or in the POTW, or Total Petroleum Hydrocarbon (non-polar oil and grease) concentrations that exceed fifty (50) mg/L.
19. Wastewater causing any single reading over ten percent (10%) of the lower explosive limit based on an explosivity meter reading at the point of discharge into the POTW or at any point in the POTW.
20. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permit(s).
21. Any dangerous, extremely hazardous, or hazardous wastes as defined in rules or regulations published by the Washington State Department of Ecology or by EPA, except as specifically approved by the Director.
22. Any persistent pesticide and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA) as amended.
23. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or create Interference with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in Categorical Pretreatment Standards, or State or local Standards.
24. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or which causes Interference with the reclamation process. In no case shall a substance be discharged to the POTW that will cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act; or with the Clean Air Act, the Toxic Substances Control Act, or State

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Standards applicable to the sludge management method being used.

25. Any slug load as defined in this Ordinance, or any pollutant, including oxygen demanding pollutants, released in a single extraordinary discharge episode or such volume or strength as to cause Interference to the POTW; or released with a flow rate exceeding the permitted peak flow, or ten percent (10%) of the capacity of the available trunk sewer, whichever is greater.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(M3970, Added, 11/15/2010, Sec 2)

Section 14.10.060 National Categorical Pretreatment Standards.

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405 471 are hereby incorporated.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 14.10.060(D) and Section 14.10.060(E) and 40 CFR Part 403.6(c).

B. When Categorical Pretreatment Standards are expressed in terms of a mass of pollutant which may be discharged per unit of production, the Director may either impose limits based on mass or equivalent effluent concentrations. The User must supply appropriate actual or projected long-term production rates for the unit of production specified in order to facilitate this process pursuant to 40 Part CFR 403.6(c)(2).

C. The Director may allow wastewater subject to a Categorical Pretreatment Standard to be mixed with other wastewaters prior to treatment. In such cases, the User shall identify all categorical wastestreams and provide sufficient information on each non-categorical wastestream to determine whether it should be considered dilute for each pollutant. Absent information showing that non-categorical wastestreams contain the pollutant in question at levels above that of the supply water, such wastestreams shall be considered dilute. In such situations, the Director shall apply the combined wastestream formula as found at 40 CFR Part 403.6(e) to determine appropriate limits.

D. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The City may establish equivalent mass limits if the Industrial User meets all of the conditions set forth below.

1. To be eligible for equivalent mass limits, the Industrial User must submit information with its permit application or permit modification request which:

a. Shows it has a pretreatment system which has consistently met all applicable Pretreatment Standards and maintained compliance without using dilution;

b. Describes the water conserving practices and technologies it employs, or will employ, to substantially reduce water use during the term of its permit;

c. Includes the facility's actual average daily flow rate for all waste streams from continuous effluent flow metering;

d. Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production;

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e. Shows that long-term average flow and production are representative of current operating conditions;

f. Shows that its daily flow rates, production levels, or pollutant levels do not vary so much that equivalent mass limits would be inappropriate; and

g. Shows the daily and monthly average pollutant allocations currently provided based on the proposed unit of production.

2. An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow by continuous effluent flow monitoring;

c. Continue to record the facility's production rates;

d. Notify the Director if production rates are expected to vary by more than twenty (20) percent from the baseline production rates submitted according to Section 14.10.060(D)(1)(d). The Director may reassess and revise equivalent limits as necessary to reflect changed conditions; and

e. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Section 14.10.060(D)(1)(b) so long as it discharges under an equivalent mass limit.

3. Equivalent mass limits:

a. Will not exceed the product of the actual average daily flow from regulated process(es) of the User and the applicable concentration-based daily maximum and monthly average standards (and the appropriate unit conversion factor);

b. May be reassessed and the permit revised upon notification of a revised production rate, as necessary to reflect changed conditions at the facility; and

c. May be retained in subsequent permits if the User's production basis and other information submitted in Section 14.10.060(D)(1) is verified in their reapplication. The User must also be in compliance with Section 14.10.700 regarding the prohibition of bypass.

E. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414 (organic chemicals), 419 (petroleum refining), and 455 (pesticide formulating, packaging and repackaging) to concentration limits in permits for such Users. In such cases, the Director will document the basis and the determination that dilution is not being substituted for treatment in the permit fact sheet.

F. The Director is obliged under federal regulations to make the documentation of how any equivalent limits were derived (concentration to mass limits or vice versa) publicly available.

G. Once incorporated into its permit, the User must comply with the equivalent limits in lieu of the Categorical Standards from which they were derived.

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H. The same production and flow estimates shall be used in calculating equivalent limits for the monthly (or multiple day average) and the maximum day.

I. Users subject to permits with equivalent mass or concentration limits calculated from a production based standard shall notify the Director if production will significantly change. This notification is required within two business days after the User has a reasonable basis to know that production will significantly change in the next calendar month. Users who fail to notify the Director of such anticipated changes must meet the more stringent of the equivalent limits or the User's prior limits.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.070 State Pretreatment Standards.

Washington State Pretreatment Standards and requirements, located at Chapter 173-216 WAC, were developed under authority of the Water Pollution Control Act, Chapter 90.48 RCW and are hereby incorporated. The version incorporated is the version current as of the date of the latest revision or version of this Ordinance. All waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of Chapter 173-216 WAC. In addition to more stringent prohibitions, (merged with Section 14.10.050), the provisions described in Section 14.10.070(A) through Section 14.10.070(J) are unique to Washington State and are required by this Ordinance for discharges to a POTW.

A. Any Person who constructs or modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, Chapter 173-240 WAC. Unless and until the City is delegated the authority to review and approve such plans under RCW 90.48.110, sources of non-domestic discharges [Users] shall request approval for such plans through the Department of Ecology. To ensure conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided to the Director before commencing any such construction or modification.

B. Users shall apply to the Director for a permit at least sixty (60) days prior to the intended discharge of any pollutants (see Section 14.10.180 for more stringent local requirement) other than domestic wastewater or wastewater which the Director has determined is similar in character and strength to normal domestic wastewater with no potential to adversely affect the POTW.

C. All Significant Industrial Users must apply for and obtain a permit prior to discharge.

D. All Users shall apply All Known, Available, and Reasonable methods of prevention, control, and Treatment to waste discharges to the waters of the State.

E. Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all Users.

F. Claims of confidentiality shall be submitted according to WAC 173-216-080. Information which may not be held confidential includes the: name and address of applicant, description of proposal, the proposed receiving water, receiving water quality, and effluent data. Claims shall be reviewed based on the standards of WAC 173-216-080, Chapter 42.17 RCW, Chapter 173-03 WAC, and RCW 43.21A.160.

G. Persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the City. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:

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1. The name and address of the applicant and facility/activity to be permitted;
2. A brief description of the activities or operations which result in the discharge;
3. Whether any tentative determination has been reached with respect to allowing the discharge;
4. The address and phone number of the office of the Director where persons can obtain additional information;
5. The dates of the comment period (which shall be at least 30 days); and
6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.

H. The Director may require the applicant to also mail this notice to Persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and to post the notice on the premises. If the Director determines there is sufficient public interest the City shall hold a public meeting following the rules of WAC 173-216-100. The Director may assume responsibility for public notice requirements for any Person, and may waive this requirement for any User not classified as a CIU, SIU, or MIU by the Director.

I. Permit terms shall include, wherever applicable, the requirement to apply All Known, Available, and Reasonable methods of prevention, control, and Treatment.

J. All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.080 Local Limits.

A. The Director may establish and periodically modify local limits pursuant to 40 CFR Part 403.5(c) based upon the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater using a method approved by the Approval Authority.

B. Unless the Director determines that the public health or safety require an earlier implementation, any modification the Director establishes to the local limits in Table 14.10.080-1 shall not go into effect until thirty days after reasonable notice of the changes is provided to the public and Persons known to the City who may discharge wastewater containing analytes subject to such local limits.

C. The pollutant limits in Table 14.10.080-1 are established to protect against Pass Through and Interference and reflect the application of reasonable treatment technology. No Significant Industrial User or Categorical Industrial User shall discharge wastewater in excess of the daily maximum limits shown in Table 14.10.080-1 unless authorized in writing by the Director. The Director may also apply the pollutant limits in Table 14.10.080-1 to other Users through the issuance of a control document.

D. The local limits shown in Table 14.10.080-1 apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The

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Director may impose mass limits in addition to, or in place of, concentration based limits.

E. Significant Industrial Users and Categorical Industrial Users shall also be subject to “instantaneous limits” (as determined by a grab sample) of equal to twice the “daily maximum” concentration limit identified in Table 14.10.080-1 for any pollutant for which a composite sample is required in a permit. This provision is not applicable to SIU’s and CIU’s without the permit requirement to collect a composite sample for the analyte in question.

Table 14.10.080-1: Initial Local Limits (Subject to Director Modification)

Analyte	Daily Maximum Concentration Limit	Instantaneous Concentration Limit
Arsenic	0.22 mg/L	0.44 mg/L
Cadmium	0.14 mg/L	0.28 mg/L
Chromium	7.22 mg/L	14.44 mg/L
Chromium (hexavalent)	4.28 mg/L	8.56 mg/L
Copper	3.67 mg/L	7.34 mg/L
Cyanide	0.47 mg/L	0.94 mg/L
Lead	0.44 mg/L	0.88 mg/L
Mercury	0.008 mg/L	0.016 mg/L
Molybdenum	0.42 mg/L	0.84 mg/L
Nickel	0.90 mg/L	1.80 mg/L
Selenium	0.31 mg/L	0.62 mg/L
Silver	1.13 mg/L	2.26 mg/L
Thallium	0.53 mg/L	1.06 mg/L
Zinc	1.64 mg/L	3.28 mg/L

F. No User shall discharge wastewater in excess of the daily maximum limits shown in Table 14.10.080-2 unless authorized in writing by the Director. The standard limits in Table 14.10.080-2 apply at the point where the wastewater is discharged to the POTW.

Table 14.10.080-2: Standard Limits

Analyte	Daily Maximum Concentration Limit
Hydrocarbon based oil and grease	50 mg/L
Minimum pH	5.5 standard units

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Maximum pH	10.0 standard units
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G. A High Strength User is any User who, in any given month, discharges wastewater found to contain a monthly average of more than five-hundred (500) pounds per day each of Biochemical Oxygen Demand and five-hundred (500) pounds per day of Total Suspended Solids. High Strength Users must apply for a permit and shall be subject to charges as determined by the Director and as amended and under the authority of this Ordinance up to any maximum loading limit established by permit.

H. The Director shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed in Section 14.10.080. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organic compounds, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, and any other pollutant identified by the Director.

I. The Director may establish and require Best Management Practices for any category of User or type of industrial process which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the local limits of Section 14.10.080. BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.090 City's Right of Revision.

The City reserves the right to establish, by Ordinance or in wastewater discharge permits or other control documents, more stringent standards or requirements for any discharges to the POTW.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.100 Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable Pretreatment Standard or requirement. The Director may impose mass limitations on Users where deemed appropriate to safeguard against the use of dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.110 Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in Section 14.10.050 of this Ordinance within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the User's expense, and satisfy State requirements for review and approval of Plans for Wastewater Facilities as described in Section 14.10.070. Such plans (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted as required by Chapter 173-240 WAC to the Director and the Department of Ecology for review, and Users shall obtain approval prior to construction. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such pretreatment facilities as necessary to produce

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a discharge acceptable to the City under the provisions of this Ordinance.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.120 Additional Pretreatment Measures.

A. The Director may immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of Persons. In such cases, the Director will provide the User advance notice if possible, but shall not delay a response to imminent endangerment.

B. The Director may halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Director shall attempt to provide not only notice to the affected User(s), but the opportunity to respond.

C. Any User causing the Director to exercise the emergency authorities provided for under Section 14.10.120(A) and Section 14.10.120(B) shall be responsible for reimbursement of all related costs to the City.

D. The Director may require Users to reduce or curtail certain discharges to the POTW, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and take all other measures to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

E. The Director, based on the determination that such facilities or devices are necessary for implementation of pretreatment requirements, may require any Person or User to install and maintain, on their property and at their expense, pretreatment facilities, devices and equipment that may include, but not be limited to, any of the following:

1. A sample taking facility accessible to the Director;
2. A suitable storage and/or flow equalization tank;
3. A Grease, oil, and/or grit trap and/or interceptor;
4. An approved hazardous gas detection meter;
5. An amalgam separator and/or a silver recovery unit; or
6. Other pretreatment facilities, devices, equipment, and/or units as may be necessary to treat non-domestic wastewater prior to entering the POTW.

Persons who operate restaurants, cafes, lunch counters, cafeterias, bars, hotels, school kitchens, butcher shops, or other establishments where food (polar) grease may be introduced into the POTW shall be required to install pretreatment facilities to prevent the discharge of fat waste, oil, and grease into the POTW. Such pretreatment facilities shall be either a grease interceptor or grease trap as determined by the Director and located outside the building, and installed in the wastewater line leading from sinks, drains, or other fixtures where fat waste, oil, and grease may be discharged to the POTW. Grease traps inside the kitchen area will only be allowed under special circumstances and shall only be approved by the Director on a case-by-case basis. Persons may be required to retrofit facilities which were constructed prior to the adoption of this Ordinance.

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Persons installing any pretreatment facility or device shall ensure they are of the type and capacity approved by the Director and conform to any separate requirements established by the City. Persons shall locate pretreatment facilities or devices in areas easily accessible for cleaning and inspection by representatives of the Director. Persons shall be responsible for all periodic inspection, cleaning, maintenance, and repair of such facilities.

F. Persons shall maintain pretreatment facilities or devices in a manner that shall prevent Pass Through into the POTW at all times. The Director shall be authorized to establish routine maintenance schedules of such pretreatment facilities or devices for the purpose of inspection, maintaining effective treatment and pollutant removal, and reducing pollutant loadings to the POTW. The City shall be allowed access to pretreatment facilities or devices for the purpose of inspection and/or to verify compliance with this Ordinance. Waste removed from a pretreatment facility or device shall not be disposed of in the POTW. A record of disposal may be required to be maintained for review by the City. The use of hot water, enzymes, bacteria, chemicals, or other agents for the purpose of causing the contents of a pretreatment facility or device to be discharged into the POTW is prohibited. Persons may be required to retrofit facilities that were constructed prior to the adoption of this Ordinance.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.130 Accidental Discharge/Slug Discharge Control Plans.

The Director may require any User to develop and implement an Accidental Discharge/Slug Discharge Control Plan and take other actions the Director believes are necessary to control discharges which may be caused by spills or periodic non-routine activities. Accidental Discharge/Slug Discharge Control Plans shall include at least the following:

- A. A description of all discharge practices, including any non-routine batch discharges such as from cleaning, replenishment, or disposal;
- B. A description of all stored chemicals, disclosing all ingredients in formulations which could violate a discharge prohibition if discharged to the POTW;
- C. The procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 14.10.350 of this Ordinance; and
- D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.140 Hauled Wastewater.

A. Residential wastes meeting the definition of septage may be introduced into the POTW at locations designated by the Director, and at such times as are established by the Director. No septage may be discharged without the prior consent of the Director. The hauler of septage shall be responsible for ensuring such wastes comply with all discharge prohibitions (Section 14.10.050 of this Ordinance) and other applicable City requirements. The Director may require septic tank waste haulers to obtain wastewater discharge permits, other control documents, and/or provide a manifest at the time of discharge

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identifying the customer name, address, volume and other information from each customer.

B. Any hauler of septage may be required to collect a sample of each hauled load to ensure compliance with applicable Pretreatment Standards. The Director may require the hauler of septage to provide a waste analysis of any load prior to discharge to the POTW.

C. It is unlawful for any Person to discharge septage to the City's POTW which had been created or generated outside of Clark County unless authorized by the City in a control document. Such control document may be granted on terms and conditions as approved by the Director.

D. Fees for the discharge of septage will be established as part of the fee system as authorized in VMC 14.04 as amended.

E. Haulers proposing to discharge site remediation wastewaters shall comply with applicable Pretreatment Standards and requirements of this Ordinance and policies and guidelines as established by the Director. Haulers proposing to discharge site remediation wastewaters are subject to fees based upon volume, treatability, handling, and administration.

F. The Director shall require the hauler, and may also require the generator, of non-domestic waste to obtain a wastewater discharge permit or other control document. The Director may also prohibit the disposal of any or all hauled industrial waste. The discharge of hauled industrial waste is subject to all applicable Pretreatment Standards and requirements of this Ordinance and policies and guidelines as established by the Director.

G. Industrial waste haulers may discharge loads only at locations designated by the Director and with the prior consent of the Director. The Director may collect, or require the hauler to collect, samples of each hauled load to ensure compliance with applicable Standards, and halt the discharge at any point in order to take or require additional samples or hold the load pending analysis. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge, to characterize the waste, or to certify that the waste does not meet the definition of a "Hazardous Waste" under Chapter 173-303 WAC.

H. Industrial waste haulers may be required to provide a waste tracking form for each load as determined necessary by the Director. The waste-tracking form may be required to include the following information:

1. Name and address of the industrial waste hauler;
2. Truck and driver identification;
3. Names and addresses of the sources of waste;
4. Type of industry, volume, brief description, known characteristics and presumed constituents of waste;
5. Any wastes which are "Hazardous Wastes" under RCRA; and
6. Any other information deemed necessary by the Director.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.150 Industrial User Surveys.

The City is obligated under Federal law to identify and locate all possible Users which might be subject to the Pretreatment Program, and to identify the character and volume of pollutants discharged by such Users. To satisfy this requirement, any possible User of the POTW must, upon request of the Director, periodically complete an Industrial User survey form. Users of the POTW shall fully disclose the information requested and sign the completed form in accordance with Section 14.10.200. Proper completion of survey requirements is a condition of initial and continued discharge to the POTW. Users failing to fully comply with survey requirements within a timeframe specified by the City shall be subject to all enforcement measures authorized under this Ordinance including termination of service. The Director is authorized to prepare several forms for this purpose and require completion of the particular form which the Director determines appropriate to provide the information needed to categorize each User. The Director shall be authorized to categorize each User, provide written notice of a User's categorization and what it means, and revise this categorization at any time.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.160 Wastewater Discharge Permit Requirement.

A. No User categorized by the Director as a Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Director. A Significant Industrial User that has filed a timely application pursuant to Section 14.10.170 of this Ordinance may continue to discharge unless and until notified otherwise by the Director.

B. The Director may require all other Users to obtain a wastewater discharge permit, control document, or implement Best Management Practices as necessary to carry out the purposes of this Ordinance. For example, a control document may be required solely for flow equalization or for a Non-Discharging Categorical Industrial User (NDCIU).

C. Any failure to complete the required survey form, apply for and obtain a required permit or other control document, or violate the terms and conditions of a wastewater discharge permit or control document shall be deemed violations of this Ordinance and subject the User to the sanctions set out in Part 10 through Part 12 of this Ordinance. Obtaining a wastewater discharge permit or other control document does not relieve a User of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and local law.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.170 Wastewater Discharge Permitting: Existing Connections.

Any User required to obtain a wastewater discharge permit under this Ordinance who was discharging wastewater into the POTW prior to the effective date of this Ordinance may be required to apply to the Director for a wastewater discharge permit in accordance with Section 14.10.190. In such event, the User shall not cause or allow discharges to the POTW to continue two hundred seventy (270) days following the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Director. The timeframes provided in this Section may be extended at the Director's discretion.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.180 Wastewater Discharge Permitting: New Connections.

Persons wishing to discharge non-domestic wastewater must first complete either a survey form (if they do not expect a permit is needed) or a permit application. Any User identified by the Director through

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the survey as potentially needing a permit must file a permit application. Applications for wastewater discharge permits, in accordance with Section 14.10.190 of this Ordinance, must be filed at least one hundred twenty (120) days prior to the desired date of discharge, and the discharge permit obtained prior to commencing discharge.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.190 Wastewater Discharge Permit Applications Contents.

A. All Users required to obtain a wastewater discharge permit must apply using a form provided by the Director. Users must supply the Director the following information as part of the permit application if relevant to the Users operation unless waived by the Director.

1. Identifying information.
 - a. The name and physical address of the facility, the names of the operator / facility manager and owner, and the name and address of the point of contact; and
 - b. A description of activities, facilities, and plant production processes on the premises.
2. A list of any environmental control permits held by or for the facility.
3. A description of operations and facilities including:
 - a. A brief description of the operations, average rate of production, and industrial classification (SIC or NAICS codes) of the operation(s) conducted on site;
 - b. The number and type of employees, and proposed or actual hours of operation;
 - c. The type, amount, rate of production, and process used for each product produced;
 - d. The type and amount of raw materials used (average and maximum rates);
 - e. The raw materials and chemicals to be routinely stored at the facility (including products in rail cars and tank trucks located on site);
 - f. The types of wastes generated on a routine and periodic basis;
 - g. The times and durations when wastes will be discharged;
 - h. A schematic process diagram showing each process step, waste stream, treatment step, internal recycle, and point of discharge to the POTW. This diagram should identify which streams are subject to Categorical Pretreatment Standards;
 - i. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - j. The sampling locations and provisions for monitoring discharges; and
 - k. Whether plans for wastewater facilities under Chapter 173-240 WAC have been developed, and their approval status (Engineering Report, Plans and Specifications, and an Operations and Maintenance Manual).

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4. Flow data: The average daily and maximum daily flow, in gallons per day, to the POTW from each waste stream. Information shall be complete enough to allow use of the combined wastestream formula per Section 14.10.060(C) and 40 CFR Part 403.6(e) where applicable.

5. Pollutant data:

- a. The Categorical Pretreatment Standards applicable to each regulated process;
- b. The results of sampling and analysis identifying the nature and concentration, (and mass where required by the Standard or the Director), of regulated pollutants in the discharge from each regulated process; and
- c. The estimated peak instantaneous, daily maximum, and long-term average discharge concentrations (and mass) based on the sampling results.

6. Sampling data to show samples are:

- a. Representative of daily operations;
- b. Taken just downstream from pretreatment facilities if such exist, or just downstream of the regulated process(es) if no pretreatment exists;
- c. Collected as required by Section 14.10.400 of this Ordinance; and
- d. Analyzed according to Section 14.10.390 of this Ordinance.

7. Information confirming BMPs. Where Standards specify a BMP or pollution prevention alternative, the User must include the information needed by the Director or the applicable Standard to determine whether BMPs are (or will be) implemented.

8. Any other information deemed necessary by the Director to prepare a discharge permit.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The Director shall be held harmless for delays caused by returned applications.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.200 Application Signatories and Certifications.

A. All wastewater discharge permit applications and reports must be signed by an authorized representative of the User and contain the certification statement in Section 14.10.430(A).

B. All survey forms must be signed by an authorized representative of the User and may contain the certification statement in Section 14.10.430(A).

C. Users shall submit a new authorization if the designation of an authorized representative is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The User must submit the new authorization to the City prior to or with any reports to be signed by the new authorized representative.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.210 Wastewater Discharge Permit Decisions.

After receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit or require additional safeguards, reports (including plans under Chapter 173-240 WAC), or information. For Users not meeting the criteria of Significant Industrial Users, the Director may also waive or defer a permit, or allow discharges in the interim while a permit is being prepared.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.220 Wastewater Discharge Permit Duration.

The Director may issue a wastewater discharge permit for a period of up to five (5) years from its effective date. Each wastewater discharge permit will indicate its expiration date.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.230 Wastewater Discharge Permit Contents.

Wastewater discharge permits will include conditions the Director deems reasonably necessary to carry out the goals of the Pretreatment Program (Section 14.10.010), Federal and State regulations, and the requirements of this Ordinance.

A. Significant Industrial User and Categorical Industrial User wastewater discharge permits will contain the information specified in Section 14.10.230(A)(1) through Section 14.10.230(A)(8). Minor Industrial User wastewater discharge permits may contain, as determined by the Director, the information specified in Section 14.10.230(A)(1) through Section 14.10.230(A)(8).

1. The permit issuance date, expiration date, and effective date.
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 14.10.260 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards and requirements to apply AKART (see Section 14.10.070 (I)).
4. The pollutants to be monitored and specific monitoring requirements. This includes the sampling location(s), sampling frequencies, and sample types consistent with Federal, State, and local law. (See Section 14.10.070(J)).
5. Requirements to submit certain reports (as reflected in Part 6), provide various notifications, keep records, and if required, implement Best Management Practices.
6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
7. Requirements to control slug discharges, including to develop, update, and implement slug discharge control plans (see Section 14.10.130 for required content) where the Director determines such plans are important to preventing accidental, unanticipated, or non-routine discharges.

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8. Reapplication requirements.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Pretreatment facilities and measures required by Section 14.10.110 and Section 14.10.120 of this Ordinance;

2. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

3. Requirements to install pretreatment technology, pollution controls, or to construct appropriate containment devices to reduce, eliminate, or prevent the introduction of pollutants into the treatment works, ground, or stormwater;

4. Requirements to develop and implement of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. Requirements to pay charges or fees for discharge to the POTW including high strength charges;

6. Requirements to install, maintain, and properly operate inspection, sampling, and pretreatment facilities and equipment, including flow measurement devices;

7. Notice that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and

8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.240 Permit Issuance Process.

A. Public Notice: Users shall follow the procedures for public notice found in Section 14.10.070(G) and Section 14.10.070(H). The Director shall consider and respond to public input as appropriate prior to issuance of a permit. The Director will arrange a public meeting pursuant to WAC 173-216-100 if there is sufficient interest.

B. Permit Appeals: Any Person, including the User, may petition the Director to reconsider the terms of a wastewater discharge permit within thirty (30) days of the date of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition(s), if any, it seeks to place in the wastewater discharge permit.

3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

4. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to

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be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Clark County within thirty (30) days of final agency action and properly served upon the City of Vancouver.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.250 Wastewater Discharge Permit Modification.

The Director may modify a wastewater discharge permit or other control document for good cause, including, but not limited to, any of the following reasons:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements including new or revised local limits;
- B. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character;
- C. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent;
- D. Based on information that indicates a permitted discharge poses a threat to the City's POTW or staff, the receiving waters, or to violate a prohibition of this Ordinance;
- E. To address violations of any terms or conditions of the wastewater discharge permit;
- F. To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
- G. To incorporate revisions based on a variance from Categorical Pretreatment Standards approved pursuant to 40 CFR Part 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 14.10.260.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.260 Wastewater Discharge Permit Transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.270 Wastewater Discharge Permit Revocation.

The Director may revoke a wastewater discharge permit or other control document for good cause, including, but not limited to, when a User has:

- A. Failed to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. Failed to provide prior notification to the Director of changed conditions pursuant to Section 14.10.340 of this Ordinance;
- C. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsified self-monitoring reports or tampered with monitoring equipment;
- E. Refused to allow the Director timely access to the facility premises and records;
- F. Failed to meet effluent limitations or permit conditions;
- G. Failed to pay applicable fines or sewer charges;
- H. Failed to meet compliance schedule deadline dates;
- I. Failed to complete a wastewater survey or wastewater discharge permit application;
- J. Failed to provide advance notice of the transfer of business ownership;
- K. Violated any Pretreatment Standard or requirement, or any terms of the wastewater discharge permit or this Ordinance;
- L. Ceased operations; or
- M. Transferred business ownership.

Wastewater discharge permits issued to a User are void upon the effective date of the new wastewater discharge permit issued to that User.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.280 Wastewater Discharge Permit Reissuance.

A User with a wastewater discharge permit due to expire shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 14.10.190 of this Ordinance, a minimum of one hundred twenty (120) days prior to the expiration of the User's existing wastewater discharge permit. A User, whose existing permit or control document has expired, and has

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submitted its re-application in the time period specified herein, shall be deemed to have an effective permit or control document until the Director issues or denies the new permit or control document. The Director may waive the time limit for submittal of a reissuance application, for good cause shown. (M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.290 Regulation of Wastewater Received from Other Jurisdictions.

A. In the event a User outside the City sanitary sewer service area (as identified in the most current sanitary sewer Master Plan or as otherwise defined by the Director) proposes to discharge wastewater into the City's POTW, the City shall enter into an inter-local agreement with the contributing municipality (County, City, Town, Sewer District, or other municipal corporation recognized under State Law). Such agreement shall affix responsibilities in an enforceable manner to ensure that the Pretreatment Program is fully and equitably administered in all contributing jurisdictions. Any such agreement or modification to such an agreement shall be reviewed by the City's legal counsel and shall be submitted, together with the opinion that it is legally sufficient, to the Approval Authority (Department of Ecology) and processed as a minor program modification.

B. Prior to entering into an agreement required by Section 14.10.290(A), above, the Director shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
3. Such other information as the Director may deem necessary.

C. An inter-local agreement, provided for under Section 14.10.290(A), shall contain the following provisions:

1. Requirements for contributing municipalities to adopt a Sewer Use Ordinance or Pretreatment Ordinance which establishes Pretreatment Standards and Requirements as stringent as in this Ordinance (Part 2). The Ordinance provisions and limits must be revised to conform within a reasonable time frame (within 9 months) to any future revisions of the City's Ordinance;
2. Requirements for the contributing municipality to submit a revised User inventory on at least an annual basis, and reinforce requirements to obtain a permit prior to discharge;
3. A clear division of responsibilities for implementing each pretreatment related activity under this Ordinance or in the City's National Pollutant Discharge Elimination System (NPDES) permit(s). Such tasks include reinforcing prohibitions, locating Users, issuing wastewater discharge permits, conducting inspections, sampling, evaluating compliance, initiating enforcement, and reporting compliance. Any activities which will be conducted jointly by the contributing municipality and the Director must also be identified;
4. Requirements for the contributing municipality to provide the Director access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. The nature, quality (e.g. conventional and toxic pollutant concentrations), and volume (peak and average flow rates) the contributing municipality is allowed to discharge to the City. How and where

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compliance will be measured, how fees for service and surcharges will be established, and how additional loading capacity, if needed, will be negotiated;

6. Provisions ensuring that the Director may enter and inspect Users located within the contributing municipality's jurisdictional boundaries to confirm that the Pretreatment Program is being properly administered and Users are properly categorized; and

7. Provisions for addressing any breach of the terms of the inter-local agreement.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.300 Baseline Monitoring Reports.

A. When Categorical Standards for an industry category are published (promulgated), Users that perform that process and either currently discharge or are scheduled to discharge wastewater from the process to the POTW, must submit a "baseline monitoring report" to the Director. This report must contain the information listed in Section 14.10.300(C). The report is due within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, unless the final administrative decision on a category determination comes later.

B. Users that wish to begin discharging wastewater to the POTW from operations subject to Categorical Pretreatment Standards after EPA has published the Standards (called New Sources), shall submit a "baseline monitoring report" to the Director containing the information listed in Section 14.10.300(C). However, for New Sources, the report must be provided at least one hundred twenty (120) days before desiring to discharge. New Sources shall describe the method of pretreatment they intend to use to meet applicable Categorical Pretreatment Standards. Because monitoring data will not be available for proposed facilities, New Sources instead must provide estimates of the anticipated flow rates and quantity of pollutants to be discharged.

C. The baseline monitoring report shall include the following information:

1. All information required in Section 14.10.190(A)(1) through Section 14.10.190(A)(8).
2. Additional conditions for Existing Sources measuring pollutants.
 - a. Users shall take a minimum of one representative sample to compile the data for the baseline monitoring report.
 - b. Users shall take samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the User mixes other wastewaters with the regulated wastewater prior to pretreatment, the User must provide the flows and concentrations necessary to apply the combined wastestream formula of Section 14.10.060(C) and 40 CFR Part 403.6(e). Where the User wants an alternate concentration or mass limit, and it is allowed by federal rules at 40 CFR Part 403.6(e), the User shall propose the adjusted limit and provide supporting data to the Control Authority.
 - c. Sampling and analysis shall be performed in accordance with Section 14.10.400 (sample collection), and Section 14.10.390 (sample analysis).
 - d. The Director may allow the report to use only historical data if the data is good enough to allow the evaluation of whether (and which) industrial pretreatment measures are needed.

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e. The baseline monitoring report shall indicate the time, date, and place of sampling, methods of analysis. The User shall certify that the sampling and analysis presented is representative of normal work cycles and expected pollutant discharges to the POTW.

3. Compliance Certification. A statement, reviewed by the User's authorized representative as defined in Section 14.10.040(D) and certified by a qualified professional indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment steps are required to meet the Pretreatment Standards and requirements.

4. Compliance Schedule. While New Sources must install the treatment required to meet the Pretreatment Standards prior to operation, Existing Sources may be granted a compliance schedule where they must provide additional pretreatment and/or O&M to meet the Pretreatment Standards. In such cases, the User shall propose the shortest schedule by which they can provide the additional pretreatment and/or O&M. The completion date which the User proposes in this schedule may not be later than the compliance date established for the applicable Pretreatment Standard. Any compliance schedule authorized pursuant to this Section must also meet the requirements set out in Section 14.10.310 of this Ordinance.

5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 14.10.430(A) of this Ordinance and signed by an authorized representative as defined by Section 14.10.040(D).
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.310 Compliance Schedule Progress Reports.

The following conditions shall apply to compliance schedules proposed by Existing Sources according to Section 14.10.300(C)(4) of this Ordinance and incorporated into permits:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.320 Reports on Compliance with Categorical Pretreatment Standard Deadline.

Both Existing Sources and New Sources must submit a report on whether compliance has been initially achieved. For Existing Sources, the report is due ninety (90) days after the date applicable Categorical

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Standards give as the final compliance date. For a New Source, the report is due ninety (90) days after starting to discharge to the POTW.

In both cases, the report must contain the information described in Section 14.10.190(A)(3) through Section 14.10.190(A)(6). For Existing Sources, it must also contain the compliance certification of Section 14.10.300(C)(3) and, if needed, the compliance schedule described in Section 14.10.300(C)(4). Users subject to equivalent mass or concentration limits, as allowed by Section 14.10.060, must include a reasonable measure of their long term production rate. Other Users subject to Standards based on a unit of production (or other measure of operation) must include their actual production during the sampling period. All compliance reports must be signed and certified in accordance with Section 14.10.430(A) of this Ordinance.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.330 Periodic Compliance Reports.

A. The Director may specify the necessary minimum sampling and reporting frequencies and include applicable requirements in permits. Significant Industrial Users (SIUs) must:

1. Report at least twice a year, in June and December unless otherwise specified;
2. Report the flows and concentrations for the reporting period of regulated pollutants in all discharges subject to Pretreatment Standards;
3. Report average and maximum daily flows for the reporting period and identify where flow estimates are used; and
4. Include the documentation needed to show compliance with applicable BMPs, pollution prevention alternatives, maintenance, treatment, or record keeping requirements.

B. Users must sign and certify all periodic compliance reports in accordance with Section 14.10.430(A) of this Ordinance.

C. Users must take wastewater samples which are representative of their range of discharge conditions and of any discharge not disclosed in their permit application. Users must properly operate, clean, and maintain sampling and flow metering facilities and devices and ensure they function properly. The Director may not allow User claims that sampling results are unrepresentative due to a user's failure to meet this requirement.

D. Users subject to the reporting requirements in this Section must report any additional monitoring which might determine compliance with permit requirements. This includes any additional monitoring of regulated pollutant at their respective effluent monitoring locations using procedures prescribed in Section 14.10.400 of this Ordinance. In such cases, the results of this monitoring shall be included in periodic monitoring reports.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.340 Reports of Changed Conditions.

Each User must notify the Director of any substantial changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater. This notification must be made at least thirty (30) days before the desired change and be sent to both the Control Authority (Director) and the receiving

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POTW if they are different. In such cases:

A. The Director may require the User to submit any information needed to evaluate the changed condition. The Director may also require a new or revised wastewater discharge permit application under Section 14.10.190 of this Ordinance; and

B. The Director may issue, reissue, or modify a wastewater discharge permit applying the procedures of Part 5 of this Ordinance in response to a User's notice under this Section.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.350 Reports of Potential Problems.

A. Any User which has any unusual discharge that could cause problems to the POTW must immediately notify the Director by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. Problems to the POTW which require reporting under this Section include violating pretreatment prohibitions, treatment Standards, or other requirements of Part 2 of this Ordinance such as vapor toxicity and explosivity limits.

B. Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

C. Users required to submit an Accidental Discharge/Slug Discharge Control Plan (per Section 14.10.130) shall post notice in a prominent location advising employees who to call at the POTW to inform the Director of a potential problem discharge (Section 14.10.350(A)). Users shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.

D. All Users must immediately notify the Director of any changes at their facility which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site which, if discharged to the POTW, would cause problems. Users required to prepare an Accidental Discharge/Slug Discharge Control Plan under Section 14.10.130 shall also modify their plans to include the new conditions prior to, or immediately after making such changes.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.360 Reports from Unpermitted Users.

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require. This may include, but not be limited to, periodically completing and signing Industrial User Surveys, monitoring reports, and reports regarding compliance with best management practices.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.370 Notice of Violation/Repeat Sampling and Reporting.

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If sampling performed by a User indicates a violation, the User must notify the Director within twenty four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The Director may waive the repeat sampling requirement where the City has sampled the effluent for the pollutant in question prior to the User obtaining sampling results.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.380 Notification of the Discharge of Hazardous Waste.

A. Any User who discharges any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or Chapter 173-303 WAC must also comply with the following requirements:

1. Notify the Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit applications or re-applications under this Ordinance.

2. Include the following information in the notification:

- a. The name of the hazardous waste as found in 40 CFR Part 261;
- b. The EPA hazardous waste number; and
- c. The type of discharge (continuous, batch, or other).

3. If the discharge totals more than two hundred twenty (220) pounds of hazardous waste in any month, also provide:

- a. The hazardous constituents contained in the wastes;
- b. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month; and
- c. An estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

4. This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement.

5. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provide as soon after discharge as practical and describe why prior notice was not possible.

6. Users must provide notifications under this paragraph only once to EPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this Ordinance.

7. This requirement does not relieve the User from requirements to provide other notifications, such as of changed conditions under Section 14.10.340 of this Ordinance, or applicable permit conditions, permit application requirements, and prohibitions.

8. Pollutants that are reported under the reporting requirements for Categorical Industrial Users in

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baseline monitoring, final and periodic compliance reports are not subject to the notification requirements in this Section.

B. Users must report all discharges of more than thirty-three (33) pounds per month of substances which, if otherwise disposed of, would be hazardous wastes. Users must also report any discharge of acutely hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e). Subsequent months during which the User discharges more of a hazardous waste for which notice has already been provided do not require another notification to EPA or the State, but must be reported to the Director.

C. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the User must provide notifications under paragraphs A, if required by paragraph B within ninety (90) days of the effective date of such regulations.

D. For any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.390 Analytical Requirements.

All pollutant sampling and analyses required under this Ordinance shall conform to the most current version of 40 CFR Part 136, unless otherwise approved by the Director or specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the Director determines that the 40 CFR Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Director may specify an analytical method. If neither case applies, Users shall use validated analytical methods or applicable sampling and analytical procedures approved by EPA.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.400 Sample Collection.

Users must ensure all samples they collect to satisfy sampling requirements under this Ordinance are representative of the range of conditions occurring during the reporting period. Users must also ensure that, when specified, samples are collected during the specific period.

A. Users must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate EPA guidance.

B. Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab collection techniques.

C. For certain pollutants, Users may composite multiple grab samples taken over a 24 hour period. Users may composite grab samples for cyanide, total phenols, and sulfides either in the laboratory or in the field, and may composite grab samples for volatile organics and oil & grease in the laboratory prior to analysis.

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- D. For all other pollutants, Users must employ 24-hour flow-proportional composite samplers unless the Director authorizes or requires an alternative sample collection method.
- E. The Director may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.
- F. The Director may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.
- G. In all cases, Users must take care to ensure the samples are representative of their wastewater discharges.
- H. Users sampling to complete baseline monitoring and ninety (90) day compliance reports required by Section 14.10.300 and Section 14.10.320, must satisfy some specific requirements. These reports require at least four (4) grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. Users may composite samples prior to analysis if allowed in Section 14.10.400(C). Where historical sampling data exists; the Director may also authorize fewer samples.
- I. For periodic compliance reports, (Section 14.10.330), the Director may specify the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.410 Date of Receipt of Reports.

The Director will credit written reports as having been submitted on the date of the post mark when mailed via certified mail through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.420 Record Keeping.

Users subject to reporting requirements of this Ordinance shall retain the below records for all monitoring required by this Ordinance and for any additional monitoring which could be used to satisfy minimum monitoring requirements. Users must make these records available for inspection and copying at the location of the discharge. Users must similarly maintain documentation associated with any Best Management Practices required under authority of Section 14.10.080(I). Monitoring records shall include at least:

- A. The time, date, and place of sampling;
- B. The sampling and preservation methods used;
- C. The person taking the sample, and persons with control of the sample prior to analysis;
- D. The person performing the analyses and the date the analysis was completed;
- E. The analytical techniques or methods used; and
- F. The results of analysis.

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Users are encouraged to retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. This information also has value in the event that the sample data is called into question. For analytes for which Washington State requires use of a certified/accredited laboratory, Users must maintain the scope of accreditation for laboratories performing any analyses for them.

Users shall maintain the above records for at least three (3) years, until any litigation concerning the User or the City is complete, or for longer periods when the User has been specifically notified of a longer retention period by the Director.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.430 Certification Statements.

A. The following certification statement must be signed by an authorized representative as defined by Section 14.10.040(D) and included when submitting:

1. A permit (re-)application in accordance with Section 14.10.200;
2. A baseline monitoring report under Section 14.10.300;
3. A report on compliance with the Categorical Pretreatment Standard deadlines under Section 14.10.320; or
4. A periodic compliance report required by Section 14.10.330(A) through Section 14.10.330(D).

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.440 Right of Entry: Inspection and Sampling.

The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director shall have the right to set up on the User’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s operations.

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C. Users shall provide full access to the Director to use any monitoring facilities and utilities available or required in accordance with Section 14.10.110 and Section 14.10.120(E) through Section 14.10.120(F) to confirm that the Standards or treatment required for discharge to the POTW are being met.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. Any unreasonable delay in allowing the Director full access to the User's premises and wastewater operations shall be a violation of this Ordinance.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.450 Search Warrants.

The Director may seek issuance of an administrative search warrant from the Superior Court of Clark County. Such warrants may be secured when:

A. The Director has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of this Ordinance is occurring on the premises;

B. The Director has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder; or

C. The Director has cause to believe there is imminent endangerment of the overall public health, safety and welfare of the community by an activity on the premises.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.460 Confidential Information.

Except as provided below, information submitted to demonstrate compliance with Pretreatment Standards and requirements will be available to the public. Users may have certain information, however, withheld as confidential if the following process is followed.

A. When a User submits information to the Director, or provides information to inspectors, Users may request that specific information be maintained as confidential. Users must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable State or Federal laws.

B. Upon receipt of such statement of confidentiality, the information shall be filed separately and marked that the information shall not be disclosed except as provided for under this Section.

C. Upon receipt of a public disclosure request for information a User claims to be exempt from disclosure, the Director shall within five (5) business days of receipt notify the User of the public disclosure request and inform such User in writing that the information will be disclosed unless the User obtains a court order directing that the information not be disclosed within thirty (30) days of receipt of the public disclosure request. The Director shall include a copy of the written notification to the User in

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the initial response to the public disclosure request required under State law.

D. Unless the court orders the withholding of the information claimed to be confidential, the Director shall provide such information to the Person making the public disclosure request.

E. All other information submitted to the Director and obtained from the Director's oversight shall be available to the public subject to the City records review policy.

F. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES program or Pretreatment Program, or in enforcement proceedings involving the person furnishing the report.

G. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR Part 2.302 from being recognized as confidential information.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.470 Publication of Users in Significant Non-Compliance.

A. **PUBLISHING:** The Director must annually publish a list of the Users which, at any time during the previous twelve (12) months, were in Significant Non-Compliance with applicable Pretreatment Standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.

B. **DEFINITION:** The term Significant Non-Compliance means:

1. Any violation of a Pretreatment Standard or requirement including numerical limits, narrative Standards, and prohibitions, that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.

2. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge.

3. Any violation(s), including of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

4. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric Pretreatment Standard or requirement, including instantaneous limits of Section 14.10.080.

5. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric Pretreatment Standard or requirement, (including instantaneous limits, as defined by Section 14.10.080), multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH.

6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

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7. Failure to provide any required report within forty five (45) days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.

8. Failure to accurately report non-compliance.

C. **APPLICABILITY:** The criteria in Section 14.10.470(B)(1) through Section 14.10.470(B)(3) are applicable to all Users, whereas the criteria in Section 14.10.470(B)(4) through Section 14.10.470(B)(8) are only applicable to Significant Industrial Users and Categorical Industrial Users.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.480 Procedures.

The Director shall establish enforcement procedures consistent with the provisions of this Chapter. The Director shall adopt an Enforcement Response Plan consistent with the requirements of State law. Such Plan shall ensure that the application of remedies provided for in Part 10 through Part 12 of this Ordinance is appropriate to the violation, and consistent with the treatment of other Users. Any Person may review or obtain a copy (for a reasonable charge) of the Enforcement Response Plan by contacting the Director or City. In response to non-compliance with any requirement of this Ordinance, the Director shall apply its Enforcement Response Plan, which shall be incorporated into the enforcement procedures.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.490 Notification of Violation.

The Director may serve a written Notice of Violation on any User that the Director finds has violated any provision of this Ordinance, including terms or requirements of a permit, order, or a Pretreatment Standard or requirement. In all cases in this Ordinance, a continuation of a violation of a provision of this Ordinance is a “violation”. Users shall, in response to a Notice of Violation, provide the Director a written explanation of the violation, its cause, and a corrective action plan within thirty (30) days of the receiving this notice. Users submitting plans to correct non-compliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The Director’s acceptance of a plan does not relieve a User of liability for any violations. The Director may also take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.500 Consent Orders.

The Director may enter into a Consent Order or other voluntary agreement to memorialize agreements with Users violating any requirement of this Ordinance. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the non-compliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as Administrative Orders issued pursuant to Section 14.10.520 and Section 14.10.530 of this Ordinance.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.510 Compliance Review Meeting.

The Director may order a User that has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, order, Pretreatment Standard or requirement, to appear before the Director

and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the meeting. Such notice may be served on any authorized representative of the User. A compliance review meeting shall not be a bar against, or prerequisite for, taking any other action against the User.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.520 Compliance Orders.

The Director may issue a Compliance Order to any User which has violated any provision of this Ordinance including a requirement of a permit, order, or a Pretreatment Standard or requirement. The Compliance Order may direct that the User come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the Director finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or requirement, or relieve a User of liability for any violation, including a continuing violation. If the User does not come into compliance within the time provided, sanitary sewer service may be discontinued. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.530 Cease and Desist Orders.

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
 - B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.540 Administrative Fines.

A. When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may fine such User in an amount not to exceed ten thousand dollars (\$10,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

B. The Director may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the non-compliance and the Director's response to the situation to the

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amount of the fine.

C. The Director will consider the economic benefit enjoyed by a User as a result of the non-compliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the Director shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the User from the non-compliance.

D. Unpaid charges, fines, and penalties shall, at thirty (30) days past the due date, be assessed an additional penalty at a rate established by the City, and interest shall accrue thereafter at a rate established by the City. After thirty (30) days the City shall be authorized to file a lien against the User's property for unpaid charges, fines, and penalties.

E. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within fifteen (15) working days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the Director shall rebate the difference between the initial and final penalty amounts to the User.

F. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.550 Emergency Suspensions.

The Director may immediately suspend a User's discharge (or threatened discharge) when it reasonably appears to present a substantial danger to the health or welfare of Persons. In such cases, the Director will first provide informal notice to the User. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, a danger to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. If a User fails to immediately comply voluntarily with the Suspension Order, the Director may take such steps as deemed necessary to protect the public and its interest in the POTW. Remedies available to the Director include immediately severing the sanitary sewer connection, at the Users expense, turning off pump stations downstream of the User, and partnering with law enforcement. The Director may not allow the User to recommence its discharge until the User has demonstrated to the satisfaction of the Director that the situation warranting the suspension has been properly addressed and any proposed termination proceeding has been resolved.

B. Any User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Users shall submit this report to the Director prior to the date of any compliance review meeting or termination hearing under Section 14.10.510 and Section 14.10.560, respectively, of this Ordinance.

Nothing in this Part shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.560 Termination of Discharge.

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Any User who violates any of the following conditions is subject to having the privilege of discharging to the POTW withdrawn:

- A. Discharge of non-domestic wastewater without a permit or other control document, including:
 - 1. Where the appropriate permit or control document has not been requested;
 - 2. Where the appropriate permit or control document has not yet been issued; or
 - 3. Where the permit or control document has been denied or revoked based on the provisions of Section 14.10.270 (Permit Revocation) of this Ordinance.
- B. Violation of permit or other control document terms and conditions including:
 - 1. Exceeding any permit or control document limit;
 - 2. Failing to meet other Pretreatment Standards or requirements;
 - 3. Violating any prohibition; or
 - 4. Failing to properly monitor and report discharges or changed conditions.
- C. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling (whether subject to a permit or not).
- D. Violation of the Pretreatment Standards and requirements in Part 2 of this Ordinance, including failure to satisfy Industrial User Survey requirements.

When the Director determines this remedy is necessary and appropriate to fulfill the intentions of this Ordinance, such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 14.10.510 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.570 Injunctive Relief.

The Director may seek injunctive relief when a User has violated, or continues to violate a provision of this Ordinance, including a Pretreatment Standard or requirement, or a permit or order issued hereunder. In such cases, the Director may petition the Superior Court of Clark County through the City Attorney's office for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.580 Civil Penalties.

- A. A User which has violated, or continues to violate a provision of this Ordinance, including a

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Pretreatment Standard or requirement, or a permit or order issued hereunder shall be liable to the City for a maximum civil penalty of ten thousand dollars (\$10,000) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation. Any such assessment, penalty, or charges shall constitute a lien against the individual User's property.

B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the City.

C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the Director may take to resolve non-compliance by a User.

D. A User's failure to pay such civil penalties shall constitute a violation of this Ordinance and be grounds for termination of water and sanitary sewer utility services and revocation of the wastewater discharge permit or other control document or mechanism.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.590 Criminal Prosecution.

A. A User who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement shall, upon conviction, be guilty of a gross misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than three hundred sixty four days or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a gross misdemeanor punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than three hundred sixty four days or both. This penalty shall be in addition to any other criminal charges or judicial remedies, including remedies for causing personal injury, endangerment, or destruction of public property available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be guilty of a gross misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than three hundred sixty four days or both.

D. In the event of a second conviction, a User shall, upon conviction, be guilty of a gross misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than three hundred sixty four days or both.

(M-4022, Amended, 09/10/2012, Sec 50-Effective 10/10/2012; M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.600 Remedies Nonexclusive.

The remedies provided for in this Ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to

take more than one enforcement action against any noncompliant User.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.610 Supplemental Penalties.

A. The Director may assess a penalty of one hundred dollars (\$100) to any User for each day that a report required by this Ordinance, a permit or order issued hereunder is late. The Director's actions to collect late reporting penalties shall not limit the Director's authority to initiate any other enforcement action. Users desiring to dispute such fines must follow the procedures in Section 14.10.540(E) of this Ordinance.

B. The Director may assess a penalty of one hundred dollars (\$100) for each day that an User or establishment where food (polar) grease may be introduced into the POTW is not in compliance with the routine maintenance schedule as authorized in VMC 14.10.120(F). The Director's actions to collect penalties for non-compliance with routine maintenance schedules for a User where polar grease may be introduced into the POTW shall not limit the Director's authority to initiate any other enforcement action. Users desiring to dispute such fines must follow the procedures in Section 14.10.540(E) of this Ordinance.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.620 Performance Bonds.

The Director may require a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director as necessary to assure the User will achieve consistent compliance with this Ordinance. The Director may require this bond as an enforcement response or as a prerequisite to issue or reissue a wastewater discharge permit. Any User who has failed to comply with any provision of this Ordinance, a previous permit or order issued hereunder, or any other Pretreatment Standard or requirement may be subject to this requirement. This bond may also be required of any category of User which has led to public burdens in the past regardless of the compliance history of the particular User. The City may use this bond to pay any fees, costs, or penalties assessed to the User whenever the Users account is in arrears for over thirty (30) days. This includes the costs of cleanup of the site if the User goes out of business, sells the business to a person that does not first assume the bond, or goes bankrupt. Users may petition the Director to convert their performance bond to a requirement to provide Liability Insurance, or to forego any such safeguard based on their performance. A User may petition no more frequently than once in any twelve (12) month period.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.630 Liability Insurance.

The Director may require any User to provide insurance if they previously failed to comply with any provision of this Ordinance, a previous permit, or order issued hereunder, or any other Pretreatment Standard or requirement. The Director may also require Users in businesses which historically have left a public burden to clean up pollution to obtain this insurance, regardless of their compliance history. In such cases, Users must provide proof that the insurance is sufficient to cover any liabilities incurred under this Ordinance, including the cost of damages to the POTW and the environment caused by the User. The Director may require Users to provide the proof of such insurance either in response to non-compliance or prior to issuing or reissuing a wastewater discharge permit.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.640 Payment of Outstanding Fees and Penalties.

The Director may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Ordinance, a previous permit or order issued hereunder.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.650 Water Supply Severance.

The Director may order water service to a User severed whenever a User has violated or continues to violate any provision of this Ordinance, a permit, or order issued hereunder, or any other Pretreatment Standard or requirement. Users wishing to restore their service must first demonstrate their ability to comply with this Ordinance and pay the related costs of this action.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.660 Public Nuisances.

A violation of any provision of this Ordinance or a permit or order issued hereunder, or any other Pretreatment Standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any Person(s) creating a public nuisance shall be subject to the provisions of Chapter 8.20 VMC or other applicable law governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.670 Contractor Listing.

Users which have not achieved compliance with applicable Pretreatment Standards and requirements may not be eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Non-Compliance with Pretreatment Standards or requirements may be terminated at the discretion of the Director.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.680 Upset.

A. For the purposes of this Section, the word “upset” means an exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to punitive actions in response to non-compliance with Categorical Pretreatment Standards (Section 14.10.060), but not local limits (Section 14.10.080), when the requirements of Section 14.10.680(C) are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the User can identify the cause(s) of the upset.
2. The facility was at the time being operated in a prudent and workman like manner and was in

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compliance with applicable operation and maintenance procedures.

3. Where the upset involved reduction, loss, or failure of its treatment facility (e.g. a power failure), the User controlled production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards until the facility was restored or an alternative method of treatment was provided.

4. The User submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. When initially provided orally, the User must have provided a written report within five (5) days that includes:

- a. A description of the indirect discharge and cause of non-compliance;
- b. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.690 Prohibited Discharge Standards.

A User will have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 14.10.050(A) and Section 14.10.050(B)(3) through Section 14.10.050(B)(7) of this Ordinance in certain cases. The User must be able to prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.700 Bypass.

A. For the purposes of this Section:

1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
2. Severe property damage means substantial physical damage to property, damage to the treatment

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facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may be authorized to allow a bypass to occur if it does not cause Pretreatment Standards or requirements to be violated and is for essential maintenance to assure efficient operation.

C. Any other bypass must meet the following requirements:

1. Users knowing in advance of the need for a bypass must submit prior notice to the Director, at least ten (10) days before the bypass whenever possible; and

2. Users must notify the Director of any unanticipated bypass that exceeds applicable Pretreatment Standards within twenty four (24) hours of becoming aware of the bypass. Users must provide a written follow-up report within five (5) days. The Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:

a. A description of the bypass (volume, pollutants, etc.);

b. What caused the bypass;

c. When, specifically, the bypass started and ended;

d. When the bypass is expected to stop (if ongoing); and

e. What steps the User has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.

D. Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The User submitted notices as required under Section 14.10.700(C).

E. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in Section 14.10.700(D).

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.710 Right to Administrative Hearing.

A. Any affected User shall have the right to an administrative hearing to appeal the Director's determination to take any of the following actions:

1. Issue or deny a User's a wastewater discharge permit or other control document;

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2. Impose particular conditions or requirements in a User's wastewater discharge permit or other control document;
3. Suspend a User's wastewater services or wastewater discharge permit or other control document pursuant to Section 14.10.550 of this Ordinance;
4. Terminate the User's wastewater services or wastewater discharge permit or other control document pursuant to Section 14.10.560 of this Ordinance;
5. Modify the User's wastewater discharge permit or other control document pursuant to Section 14.10.250 of this Ordinance;
6. Issue a Notice of Violation pursuant to Section 14.10.490 of this Ordinance;
7. Require annual publication pursuant to Section 14.10.470 of this Ordinance;
8. Issue a compliance order pursuant to Section 14.10.520 of this Ordinance;
9. Impose administrative penalties pursuant to Section 14.10.540 of this Ordinance;
10. Impose civil penalties pursuant to Section 14.10.580 of this Ordinance;
11. Assess damages and costs against the User pursuant to Section 14.10.580(B) of this Ordinance;
12. Impose any other discretionary action upon the User, or deny any discretionary action requested of the Director by the User, if such action or omission directly affects the User; or
13. Take any other action with respect to the User which requires the opportunity for hearing by State law or constitutional right.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.720 Request for Administrative Hearing.

- A. A hearing pursuant to this Section shall be requested by the User, in writing to the Director within fifteen (15) business days of the User's actual notice of the Director's action or determination from which the User seeks appeal. Failure to request such hearing within this period shall constitute a waiver of the right to administrative hearing, unless the Director determines that good cause exists for the delay.
- B. Any request for administrative hearing shall adequately identify the affected User, the Director's action or determination from which the User seeks appeal, and the basis or reasons for the appeal.
- C. The Director shall respond to all requests for administrative hearing within fifteen (15) business days of receipt of request from the User, or five (5) business days if the User is contesting suspension of wastewater services, permit, or other control document.
- D. The Director may deny a request for hearing if the request is untimely, the action contested is not subject to appeal, or if the Director determines in good faith that the request is incomplete or additional information is needed to identify the User, determine the particular action or decision appealed, or determine the basis or reasons for appeal. If the request is denied, the Director shall state the basis for the denial in the Director's response.

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E. If the request for hearing is granted, the Director shall set a date for hearing no sooner than ten (10) days or later than thirty (30) days from the date of the Director's response to the request. The Director may extend the date for hearing upon good cause for delay and timely notice to the User.

F. The Director's response granting an administrative hearing shall notify the User of the following items:

1. The names and addresses of all parties to whom notice has been sent;
2. The mailing address and telephone number of the department or office designated to represent the Director, typically the City Attorney's Office;
3. The official file or reference number and name of the proceeding;
4. The name, title, mailing address, and telephone number of the appointed hearings officer, if known;
5. A brief statement of the time, location, and nature of the administrative hearing;
6. A statement that the hearing is provided pursuant to this Section under the authority conferred upon the Director by Section 14.10.020 of this Ordinance;
7. A reference to the particular Sections of this Ordinance, State law, or Federal law upon which the Director intends to rely;
8. A short statement of the factual or legal matters asserted by the Director, if known; and
9. A statement that a party who fails to attend or participate in the scheduled hearing may be found in default.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.730 Hearings Officer.

A. The Hearings Officer for an administrative hearing under this Section shall be the City Manger or the City Manager's designate.

B. A Person that has served as an investigator, prosecutor, or advocate in an adjudicative proceeding, or in its pre-adjudicative stage, or one who is subject to the authority, direction, or discretion of such a Person, may not serve as a Hearings Officer in the same proceeding.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.740 Petition for Disqualification.

A. Any party to the hearing may present a written petition for disqualification of a designated Hearings Officer. A Hearings Officer shall be subject to disqualification for actual bias, prejudice, interest, or any other cause sufficient to disqualify a judge under State law. Such petition shall particularly describe the basis or reasons asserted for disqualification, and must be submitted to the designated Hearings Officer within ten (10) days of official notice of the Hearings Officer's identity, or within five (5) days of actual knowledge of the basis for disqualification, whichever is longer. Failure to timely submit a petition for

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disqualification shall result in a waiver of that party's objection to the Hearings Officer. Petition for disqualification must be submitted at least two (2) days prior to hearing date.

B. The Hearings Officer shall consider and decide such petition within ten (10) days and issue a written order stating facts and reasons for the determination made.

C. The time for hearing set pursuant to Section 14.10.720 shall be stayed pending determination of a petition for disqualification.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.750 Pleadings, Briefs, Motions, Service.

The Hearings Officer shall allow all parties, at appropriate stages of the proceeding, to submit and respond to written and oral pleadings, motions, petitions and objections. A party that submits written pleadings, briefs, petitions, or other documents to the Hearings Officer shall deliver a copy in advance to all other parties. The Hearings Officer may refuse to consider written pleadings, motions, petitions, and other documents which have not been delivered to other parties.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.760 Default.

A. When a party fails to attend or participate in a hearing pursuant to this Part, the Hearings Officer may issue an order of default disposing of the matter in favor of the opposing party.

B. Within seven (7) days of issuance of order of default, the party against whom the order has been issued may petition the Hearings Officer, in writing, to repeal the order of default and set a new date for hearing. Upon good cause shown by the defaulting party, and a finding by the Hearings Officer, on the record, that repeal of the order of default is required in the administration of justice, such repeal of the order of default may be granted and the hearing re-set.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.770 Continuance.

A. Upon the written or oral motion of any party, or on his or her own accord, the Hearings Officer may grant a continuance of the date set for hearing for any good cause. Upon request for continuance, the party requesting continuance shall advise all other parties of the request. The Hearings Officer shall afford all other parties an opportunity to address a request for continuance before granting such motion. If contested, the Hearings Officer shall determine in his or her discretion whether good cause has been presented, taking into due consideration the orderly and efficient administration of such hearings.

B. Upon order of continuance, the Hearings Officer shall determine a new date for hearing not to exceed thirty (30) days from the date of the previously arranged hearing, and shall advise all parties of the new date and time for hearing, and new location, if applicable.

C. The time limits for hearing otherwise established by this Section shall be deemed to be waived by all parties upon issuance of an order of continuance.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.780 Procedure at Hearing.

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- A. The Hearings Officer shall preside over and regulate the course of proceedings at the hearing.
- B. To the extent necessary to make an informed and rational decision, the Hearings Officer shall allow all parties the opportunity to present evidence and argument, conduct cross-examination, and submit rebuttal evidence.
- C. Upon finding that the rights of the parties will not be prejudiced, the Hearings Officer may allow all or part of the hearing to be conducted by telephone, or other electronic means.
- D. The formal rules of evidence shall not apply to the presentation of evidence at the hearing. The Hearings Officer shall allow evidence if, in the judgment of the Hearings Officer, the evidence is of the kind upon which reasonably prudent Persons are accustomed to rely in the conduct of their affairs. Upon the motion of any party, or upon his or her own accord, the Hearings Officer may exclude the presentation of evidence that the Hearings Officer determines is not relevant, cumulative, prejudicial, or excludable on the basis of constitutional or State law.
- E. All testimony of witnesses shall be made under oath or affirmation and the Hearings Officer is authorized by this Ordinance to administer such oath or affirmation as set forth in Revised Code of Washington (RCW) 5.28.010-060.
- F. The Hearings Officer may take administrative notice of: any fact judicially cognizable; technical or scientific facts within the Director's specialized knowledge; officially published laws and regulations of the City, State of Washington, United States, or any other state; and any codes or standards that have been adopted by the City, an agency of the United States, of Washington State, or any other state, or by a nationally recognized organization or association.
Parties shall be notified of any such information which the Hearings Officer takes administrative notice and shall have the opportunity to address and/or contest the facts or materials so noticed prior to issuance of a final order.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.790 Record of Proceedings.

- A. The Hearings Officer shall cause the hearing to be recorded in a method chosen by the Director. The Director shall not be required to prepare a transcript, unless required to do so by other provision of law.
- B. Any party may make arrangements to record the hearing through any means of choice, provided that the party arranges and pays for the expenses of recording, and provided further that the chosen recording means does not cause distraction or disruption.
- C. Upon issuance of a Final Order, the Director shall maintain the record of hearing for a period of ninety (90) days, for the purposes of judicial review.
(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.800 Public Access.

Administrative hearings pursuant to this Part shall be generally open to public observation, unless required to be private by State law or constitutional provision, or if the User requests confidentiality and establishes that evidence to be presented at the hearing is protected from public disclosure under the standards set forth in Part 8 of this Ordinance. The Hearings Officer may order the hearing to be closed upon other good cause shown by the parties, such as undue distraction or disruption.

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(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.810 Ex Parte Communications.

A. Once designated, the Hearings Officer shall not communicate, directly or indirectly, regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with a Person employed by the Department of Public Works or other employee of the City whom has specific knowledge of the matter, or with any other Person who has a direct or indirect interest in the outcome of the hearing, without notice and opportunity for all parties to participate, except as otherwise provided in this Part.

B. The Hearings Officer may receive aid and advice from the City Attorney's Office, provided that the Hearings Officer initiates the communication, the particular employee providing advice has not and/or will not represent the Director at the hearing, and provided further that any such communications are limited to the resolution of legal issues requiring specialized knowledge or resources.

C. The Hearings Officer may communicate with employees or consultants of the City or Department of Public Works who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

D. Persons with whom the Hearings Officer may not communicate regarding any issue in the hearing under the provisions of Section 14.10.810(A) shall not initiate communication with the Hearings Officer, without notice and opportunity for all parties to participate, unless necessary to procedural aspects of maintaining an orderly process.

E. Nothing in this Part shall prohibit the parties from communicating with the Hearings Officer when specifically authorized or required to do so by this Ordinance or State law.

F. A Hearings Officer who receives or initiates prohibited communications shall notify all parties and identify the party making the communication, or to whom the communication was made, and place on the record the substance of all prohibited communications. Any party may submit a written rebuttal statement to the Hearings Officer in response to a prohibited communication, and such statement shall be placed on the record, provided that the rebuttal is submitted within ten (10) days of the party's notice of the prohibited communication, and further that notice of the rebuttal is provided to all other parties. Such prohibited statements and rebuttals included on the record shall not be considered evidence in the Hearings Officer's determination, and may form the basis for a petition for disqualification of the Hearings Officer.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.820 Issuance of Final Order.

A. The Hearings Officer shall issue a written Final Order within fifteen (15) business days of conclusion of the hearing. The Hearings Officer may extend the time for Final Order upon notice to the parties and upon good cause, including but not limited to: excessive evidence or testimony, factual or legal complexities requiring additional investigation or research, or time conflict with other prearranged matters. The Hearings Officer shall be reasonably diligent in issuing Final Orders within the timelines specified in this Section.

B. The Final Order shall include the following elements:

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1. A statement of findings and conclusions, and the reasons and basis therefore, on all material issues of fact, law, or discretion presented on the record;
2. The remedy, sanction, or other action determined to be applicable;
3. Any specific findings substantially based upon the credibility or demeanor of witnesses and the reasons therefore; and
4. A statement advising the parties of the right to seek judicial review in Clark County Superior Court by filing the appropriate petition within thirty (30) days of issuance of the Final Order.

C. Findings of fact shall be based exclusively upon the evidence contained in the record of the hearing, and shall be based upon the kind of evidence upon which reasonably prudent Persons are accustomed to rely in the conduct of their affairs.

D. The Hearings Officer may rely upon any specialized knowledge of the Department of Public Works in evaluating evidence.

E. The Hearings Officer may allow the parties time after conclusion of the hearing to submit memos, briefs, or proposed orders. A party submitting a memo, brief, or proposed order shall provide notice of the submittal to all other parties and comply with the provisions of Section 14.10.750 of this Ordinance.

F. The Hearings Officer may accept and issue, or incorporate into the Final Order, any stipulated agreement made between the parties, provided the Hearings Officer determines that such stipulated agreement does not offend the administration of justice.

G. Nothing in this Part shall be interpreted as requiring a hearing prior to any emergency suspension under this Ordinance.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.830 Final Action.

A. An administrative hearing, where provided by this Ordinance, shall be a prerequisite to judicial review of the Director's determination, action, or omission under this Part. A User shall not be deemed to have exhausted administrative remedies unless such hearing is timely requested and conducted, or denied.

B. A Final Order issued by a Hearings Officer pursuant to Part 14 of this Ordinance, or the Director's refusal to grant a request for administrative hearing, shall constitute final agency action for purposes of administrative review.

C. Except to the extent that this Ordinance or another statute provides otherwise, the record resulting from any administrative hearing shall constitute the exclusive basis for agency action in judicial review of the administrative hearing.

D. Unless otherwise provided by law, petition for judicial review of final agency action shall be submitted to Clark County Superior Court within thirty (30) days of final agency action and properly served upon the City of Vancouver.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.840 User Charges and Fees.

Users shall be subject to appropriate charges and fees as determined by the Director and as provided in VMC 14.04 as amended.

A. Sanitary sewer use service charges are hereby established and imposed upon each User of the POTW for discharge of industrial wastewater. Said charges are based upon the cost to the City of maintaining, and further improving facilities at the Wastewater Treatment Plant(s) to meet all regulations for the secondary treatment of industrial wastewater and also take into consideration the cost of service to such customers, the quantity, quality and times of delivery of such industrial wastewater, the history of capital contributions to the POTW by such Users, and the present need of the POTW relating to industrial wastewater.

B. Users not meeting the definition of a High Strength User shall pay, for that month, a sanitary sewer use fee equal to that of a commercial or industrial customer as imposed by VMC 14.04 as amended.

C. If the entire water supply that generates the industrial wastewater is separated from the water supply that generates the domestic sewage, or waters not discharging to the POTW, the industrial wastewater charge shall be based upon the metered volume of water used for industrial activities. If the process that generates industrial wastewater is not separately supplied or separately metered, then the industrial wastewater charge shall be based upon either the metered volume of water used from public and/or private supplies or the measured volume of total wastewater, with appropriate allowances for the volume of domestic sewage and allowance for other waters not discharged to the POTW. The domestic sewage allowance shall be based on one thousand cubic feet (1,000 ft³) per month for each nine (9) employees using the sanitary sewer facilities. The domestic sewage allowance should be subject to such charge as is contemplated for general commercial customers by VMC 14.04 as amended. The rates of charge and methods of determining wastewater strength are set forth in this Part. The Director shall approve flow measurement methods necessary for assessment of such charges.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.850 High Strength User Charges and Fees.

Users meeting the definition of a High Strength User shall be subject to appropriate charges and fees as determined by the Director.

A. A monthly sanitary sewer charge for flow is levied on each High Strength User discharging directly to the POTW. This charge is at a rate as determined by the Director and is based upon the measured volume of total wastewater discharged to the POTW or metered water consumption.

B. Rates for strength of industrial wastewater from High Strength Users are established for each pound of BOD and each pound of suspended solids as determined by the Director.

C. Industrial wastewater samples taken for the purpose of determining charges are to be taken by authorized representatives of the Director or as otherwise determined by the Director. The samples taken shall be twenty-four (24) hour composite samples, obtained through flow-proportioned composite samples, where feasible. Charges shall apply as specified in Section 14.10.850(B), as determined on the basis of at least one twenty-four (24) hour flow proportioned or timed sample analysis to be obtained twice per month and such analyses averaged for each month; provided, a new average for strength of industrial wastewater may be computed, regardless of previous averages, when changes in preliminary treatment or industrial process changes have been made which are expected to significantly change the average strength of the wastewater.

D. Sampling procedures and methods to determine the mean wastewater strength for the purpose of determining charges shall be conducted by or under the direction of the Director. Samples shall involve a twenty-four (24) hour flow-proportioning or timed sampling device, where feasible, and be in accordance with methods as prescribed in Section 14.10.390 and Section 14.10.400 of this Ordinance. Sampling shall be conducted at sampling manholes or other locations adjudged by the Director to be suitable points from which samples would be representative, either singly or with other samples, of the industrial wastewater to be sampled. Samples shall be analyzed by an accredited laboratory as required by Chapter 173-50 WAC.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.860 Pretreatment Charges and Fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 14.10.860(B)) associated with the enforcement activity taken by the Director to address User non-compliance; and
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.870 Severability.

If any provision, paragraph, word, Section, Part or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.10.880 Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

(M-3970, Added, 11/15/2010, Sec 2)

Section 14.12.010 Purpose and policy.

A. The ordinance codified in this chapter sets forth uniform requirements for discharges into the city of Vancouver's (city) industrial wastewater collection system and pretreatment facility, sometimes known as the pretreatment lagoon, but hereinafter referred to as facility. Charges for facility users are also set forth in this chapter.

B. By Ordinance M-1977 in June of 1979, the city entered into contracts with certain industrial users of the pretreatment facility by which such users agreed to pay certain charges for reserve and allocated capacity in such pretreatment facility. Such contracts are not affected by this ordinance and are ratified and confirmed, as modified by the parties since execution; provided, that the capital costs remain constant, as established in Ordinance M-1977 and as thereafter adjusted by the parties in KCM report dated August 19, 1980; operational and maintenance costs shall continue to be charged based upon actual annual operating costs.

C. The provisions in Chapter 14.10 of this title, in addition to the provisions of this chapter, shall apply to all dischargers with discharges to the facility. In the event of a conflict between the two chapters, Chapter 14.12 of this title shall govern facility users. (Ord. M-2705 (part), 1987)

Section 14.12.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall conform to the definitions in Chapter 14.10 of this title, with supplemental definitions as follows:

1. "Allocated capacity" means that capacity in the facility which by contracts has been allocated to specific industrial users and for which such users have agreed to pay charges representing fixed capital costs, base operation and maintenance costs, and demand operation and maintenance charges based upon actual usage. (See contracts incorporated into Ordinance M-1977).
2. "Base operation and maintenance" means those operation and maintenance functions of a general upkeep nature which are performed regardless of amount of usage to preserve the full value of the capital facilities.
3. "Demand operation and maintenance" means those operation and maintenance functions which vary directly with usage and would not be incurred if such usage ceased.
4. "Facility" means the city of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.
5. "Final treatment cost" means those operation and maintenance functions which vary with usage that are required for secondary treatment of the effluent discharges from the facility.
6. "Peak hourly rate" means that maximum mass emission made by any individual user during any single continuous sixty-minute period.
7. "Peak monthly rate" means that maximum mass emission made by any individual user during any single continuous thirty-day period.
8. "Reserve capacity" means that capacity for which the facility has been designed and for which specific existing industrial users have contracted to pay the capital costs thereof. (See contracts incorporated into Ordinance M-1977).
9. "Unallocated capacity" means that capacity for which the facility has been designed which has not been assigned to any specific user as allocated or reserve capacity and for which city pays capital and base O & M costs. (Ord. M-2705 (part), 1987)

Section 14.12.030 Wastewater characteristics.

Unless prior written approval is obtained from the department of public works, no discharger shall discharge into the facility wastes with the following characteristics:

- A. pH lower than 5.5 or higher than 11.5;
- B. BOD of more than three thousand mg/l;
- C. Suspended solids of more than three thousand mg/l;
- D. Or any other discharge prohibited by Chapter 14.10 of this title. (Ord. M-2705 (part), 1987)

Section 14.12.040 Sewer use service charges--High strength industrial waste charges.

A. Industrial waste charges shall be based on flow, BOD and suspended solids. All measurement methods shall first be approved by the director of public works before any consideration of industrial waste charges. The rates of charge and methods of determining sewage strength are set forth below in this section and in Section 14.12.060.

B. To cover allocated capacity capital costs, an annualized charge (to be collected in equal monthly payments) is levied on each customer discharging into the facility, based on a peak hourly rate of sixteen thousand three hundred six dollars per million gallons per day of allocated capacity, plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four thousand seven hundred ninety-one dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four hundred twenty-seven dollars per each one hundred pounds of BOD per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one hundred sixty-eight dollars per each one hundred pounds suspended solids (SS) per day of allocated capacity, in terms of committed loadings in the total industrial wastewater stream, as determined by the director of public works. Recovery of such capital costs from the users shall cease upon payment by the city of revenue bonds issued in 1979 to pay for the facility.

C. To cover base operating and maintenance (O & M) costs, an annualized charge (to be collected in equal monthly payments) is levied, based on a peak hourly rate of five hundred seventy-two dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one thousand four hundred fifty-six dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of fifty dollars per each one hundred pounds of BOD per each day of allocated capacity, in terms of committed BOD loading in the total industrial wastewater stream, as determined by the director of public works; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of thirty-seven dollars per each one hundred pounds of suspended solids (SS) per day of allocated capacity.

D. To cover demand O & M costs, a monthly charge is levied based on a rate of one hundred thirty dollars per million gallons of measured volume of total industrial wastewater plus rates for strength of industrial wastes as established at five dollars and ninety cents per each one hundred pounds of BOD and four dollars per each one hundred pounds of suspended solids.

E. To cover final treatment costs of all facility effluent discharged to the Westside Wastewater Treatment Plant, a monthly final treatment cost is established based on a rate of seventy-one dollars and eighty-three cents per million gallons of measured volume of total industrial wastewater plus an industrial strength rate established at eighteen dollars and thirty cents for each one hundred pounds of BOD and nine dollars and twenty cents per each one hundred pounds of suspended solids. Waste loads will be determined on the basis that the average annual facility performance is ninety-one percent removal for BOD and eighty percent removal for suspended solids. Removal rates shall be reviewed annually by the city.

F. Waste water samples are to be taken by authorized representatives of the director of public works. The samples taken shall be twenty-four-hour flow proportioned composite samples. Except for seasonal industrial wastes, charges shall apply as determined on the basis of at least eight twenty-four-hour flow proportioned sample analyses to be obtained each month, and at least twelve times per month in the case of seasonal users during respective canning seasons, and such analyses averaged for each month.

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G. All sampling authorized in this chapter shall be in addition to, and shall not limit, the city's authority under Chapter 14.10 of this title.

H. Sampling procedures and methods conducted by or under direction of the director of public works shall involve a twenty-four-hour flow-proportioning sampling device and be in accordance with methods established by good engineering practices. Sampling shall be conducted at sampling manholes or other locations adjudged by the director of public works to be suitable points from which samples would be representative, either singly or with other samples of the industrial waste to be sampled. Samples shall be analyzed at an approved laboratory as designated by the director of public works.

I. Rates established under this chapter shall be reviewed annually and may be amended as determined to be necessary and proper by the city council, but subject to contractual obligations to users. The annual review shall include, among other things, the principals and methodology included in the August 1980 Industrial Pretreatment Facility Rates Analysis and other sound engineering practices. Base O & M, demand O & M, and final treatment cost shall be reviewed annually. (Ord. M-2705 (part), 1987)

(M-4022, Amended, 09/10/2012, Sec 51-Effective 10/10/2012)

Section 14.12.050 Reserved capacity charge--Rates.

A. The charges established in Section 14.12.040 are to recover from users the capital and operation cost of the facility as referred to in Section 14.12.040; however, such user charges do not include the capital cost of currently unallocated capacity.

B. Each user of the facility shall pay the city such fees for its use thereof as are set by Section 14.12.040. In addition, each such customer who wishes to reserve capacity in the facility for its own use may, by contract approved by the director of public works and the city attorney, agree to pay each month after the effective date of the ordinance codified in this chapter, a reserve capacity charge as set by this section. Such user shall thereafter be allowed to discharge flow, BOD and suspended solids up to its thus reserved amount, at the rates set by Section 14.12.040, and such capacity is guaranteed to such users by the city from September 1979 to and beyond the life of bonds issued for the construction of the facility.

C. Customers who thus have reserved capacity shall pay for the amount beyond their allocated capacity at the following reserve capacity charges; an annual charge of ten thousand two hundred dollars for each million gallons of peak hourly flow rates, plus two thousand four hundred sixty dollars for each one million gallons of peak monthly flow rates, plus two hundred eighty-five dollars per each one hundred pounds of BOD, and seventy-nine dollars for each one hundred pounds of suspended solids. Such charge shall be terminated by the city upon final payment by it of revenue bonds issued to pay for the facility.

D. All the above "reserve capacity charges" are to pay the capital costs (only) of such increased capacity. (Ord. M-2705 (part), 1987)

Section 14.12.060 Reserved capacity charge--When imposed--Latecomer fee.

A. For the purposes of this chapter, an industry is considered to be using its reserve capacity, and thus is subject to base operating and maintenance (O & M) costs on a permanent ongoing basis, when its monthly mass emissions exceed its allocated capacity by five percent for either flow, BOD or suspended solids for any three months in a twelve-month period. Such base O & M costs shall be levied for the third such month thereof and on a monthly basis continuously thereafter. In the case of a seasonal user, the base O & M costs shall be levied when its weekly mass emissions exceed its allocated capacity by ten percent for any three weeks in a twelve-month period.

B. Any existing industrial customer who chooses not to contract for sufficient reserve capacity to meet its needs and to pay therefore under this section, or any new customer, who thereafter seeks to discharge or is determined by monitoring by the city to be discharging more than its allocated capacity (plus reserve capacity, if any) flow or more BOD or more suspended solids into the system may do so upon approval of the director of public works and a finding by him that the facility can accommodate the increased use and will not infringe upon any allocated or reserved capacity of any other user. For such connection or for such increased use, he shall pay a fee (composed of the allocated capacity plus base O & M fees and lease costs) of sixteen thousand six hundred eighty-six dollars for each million gallons of peak hourly flow rate, plus five thousand eight hundred twelve dollars for each million gallons of peak monthly flow rate, plus four hundred sixty-three dollars per each one hundred pounds of BOD, and one hundred ninety-four dollars per each one hundred pounds of suspended solids. This shall be an accumulated annual charge with a starting date of September 1, 1979. Such fee is set as a latecomer fee required for such user to pay its fair share of the capital cost and base operating and maintenance costs which have been incurred in preserving full value of such capital facility with such increased capacity. In addition, a fee of one thousand dollars shall be collected at time of such new connection to pay city administrative costs in connection therewith. (Ord. M-2705 (part), 1987)

Section 14.12.070 Allocated capacity charge.

A minimum monthly charge is set for each industrial customer.

A. Each industrial customer has contracted with the city for a specified amount of allocated capacity in the facility. Each industrial user shall pay an allocated capacity charge for its actual use up to such allocated amount at the rates set in this chapter.

B. Such specified amount of allocated capacity may be reduced only with the agreement of the city and upon a finding that the city can transfer such capacity to another customer. Such specified amount of allocated capacity may be increased up to the amount of reserve capacity agreed to by the city and customer under Section 14.12.050, or in the absence of such an agreement only as set forth in that section. (Ord. M-2705 (part), 1987)

Section 14.12.080 Excessive waste discharge.

A. The city, by written order of the director of public works, may prohibit any industrial customer from increasing its flow or BOD or suspended solids beyond its amount of permitted loading as indicated in Exhibit A of Ordinance M-1977 plus (if previously contracted) its reserve capacity; and the department of public works may install devices on facilities serving such customer to prevent excess flows.

B. An industrial customer is considered to be discharging excessive waste quantities when its monthly mass emissions, for any one of the cost allocation parameters, exceed its allocated plus any reserve capacity for a continuous eight-week period by more than five percent. In the case of seasonal users, such excessive emissions shall be deemed exceeded by ten percent of its allocated plus any reserve capacity for a continuous ten-day period, provided, that, if the seasonal user has advised the director of public works in writing of an anticipated excessive use fifteen days prior to the start of the excessive use period, then it shall not be deemed to exceed its allocated or reserve capacities. (Ord. M-2705 (part), 1987)

Section 14.12.090 Sewer use service charges--Billing--Amount.

A. Sewer use service charges under this chapter shall be billed monthly by the city director of Financial and Management Services. The amount of the charge will be determined by the director of public works at the end of each month and will be submitted to the city director of Financial and Management Services after sufficient time has been given for laboratory analysis of all sewage samples and/or computations. Charges will be computed and billed based on records of flow for the previous month and mean waste strengths as determined in Section 14.12.040.

B. The Director of Public Works may check wastewater strength as outlined in this section and adjust charges where applicable at any time in accordance with all the provisions of this chapter.

(Ord. M-2705 (part), 1987)

(M-4022, Amended, 09/10/2012, Sec 52-Effective 10/10/2012)

Chapter 14.16

WATER AND SEWER SERVICE CONNECTIONS*

Sections:

14.16.00E Editor's Note for Chapter 14.16.

14.16.010 Requirements generally.

14.16.020 Application requirements.

14.16.030 Service conditions.

Section 14.16.00E Editor's Note for Chapter 14.16.

* For additional provisions on water and sewer service, see Chapter 14.04 of this title. For provisions on sewer connection permits, see Chapter 14.08 of this title.

Section 14.16.010 Requirements generally.

Every application for a water or sewer connection shall be made to the department of public works on a form to be prepared by the department. It shall be signed by the owner of the property to be served or by a person found by such department to be the owner's authorized agent.

The charge for such connection shall be computed under Chapter 14.04 or Chapter 14.08 of this title and shall be paid by the person requesting service at the time he or she signs the application.

All service connections shall be made by the city or the applicant's contractor but at the cost of the property owner. In addition to the standard connection charge computed under Chapter 14.04 or Chapter 14.08, there shall be paid, in the case of a water connection of more than one inch, a deposit in a sum found by the department to be reasonable in terms of labor and material to be actually used in making such connection. Account shall be kept of the cost of making such connection and any unused portion of the deposit shall be returned to the property owner or his or her agent, or if the deposit is insufficient to cover such costs he or she shall be billed for the difference.

The department of public works shall not accept any application for a water or sewer service connection unless a satisfactory water main or sewer exists and is available to give such service, or unless a water main or sewer line extension agreement applying to such property has been duly executed and recorded with the Clark County Auditor. All service connections shall be made at the front of the lot to be served unless the main or sewer from which service will be had has been laid in an adjacent public right-of-way or in an easement.

(Ord. M-1588 § 1, 1975)

(M-4022, Amended, 09/10/2012, Sec 53-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 19 - Effective 10/01/2006)

Section 14.16.020 Application requirements.

Applications for service to water and/or sewer connections shall be made to the city upon forms prepared by the public works permitting staff. Application shall be made by the owner of the property to be served or by his authorized agent. Application shall be in writing or by personal visit or may be made by telephone under rules to be adopted by the department. Application forms prepared by such department shall provide for securing information as to the date service should commence, where bills should be sent, and the type of service needed (e.g. whether commercial, residential or multi-family).

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An application for service shall be only an application until service has begun. It shall then become in effect a contract under which the property owner agrees to pay for service continuously until terminated as provided in this chapter and to observe all provisions of Chapters 14.04 and 14.08 of this title and this chapter, and all rules and regulations promulgated by the departments under said chapters.

Water shall not be turned on to any service until all delinquent water, sewer or surface water bills, main extension agreements, trunk line agreements, sewer connection financing contract, and business taxes and/or similar obligations to the city against the premises to be served have been paid in full or other satisfactory contractual arrangements made.

(Ord. M-1588 § 2, 1975)

(M-4022, Amended, 09/10/2012, Sec 54-Effective 10/10/2012)

Section 14.16.030 Service conditions.

For all single-family residences, duplexes, triplexes, apartment buildings, condominiums, trailer courts or other multiple dwellings, and for all commercial accounts, utility service costs for water, sewer and garbage, and the bus tax imposed by Ordinance M-1070, shall be billed and mailed to the property's owner or to an agent whom the owner has in writing authorized the city to bill. Property owners shall be held fully responsible for any loss to any owner occurring through an owner's agent failing to pay charges or through any tenant or tenants moving out without having paid the owner the charges due from him to the city.

Pursuant to RCW Chapter 35.21, charges for water and/or sewer service shall become a lien upon the property as soon as such charges have become overdue and shall remain as a lien against the property until paid and shall be enforced by discontinuance of water service until delinquent charges have been paid.

Owners desiring to terminate water service for any reason shall give written or personal notice at the office of the Department of Public Works at least two days before the date on which they desire water to be shut off. The Department of Public Works may also permit telephone notice under rules to be adopted by such department. The property owner shall be held responsible for any and all water and sewer service or other charges accruing until the expiration of two days after such notice is given unless service is actually discontinued prior to that time.

If the city at the request of any property owner removes any meter, the department shall not replace or reinstate the same without making a charge for the work according to the schedule in force therefore, except as otherwise provided in Section 14.04.180 of this title.

For every requested transfer of service from one name to another, whether resulting from sale or transfer of the property, change in tenancy or other cause, there shall be charged a fee of seven dollars and fifty cents (\$7.50). For additional meter readings not related to a sale or transfer of the property, there shall be a charge of seven dollars and fifty cents (\$7.50) for the first such read, and a charge of twenty five (\$25) dollars for each additional read.

(Ord. M-1655 § 1, 1976; Ord. M-1588 § 3, 1975)

(M-4022, Amended, 09/10/2012, Sec 55-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 20 - Effective 10/01/2006)

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Chapter 14.20

VIOLATION--PENALTY

Sections:

14.20.010 Enforcement.

Section 14.20.010 Enforcement.

A. Except as otherwise specifically provided in Vancouver Municipal Code Title 14, the enforcement of Chapters 14.04, 14.08, 14.09, 14.16, 14.24, 14.25, and 14.26 of this Title shall be governed by the provisions contained in VMC Title 22, Uniform Enforcement Code. Notwithstanding any provision of this section, nor any provision in Title 22, the city may seek relief from a court of competent jurisdiction without having first issued a Correction Notice, Notice of Civil Violation and Order, or Stop Work Order.

B. In addition to the penalties and remedies contained in VMC Title 22, the Director of Public Works or designee has the authority to discontinue water service or sewer service to any residential, industrial or commercial customer found to be in noncompliance with any of the provision of this Title, pursuant to VMC 14.04.110 and 14.04.140. If water service is so terminated, all fees and charges for reinstating service may apply.

C. Where applicable, in addition to the penalties and remedies set forth in VMC Title 22, the customer will also be billed for estimated water usage.

D. Any civil penalties or restoration costs received under the authority of this chapter shall be placed in the City's Water, Sewer, or Surface Water Management accounts, whichever is applicable.

(Ord. M-3029 § 6 (part), 1992)

(M-4022, Amended, 09/10/2012, Sec 56-Effective 10/10/2012; M-3755, Amended, 08/28/2006, Sec 21 - Effective 10/01/2006)

Chapter 14.24

EROSION CONTROL

Sections:

- 14.24.010 Findings.**
- 14.24.020 Purpose.**
- 14.24.030 Applicability.**
- 14.24.035 Adoption of Manuals.**
- 14.24.036 Cross References.**
- 14.24.040 Definitions.**
- 14.24.050 Persons responsible for compliance.**
- 14.24.060 Specific compliance requirements.**
- 14.24.070 Erosion prevention and sediment control plans.**
- 14.24.075 Adjustments.**
- 14.24.076 Exceptions.**
- 14.24.080 Enforcement.**
- 14.24.090 Liability.**

Section 14.24.010 Findings.

A. Erosion and sedimentation from land-disturbing activities detrimentally affects the public health, safety and general welfare in the following ways:

1. Increases the risk of flooding because streams and stormwater facilities that receive excessive sediment have a reduced capacity to convey water;
2. Damages fisheries when siltation clogs spawning gravel and when excessive turbidity impairs the feeding ability of aquatic animals;
3. Increases public expenditures for maintenance of stormwater facilities that receive excessive amounts of sediment;
4. Damages adjacent properties, including public rights-of-way, when sediment is deposited on these properties;
5. Increases public expenditures for cleaning and maintaining roadway surfaces that receive excessive sediment;
6. Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion; and
7. Causes detrimental water quality problems to Burnt Bridge Creek, Vancouver Lake Lowlands and water quality impacts to the Columbia River.

B. Erosion prevention and sediment control is important to prevent harm to the public health or safety.

C. Erosion can best be prevented through the implementation of best management practices (BMPs). (M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.020 Purpose.

A. It is the purpose of this chapter to prevent harm to the health or safety of the public, and to promote the public health, safety and general welfare by providing for the minimization of erosion from land development and land-disturbing activities, in order to:

1. Prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;
2. Prevent damage to property from increased erosion rates and volumes;
3. Protect the quality of land for recreation, fishing and other beneficial use;
4. Establish sound development policies which protect and preserve the city's land resources;
5. Protect roads and rights-of-way from damage due to inadequately controlled erosion;
6. Preserve and enhance the aesthetic quality of land resources; and
7. Protect the health, safety and welfare of the inhabitants of the city.

B. It is the purpose of the 2009 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the most current version of the City of Vancouver's January 17, 2007 National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2009 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. On January 17, 2007, the Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt stormwater control and pollution prevention measures, with the goal of improving waters of the state.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.030 Applicability.

A. Provisions of this chapter apply to land-disturbing activities, as defined herein and as regulated by the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2005 Stormwater Management Manual for Western Washington, specifically Volumes I and II.

B. All land-disturbing activities shall comply with this chapter; with the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit, with the Permit's Minimum Requirements and its mandatory incorporated provisions of the 2005 Stormwater Management Manual for Western Washington; and with the City's General Requirements; provided that exceptions to the Minimum Requirements may be granted under

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criteria and procedures set forth in this chapter.

C. Exemptions from the provisions of this chapter are those set forth in Appendix 1, Section 1 of the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.035 Adoption of Manuals.

A. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference as its Stormwater Manual the 2005 Stormwater Management Manual for Western Washington.

B. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference the most current version of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems" (General Requirements). The General Requirements are intended to supplement and clarify the Stormwater Manual to provide guidance for and tailor to local conditions. The General Requirements may also adopt measures that are deemed equivalent by the Washington State Department of Ecology.

C. At least one copy of each manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manuals may also be made available for use and examination by the public at the Office of the Director, and on the City website.

D. Where provisions of this chapter or manuals adopted under this section conflict with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply.
(M-3920, Added, 06/15/2009, Sec 2)

Section 14.24.036 Cross References.

Any reference to "Stormwater Management Manual" or "Puget Sound Erosion Control Manual" or "Washington Department of Ecology's Stormwater Management Manual for the Puget Sound" or "Puget Sound Water Quality Manual" or "BMP's approved by the Western Washington Stormwater Manual" or "Department of Ecology alternative paving Best Management Practices," wherever found within the Vancouver Municipal Code, shall refer to this chapter and to the equivalent manuals as adopted in this chapter.

(M-3920, Added, 06/15/2009, Sec 2)

Section 14.24.040 Definitions.

For the purpose of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2005 Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

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“City” means the City of Vancouver.

"Director" means the director of the City of Vancouver public works department or designee.

“General Requirements” means the most current version of the “City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems”.

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

“Minimum Requirements” means the Minimum Technical Requirements for New Development and Redevelopment as set forth in Appendix 1 of the most current version of the City’s January 17, 2007 National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit. The Minimum Requirements are identified as follows:

1. Preparation of Stormwater Site Plans. This Minimum Requirement is addressed in VMC Chapter 14.25 and VMC Title 20 procedures.
2. Construction Stormwater Pollution Prevention Plan (SWPPP). This Minimum Requirement is addressed in VMC Chapter 14.24 and General NPDES Permit for Stormwater Discharges Associated with Construction Activities.
3. Source Control of Pollution. This Minimum Requirement is addressed in VMC Chapters 14.25 and 14.26.
4. Preservation of Natural Drainage Systems and Outfalls. This Minimum Requirement is addressed in VMC Chapter 14.25 and in VMC 20.740, Critical Areas.
5. On-site Stormwater Management. This Minimum Requirement is addressed in VMC Chapter 14.25.
6. Runoff Treatment. This Minimum Requirement is addressed in VMC Chapter 14.25.
7. Flow Control. This Minimum Requirement is addressed in VMC Chapter 14.25.
8. Wetlands Protection. This Minimum Requirement is addressed in VMC Chapter 14.25 and 20.740 Critical Areas.
9. Operation and Maintenance. This Minimum Requirement is addressed in VMC Chapter 14.25.

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

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are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“Permit” means the most current version of the City of Vancouver’s National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit.

“Pollution” or “pollutants” means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

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

"Stormwater facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, and sediment basins.

“Stormwater Manual” means the 2005 Stormwater Management Manual for Western Washington, which is the 5-volume technical manual (Publication Nos. 05-10-29 through 05-10-33) prepared by the Washington State Department of Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.050 Persons responsible for compliance.

Meeting the requirements of this chapter is the responsibility of the property owner on whose parcel the land-disturbing activity occurs and the person undertaking such activities. In addition, if the land-disturbing activity involves a City-issued permit, the permit holder is also responsible for meeting the requirements of this chapter.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.060 Specific compliance requirements.

A. Inspection. Prior to commencement of land disturbing activities, the City shall be contacted to obtain a City site inspection. Contacting the City to obtain the site inspection is the responsibility of the property owner on whose parcel the land-disturbing activity occurs and the person undertaking such activities. In addition, if the land-disturbing activity involves a city-issued permit, the permit holder is also responsible for meeting this requirement.

B. Mark Clearing Limits. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits for critical areas and their buffers, and trees that are to be preserved within the construction area. Clearing limits for critical areas and their buffers, and for tree conservation, shall be in compliance with all applicable requirements set forth in relevant chapters of the Vancouver Municipal Code.

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- C. **Construction Access Route.** Construction vehicle access shall be limited to one route, unless additional access is approved by the Director. Access points shall be installed as required by the Stormwater Manual and the General Requirements to minimize the tracking of sediment, mud or debris onto paved surfaces, public and private roads.
- D. **Sediment Removal from Roadways, Paved and Impervious Surfaces.** If sediment, mud or debris is transported onto a road, paved or impervious surface, the roads, paved and impervious surfaces shall be cleaned thoroughly at the end of each workday or more often if necessary. Significant soil deposits shall be removed from roads, paved and impervious surfaces by shoveling and sweeping and shall be transported to a controlled sediment disposal area. Street washing is not allowed unless approved by the Director and only after sediment is removed in the manner described above.
- E. **Stabilization of Denuded Areas.** All exposed soils shall be stabilized in a timely manner, by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching or crushed aggregate on areas to be paved. All exposed and disturbed soils shall be stabilized by the appropriate BMP. During the period from October 1st to April 30th no soil shall be exposed for more than two days. From May 1st to September 30 no soil shall be exposed more than seven days. All BMPs shall be selected, designed and maintained in accordance with the Stormwater Manual and the General Requirements.
- F. **Protection of Water Bodies and Adjacent Properties.** Water bodies and adjacent properties shall be protected from sediment deposition by appropriate use of vegetative filter strips, sediment barriers or filters, dikes or mulching or by a combination of these measures and other appropriate BMPs.
- G. **Sediment Traps or Ponds.** Stormwater runoff from disturbed areas shall pass through a sediment pond, sediment trap or other approved BMP system.
- H. **Storm Drain Inlet Protection.** All storm drain inlets shall be protected by approved BMPs which shall be operable, properly installed, and maintained according to the Stormwater Manual and the General Requirements.
- I. **Stormwater Facility Protection.** Permanent stormwater facilities shall be isolated and protected from sedimentation by approved BMPs which shall be operable, properly installed and maintained according to the Stormwater Manual and the General Requirements. Permanent facilities may be approved by the Director for temporary use during construction in compliance with the Stormwater Manual. Temporary erosion ponds shall be placed, operated, and maintained as specified in the General Requirements and approved plans.
- J. **Maintenance.** All erosion prevention and sediment control BMPs shall be regularly inspected and maintained to ensure continued performance of their intended function.
- K. **Maintenance Log.** A log of erosion prevention and sediment control BMP maintenance shall be provided and kept as a permanent record. The maintenance log shall be kept in a designated on-site location. Construction sites shall be inspected at least once a week and after each rainfall event.
- L. **Removal of Temporary BMPs.** All temporary erosion and sediment control BMPs shall be removed within thirty (30) days after final site stabilization. Disturbed soil areas resulting from BMP removal shall be properly stabilized.
- M. **Contractor Certification.** Effective July 1, 2009 all land-disturbing activities shall be supervised by

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an individual who shall have successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the Washington State Department of Ecology. A certification of successful completion of such training shall be submitted at the pre-construction conference. This certification requirement shall not apply to single-family homeowners acting as their own contractor and engaging in development or land-disturbing activity on their own property.

N. **Underground Utility Construction.** For construction of underground utility lines, excavated material shall be properly managed in accordance with the Stormwater Manual and shall be subject to the following additional requirements:

1. The length of trench opened at one time shall be minimized.
2. Trenches shall be topped and maintained with clean rock until paving occurs.
3. Trench dewatering devices shall discharge into an approved, operating, and properly maintained BMP.

O. **Financial Liability.** Performance bonding or other appropriate financial instruments, may be required for all development, redevelopment projects that include the creation or addition of five thousand square feet, or greater, of new impervious surface area, and/or land-disturbing activity of one acre or greater.

P. **Construction Stormwater Pollution Prevention.** Compliance with Minimum Requirement #2, Construction Stormwater Pollution Prevention Plan, shall be achieved for an individual site of land-disturbing activities if the site is covered under the Washington State Department of Ecology's *General NPDES Permit for Stormwater Discharges Associated with Construction Activities* and is fully implementing the requirements of that permit.

Q. If the BMPs applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties or public right-of-way, then the Director shall require additional BMPs.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.070 Erosion prevention and sediment control plans.

A. An erosion prevention and sediment control plan shall be submitted to and approved by the Director prior to commencement of any of the following:

1. Any project that meets the applicability threshold of VMC 14.25.
2. Any project that requires a City grading permit.
3. Any application that the Director determines poses a high risk of erosion impacting adjacent properties, water bodies, public rights-of-way, or stormwater facilities.
4. Those activities described in the Stormwater Manual.

B. The erosion prevention and sediment control plan shall be prepared in conformance with the City's General Requirements and the Stormwater Manual. The erosion prevention and sediment control plan shall be submitted to and approved by the Director prior to issuance of City permits or approval involving a land-disturbing activity.

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C. An erosion prevention and sediment control plan is required unless the site is required to prepare a Construction Stormwater Pollution Prevention Plan (SWPPP) for submission to the Washington State Department of Ecology, as determined by Appendix 1, Section 3 of the most current version of the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit. If a SWPPP is required, a copy of the SWPPP shall be provided to the City.

D. If the erosion prevention and sediment control plan is deemed insufficient to prevent sediment from reaching water bodies, adjacent properties, or public rights-of-way, then the Director is authorized to require additional modifications to the erosion prevention and sediment control plan.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.075 Adjustments.

An Adjustment is a technical variation in the application of a Minimum Requirement to a particular project. The City may grant Adjustments to Minimum Requirement #2, only, under this section. Adjustments are not authorized under this section for other Minimum Requirements.

A. Adjustment Approval Process.

1. Permit procedural requirements. Adjustments to the Minimum Requirements may be granted by the City, as Permittee, provided that a written finding of fact is prepared showing compliance with the specified criteria.

2. City process. A request for an Adjustment shall be administratively processed in accordance with procedures specified in the General Requirements. The Director may grant an Adjustment upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. The Director shall maintain a record of such decisions and associated findings.

B. Adjustment Approval Criteria. The City may grant an Adjustment to Minimum Requirement #2, only, under the following circumstances:

1. Compliance with the approval criteria must be documented with written findings of fact.

2. The Adjustment provides substantially equivalent environmental protection.

3. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.

4. The Adjustment will not result in non-compliance with other Minimum Requirements.

5. No Adjustment shall be used in place of an Exception procedure under VMC 14.24.076, where such procedure is applicable.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 2)

Section 14.24.076 Exceptions.

The City may grant Exceptions to Minimum Requirement #2 under this section.

A. Exception Approval Process.

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1. Permit procedural requirements. Exceptions to Minimum Requirement #2 may be granted by the City, as Permittee, following legal public notice of an application for an exception or variance, legal public notice of the City's decision on the application, and written findings of fact that documents the City's determination to grant an exception. The City shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements. Project-specific design exceptions based on site-specific conditions do not require prior approval of the Washington State Department of Ecology.

2. City process. Applications for Exceptions shall be processed according to the procedures for Type III applications under VMC 20.210.060. A fee shall be imposed in the amount of the fee for a Type III variance as established under VMC 20.180.060. The Hearings Examiner may grant an Exception upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. Hearings under VMC 14.25.330 relating to Exceptions shall be consolidated with any open record hearing related to the underlying new development or redevelopment application, where such open record hearing is required.

B. Exception Approval Criteria. The City may grant exceptions to Minimum Requirement #2 if application of the Minimum Requirement imposes a severe and unexpected economic hardship on a project applicant.

1. The following must be documented with written findings of fact:

- a. The current (pre-project) use of the site, and
- b. How the application of the Minimum Requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and
- c. The possible remaining uses of the site if the exception were not granted; and
- d. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and
- e. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and
- f. The feasibility for the owner to alter the project to apply the Minimum Requirements.

2. In addition any exception must meet the following criteria:

- a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- b. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements. This criteria is met by evidence that the owner/operator has employed measures to avoid and minimize impacts, such as:
 1. limiting the degree or magnitude of the regulated use or activity;
 2. implementing best management practices;
 3. phasing or limiting implementation;

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4. changing the timing of activities; or

5. revising site plans.

(M-4022, Amended, 09/10/2012, Sec 57-Effective 10/10/2012; M-3920, Added, 06/15/2009, Sec 2)

Section 14.24.080 Enforcement.

It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC title 22.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 2; M-3638, Amended, 12/01/2003, Sec 16)

Section 14.24.090 Liability.

Nothing in this chapter shall be deemed to impose any liability upon the City of Vancouver or upon any of its officers or employees or to relieve the owner or occupant of any property from the duty to keep their property in a safe and healthy condition.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 2; M-3638, Repealed & Replaced, 12/01/2003, Repealed and replaced w/language from 14.24.120)

Chapter 14.25

STORMWATER CONTROL

Sections:

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- 14.25.010 Findings.**
- 14.25.020 Purpose.**
- 14.25.100 Applicability.**
- 14.25.105 Adoption of Manuals.**
- 14.25.106 Cross References.**
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- 14.25.200 Stormwater site plan submittal requirements.**
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- 14.25.225 Low impact development.**
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- 14.25.230 Ownership and maintenance.**
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- 14.25.299A Article III. Exceptions and Special Cases**
- 14.25.300 Basin planning.**
- 14.25.315 Adjustments.**
- 14.25.320 Exceptions.**

Section 14.25.00A Article I. Introduction

Section 14.25.010 Findings.

A. Stormwater runoff detrimentally affects the public health, safety and general welfare in the following ways:

1. Inadequately controlled stormwater runoff results in increased stormwater runoff volumes, peak flow rates and duration of peak flows in streams and roadways, thereby causing flooding and safety hazards, and erosion, scouring and deposition of sediment.

2. Untreated stormwater runoff discharges nutrients, metals, oil and grease, toxic materials, and other forms of pollution to the City's surface and groundwater resources, thereby endangering their use for recreation, drinking water and fisheries.

B. Stormwater problems from new development should be prevented and corrected at the time that such development occurs and that the governmental approval to proceed with new development should be so conditioned.

C. The most financially sound and most equitable method for financing the improvements necessary to

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correct existing problems from stormwater runoff and to provide and maintain surface and groundwater quantity and quality within drainage basins is for the owners and occupiers of existing properties and future developments within such basins to share the financial burden for such facilities and corrections with other funding sources when available.

D. The most technically and financially efficient method of addressing problems caused by stormwater runoff is through basin plans.

E. Stormwater control is important to prevent harm to the public health or safety.
(M-3290, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.020 Purpose.

A. The purpose of this chapter is to prevent harm to the health or safety of the public, and to promote the public health, safety and general welfare by providing standards in stormwater runoff in order to:

1. Prevent surface and groundwater quality degradation and prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;
2. Prevent damage to property from increased runoff rates and volumes;
3. Protect the quality of waters for drinking water supply, contact recreation, fishing and other beneficial uses;
4. Establish sound developmental policies which protect and preserve the City's water resources;
5. Protect the roads and rights-of-way from damage due to inadequately controlled runoff and erosion;
6. Preserve and enhance the aesthetic quality of water resources;
7. Protect the health, safety and welfare of the inhabitants of the City;
8. Maintain existing groundwater levels, in-stream flows, and available water supply volumes; and
9. Further the goals of no net change in the quantity of runoff entering streams and no net negative change in the quality of runoff entering streams through the implementation of best management practices.

B. It is the purpose of the 2009 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the most current version of the City of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2009 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. On January 17,

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2007, the Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt stormwater control and pollution prevention measures, with the goal of improving waters of the state.

2. The Underground Injection Control (UIC) program was created by Congress to protect underground sources of drinking water from discharges of fluids to the ground. Chapter 173-218 WAC was adopted by the Washington State Department of Ecology to regulate stormwater discharges to groundwater through drywells and other types of underground infiltration systems that are not regulated under the NPDES permit.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.100 Applicability.

A. Provisions of this chapter apply to new development and redevelopment activities, as defined herein and as regulated by the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2005 edition of the Stormwater Management Manual for Western Washington.

B. All new development and redevelopment activities shall comply with this chapter; with the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit, with the Permit's Minimum Requirements and its mandatory incorporated provisions of the 2005 Stormwater Management Manual for Western Washington; and with the City's General Requirements; provided that exceptions to the Minimum Requirements may be granted under criteria and procedures set forth in this chapter.

C. Exemptions from the provisions of this chapter are those set forth in Appendix 1, Section 1 of the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.105 Adoption of Manuals.

A. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference the 2005 Stormwater Management Manual for Western Washington (Stormwater Manual).

B. For purposes of providing technical guidance concerning Low Impact Development for activities subject to this chapter, the City hereby adopts the most current edition of the Low Impact Development Technical Guidance Manual for Puget Sound (LID Manual). New development and redevelopment projects utilizing low impact development practices shall refer to the LID Manual and the Stormwater Manual for design recommendations.

C. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference the most current version of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems" (General Requirements). The General Requirements are intended to supplement and clarify the Stormwater Manual to provide guidance for and tailor to local conditions. The General Requirements may also adopt measures that are deemed equivalent by the Washington State Department of Ecology.

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D. For purposes of providing technical assistance concerning City operations, the City hereby adopts by reference the most current version of "The City of Vancouver's Best Management Practices for the Operation and Maintenance of Publicly-owned Property".

E. At least one copy of each manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manuals may also be made available for use and examination by the public at the Office of the Director, or on the City website.

F. Where provisions of this chapter or manuals adopted under this section conflict with other manuals adopted under this section, or with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply.

(M-3920, Added, 06/15/2009, Sec 3)

Section 14.25.106 Cross References.

Any reference to "Stormwater Management Manual" or "Puget Sound Erosion Control Manual" or "Washington Department of Ecology's Stormwater Management Manual for the Puget Sound" or "Puget Sound Water Quality Manual" or "BMP's approved by the Western Washington Stormwater Manual" or "Department of Ecology alternative paving Best Management Practices," wherever found within the Vancouver Municipal Code, shall refer to this chapter and to the equivalent manuals as adopted in this chapter.

(M-3920, Added, 06/15/2009, Sec 3)

Section 14.25.110 Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2005 Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Basin plan" means a plan that assesses, evaluates, and proposes solutions to existing and potential future impacts to the beneficial uses of, and the physical, chemical, and biological properties of waters of the state within a basin.

"City" means the City of Vancouver.

"Collection and conveyance system" means the drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface and stormwater to a receiving water or infiltration facility. The natural elements of the conveyance system include, but are not limited to, small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the collection and conveyance system include, but are not limited to, gutters, inlets, ditches, pipes, channels, and retention/detention facilities.

"Director" means the director of the City of Vancouver public works department or designee.

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"Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate.

"General Requirements" means the most current edition of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems".

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

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

"Low Impact Development" or "LID" means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

"Minimum Requirements" means the Minimum Technical Requirements for New Development and Redevelopment as set forth in Appendix 1 of the most current version of the City's January 17, 2007 Western Washington Phase II Municipal Stormwater Permit. The Minimum Requirements are identified as follows:

1. Preparation of Stormwater Site Plans. This Minimum Requirement is addressed in VMC Chapter 14.25 and VMC Title 20 procedures.
2. Construction Stormwater Pollution Prevention Plan (Construction SWPPP). This Minimum Requirement is addressed in VMC Chapter 14.24 and in General NPDES Permit for Stormwater Discharges Associated with Construction Activities.
3. Source Control of Pollution. This Minimum Requirement is addressed in VMC Chapters 14.25 and 14.26.
4. Preservation of Natural Drainage Systems and Outfalls. This Minimum Requirement is addressed in VMC Chapter 14.25 and in VMC 20.740 Critical Areas.
5. On-site Stormwater Management. This Minimum Requirement is addressed in VMC Chapter 14.25.
6. Runoff Treatment. This Minimum Requirement is addressed in VMC Chapter 14.25.
7. Flow Control. This Minimum Requirement is addressed in VMC Chapter 14.25.
8. Wetlands Protection. This Minimum Requirement is addressed in VMC Chapter 14.25 and

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20.740 Critical Areas.

9. Operation and Maintenance. This Minimum Requirement is addressed in VMC Chapter 14.25.

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

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

"Non-endangerment Standard" means to prevent the movement of fluid containing any contaminant into the groundwater if the contaminant may cause a violation of the water quality standards for groundwaters of the state of Washington, Chapter 173-200 WAC or may cause health concerns.

“Operations and maintenance manual” means a document prepared to explain the proper specific operational and maintenance details of facilities installed as required by the Stormwater Manual.

“Permit” means the most current version of the City of Vancouver’s National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit.

“Pollution” or “pollutants” means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

"Registered soil scientist" means a person who is qualified to evaluate and interpret soils and soil-related data for the purpose of understanding soil resources as they affect environmental quality and who is certified with the American Registry for Certified Professionals in Soil Science.

“Runoff” means water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system.

“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

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activities that are sources of pollutants. The Stormwater Manual separates source control BMPs into two types. 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. See Volume IV of the 2005 Stormwater Management Manual for Western Washington for details.

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

"Stormwater facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, and sediment basins.

“Stormwater Manual” means the 2005 Stormwater Management Manual for Western Washington, which is the 5-volume technical manual (Publication Nos. 05-10-29 through 05-10-33) prepared by the Washington State Department of Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.

“Stormwater site plan” means the comprehensive report containing all of the technical information and analysis necessary for regulatory agencies to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Contents of the Stormwater Site Plan will vary with the type and size of the project, and individual site characteristics. It includes a Construction Stormwater Pollution Prevention Plan (Construction SWPPP) that must be submitted to and approved by the Washington Department of Ecology, and a Permanent Stormwater Control Plan (PSC Plan). Guidance on preparing a Stormwater Site Plan is contained in the Stormwater Manual, Chapter 3 of Volume I. Modified submittals of stormwater site plans are permitted as specified in the General Requirements

“Total Maximum Daily Load” or “TMDL” means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

"Treatment BMP" means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

“Underground Injection Control” or “UIC” well means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

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"Wetlands" means those areas defined as wetlands under the City of Vancouver Critical Areas Protection ordinance, VMC 20.740.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.120 Enforcement.

It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC Title 22.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 3; M-3638, Amended, 12/01/2003, Sec 18)

Section 14.25.130 Liability.

Nothing in this chapter shall be deemed to impose any liability upon the City of Vancouver or upon any of its officers or employees, or to relieve the owner or occupant of any property from the duty to keep their property in a safe and healthy condition.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.199A Article II. Standard Requirements

Section 14.25.200 Stormwater site plan submittal requirements.

A. A stormwater site plan complying with the requirements of this chapter and Manuals adopted hereunder shall be submitted to the City for all activities subject to regulation under this chapter.

B. Stormwater site plans involving engineering principles, such as plans including construction of treatment facilities or flow control facilities, structural source control BMPs, or drainage conveyance systems, shall be prepared by or under the direction of a licensed engineer registered in the State of Washington.

C. A stormwater site plan shall be submitted in a standard format as detailed in the City's General Requirements.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.210 Runoff treatment.

A. Runoff treatment in new development and redevelopment shall follow the requirements of the City's General Requirements and the Stormwater Manual.

B. Stormwater treatment BMPs shall be selected, sited, designed and constructed in accordance with the requirements detailed in the City's General Requirements and the Stormwater Manual.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.215 Source control of pollution.

Source control BMPs shall be applied to all projects. Source control BMPs shall be selected, designed and maintained in compliance with the Stormwater Manual, the City's General Requirements, and VMC 14.26.

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(M-3920, Added, 06/15/2009, Sec 3)

Section 14.25.220 Flow control.

- A. Flow control in new development and redevelopment shall follow the requirements of Appendix 1 of the Permit.
 - B. Natural drainage flow routes of surface water shall be maintained, and discharges from the site shall occur at the natural location and elevation, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.
 - C. Flow control facilities shall be selected, sited, designed and constructed in compliance with the Stormwater Manual and with the City's General Requirements.
 - D. UIC wells used to manage stormwater for flow control shall meet the non-endangerment standard (Chapter 173-218WAC); which means the UIC well shall be designed, constructed, operated, maintained, and decommissioned in a manner that protects groundwater quality (Chapter 173-200WAC).
 - E. Design of stormwater collection and conveyance systems shall be in accordance with the City's General Requirements.
 - F. Hydrologic and hydraulic analysis shall be in accordance with the Stormwater Manual and with the General Requirements.
 - G. Every new development and redevelopment must demonstrate that sufficient downstream conveyance capacity exists to accommodate the increased flows from the project. Hydrologic and hydraulic analysis will be required when sufficient capacity has not been established.
- (M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.225 Low impact development.

It is recommended that new development and redevelopment projects utilize Low Impact Development practices. LID practices shall refer to the Low Impact Development Technical Guidance Manual for Puget Sound, the Stormwater Manual, and the General Requirements for design recommendations. All uses of LID practices shall meet applicable regulations and requirements.

(M-3920, Added, 06/15/2009, Sec 3)

Section 14.25.227 Wetlands protection.

Wetlands Protection required under Minimum Requirement #8 may also be addressed in VMC Chapter 20.740, Critical Areas. Where provisions of this chapter or manuals adopted under this chapter conflict with other manuals adopted under this section, or with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality and wetland function shall apply.

(M-3920, Added, 06/15/2009, Sec 3)

Section 14.25.230 Ownership and maintenance.

- A. Ownership

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1. City Ownership of Stormwater Facilities. Stormwater systems and facilities that collect, convey, treat and/or infiltrate runoff from public rights-of-way will be owned and maintained by the City, unless it is demonstrated to the satisfaction of the Director that the stormwater facilities can be adequately maintained by private parties.

2. Private Ownership of Stormwater Facilities. Owners of private stormwater systems and facilities that collect, convey, treat and/or infiltrate runoff from private properties are responsible for the operation and maintenance of those facilities.

3. Ownership and maintenance responsibility for stormwater facilities shall be specified on a recorded plat, short plat, or covenant.

B. Maintenance standards. All stormwater facilities shall be inspected and maintained so that they operate as designed. Inspection and maintenance shall comply with the "Maintenance Standards for Drainage Facilities" as specified in Volume V-Runoff Treatment BMPs in the Stormwater Manual, and with an approved operations and maintenance manual.

C. Short-term Maintenance.

1. To insure satisfactory operation of new private stormwater facilities, the applicant constructing the facility shall maintain it for two years after completion of the project.

2. For stormwater facilities within a public road right-of-way or on land owned by the City, the applicant, after satisfactory completion of the stormwater facilities, shall post and maintain a maintenance bond or other security acceptable to the Director. The two-year maintenance bond will cover the cost of design defects or failures in workmanship of the facilities. The amount of the maintenance bond shall be ten percent of the construction cost of the stormwater facilities.

D. City Long-Term Maintenance.

1. The City is responsible for long-term maintenance of new stormwater facilities under any of the following situations:

- a. Facilities located in public road rights-of-way; or
- b. Facilities dedicated to the City; or
- c. City-owned facilities that collect, convey, treat and/or infiltrate runoff from public rights-of-way.

2. If the City provides long-term maintenance of a stormwater facility, all the following requirements shall be met before the City becomes responsible for maintenance:

- a. The facilities shall be inspected and approved by the Director prior to acceptance.
- b. All necessary ownerships and easements to properly access the facility shall be conveyed to the City and recorded with the county auditor.

E. Private Long-Term Maintenance.

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1. For private stormwater facilities, the applicant shall make arrangements requiring that the existing or future occupants or owners assume maintenance responsibilities. Such arrangements shall be approved prior to approval of the stormwater site plan or prior to the time of recording a required plat, short plat, or covenant.

2. The City shall have the authority to inspect private facilities for compliance. If the responsible party fails to maintain the facilities in compliance with maintenance standards for drainage facilities as specified in the Stormwater Manual, and in compliance with an approved operations and maintenance manual, the City may take enforcement action under VMC Title 22.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.240 Bonds and Insurance.

A. Maintenance Security. In cases identified in Section 14.25.230.C, a maintenance bond or other security acceptable to the Director shall be posted and maintained throughout the two-year initial maintenance period for a stormwater facility.

B. Other Governmental Agency Projects. The bonding and insurance requirements of Section 14.25.240.A may be waived for development activities and drainage projects undertaken by governmental agencies.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.299A Article III. Exceptions and Special Cases

Section 14.25.300 Basin planning.

A. As allowed by Appendix 1, Section 7 of the Permit, Basin/Watershed planning may be used by the City as an available option to tailor Minimum Requirement #6 Runoff Treatment, Minimum Requirement #7 Flow Control, and/or Minimum Requirement #8 Wetlands Protection. Basin planning may be used to support alternatives to treatment, flow control, and/or wetland protection requirements contained in Section 4 of Appendix 1 of the Permit. Basin planning may also be used to demonstrate an equivalent level of treatment, flow control, and/or wetland protection through the construction and use of regional stormwater facilities.

B. In order for a basin plan to serve as a means of modifying the Minimum Requirements, the following conditions must be met:

1. The plan must be formally adopted by all jurisdictions with responsibilities under the plan; and
2. All ordinances or regulations called for by the plan must be in effect; and
3. The basin plan must be reviewed and approved by the Washington State Department of Ecology.

C. Nothing in this section shall be read to require the City to implement Basin Planning.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

Section 14.25.315 Adjustments.

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An Adjustment is a technical variation in the application of a Minimum Requirement to a particular project. The City may grant Adjustments to Minimum Requirements #1, 4, 5, 6, 7 and 9, only, under this section. Adjustments are not authorized under this section for Minimum Requirements #2, 3, and 8.

A. Adjustment Approval Process.

1. Permit procedural requirements. Adjustments to the Minimum Requirements may be granted by the City, as Permittee, provided that a written finding of fact is prepared showing compliance with the specified criteria.

2. City process. A request for an Adjustment shall be administratively processed in accordance with procedures specified in the General Requirements. The Director may grant an Adjustment upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. The Director shall maintain a record of such decisions and associated findings.

B. Adjustment Approval Criteria. The City may grant an Adjustment to Minimum Requirements #1, 4, 5, 6, 7 and 9, only, under the following circumstances:

1. Compliance with the approval criteria must be documented with written findings of fact.
2. The Adjustment provides substantially equivalent environmental protection.
3. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.
4. The Adjustment will not result in non-compliance with other Minimum Requirements.
5. No Adjustment shall be used in place of an Exception procedure under VMC 14.25.320, where such procedure is applicable.

(M-3920, Renumbered, 06/15/2009, Sec 3; M-3920, Added, 06/15/2009, Sec 3)

Section 14.25.320 Exceptions.

The City may grant Exceptions to Minimum Requirements #1, 3, 4, 5, 6, 7, 8 and 9, under this section. Exceptions are not authorized under this section for Minimum Requirement #2. Exceptions to Minimum Requirement #2 are addressed under VMC 14.24.075. Exceptions to Minimum Requirement #3 that are unrelated to new development or redevelopment are addressed under VMC 14.26.155.

A. Exception Approval Process.

1. Permit procedural requirements. Exceptions to the Minimum Requirements may be granted by the City, as Permittee, following legal public notice of an application for an exception or variance, legal public notice of the City's decision on the application, and written findings of fact that documents the City's determination to grant an exception. The City shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements. Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department of Ecology.

2. City process. Applications for Exceptions shall be processed according to the procedures for Type III applications under VMC 20.210.060. A fee shall be imposed in the amount of the fee for a Type III variance as established under VMC 20.180.060. The Hearings Examiner may grant an Exception upon demonstration by the applicant of compliance with the approval criteria contained in

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Subsection B below. Hearings under VMC 14.25.330 relating to Exceptions shall be consolidated with any open record hearing related to the underlying new development or redevelopment application, where such open record hearing is required.

B. Exception Approval Criteria. The City may grant exceptions to Minimum Requirements #1, 3, 4, 5, 6, 7, 8 and 9 if application of the Minimum Requirements imposes a severe and unexpected economic hardship on a project applicant.

1. The following must be documented with written findings of fact:
 - a. The current (pre-project) use of the site; and
 - b. How the application of the Minimum Requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and
 - c. The possible remaining uses of the site if the exception were not granted; and
 - d. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and
 - e. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and
 - f. The feasibility for the owner to alter the project to apply the Minimum Requirements.
2. In addition any exception must meet the following criteria:
 - a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
 - b. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements. This criteria is met by evidence that the owner/operator has employed measures to avoid and minimize impacts, such as:
 1. limiting the degree or magnitude of the regulated use or activity;
 2. implementing best management practices;
 3. phasing or limiting implementation;
 4. changing the timing of activities; or
 5. revising site plans.

(M-4022, Amended, 09/10/2012, Sec 58-Effective 10/10/2012; M-3920, Repealed & Replaced, 06/15/2009, Sec 3)

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Chapter 14.26

WATER RESOURCES PROTECTION

Sections:

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Section 14.26.100 Purpose.

A. The purpose of this chapter is to protect water resources in the City by establishing development regulations and minimum standards to reduce the risks of contaminants entering water resources as defined at VMC Section 14.26.110.

B. In furtherance of this purpose, the City prohibits the discharge of contaminants to water resources as set forth in VMC section 14.26.117 and requires certain operations to utilize best management practices as set forth in VMC sections 14.26.120, .125, and .130.

C. The City also recognizes that achieving successful pollution control must include a water resources pollution prevention education component for businesses, industries, and the general public. In implementing this chapter, the City will offer education and technical assistance to businesses, industries, and the general public to explain how to implement water resource protection and pollution control practices. Enforcement actions will normally be implemented when:

1. Education and technical assistance measures are unsuccessful at protecting the public interest;
2. Best management practices are not followed; or
3. Persons willfully contaminate the water resources of the City.

D. It is not the intent of this chapter to have the City pursue enforcement actions against businesses, industries, or persons whose actions or activities result in the discharge of de minimus amounts, as defined at VMC section 14.26.110 herein, of contaminants into the water resources of the City.

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E. The City finds this chapter is necessary to protect the health, safety and welfare of the residents of the City and the integrity of the City's water resources for the benefit of all by:

1. Minimizing or eliminating surface and ground water quality degradation;
2. Preserving and enhancing the suitability of waters for recreation, fishing, wildlife habitat, aquatic life and other beneficial uses; and
3. Preserving and enhancing the aesthetic quality and biotic integrity of the water.

F. The City recognizes the importance of maintaining economic viability while providing necessary environmental protection. This chapter helps achieve both goals.

G. It is the purpose of the 2009 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the most current version of the City of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2009 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. On January 17, 2007, the Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt stormwater control and pollution prevention measures, with the goal of improving waters of the state.

2. The Underground Injection Control (UIC) program was created by Congress to protect underground sources of drinking water from discharges of fluids to the ground. Chapter 173-218 WAC was adopted by the Washington State Department of Ecology to regulate stormwater discharges to groundwater through drywells and other types of underground infiltration systems that are not regulated under the NPDES permit.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.105 Interpretation.

The provisions of this chapter shall be liberally construed by the City to serve the purposes of this chapter.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.110 Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the most current version of the City's January 17, 2007 National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2005 Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices,

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maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the City of Vancouver that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

“Bulk Petroleum Fuel Operation” means an operation that manages a cumulative total of 12,000 gallons or more of petroleum fuel on-site in tanks capable of holding volumes of at least 4,000 gallons.

“Chemical Lagoons and Pits” means any earthen basin or uncovered concrete basin or depression containing hazardous materials.

“City” means the City of Vancouver.

“Closure of Operation” means the cessation of activity such that hazardous materials are no longer managed at the operation. For the purposes of this chapter, an operation is considered closed if it has been non-operational for a continuous period of 2 years.

“Connection” means a link or channel between two otherwise separate conveyance systems whereby there may be flow from one system to the other.

“Container” means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

“Dangerous Waste” means waste designated in the Washington State Dangerous Waste Regulations (WAC 173-303) as dangerous or extremely hazardous due to its physical, chemical or biological properties.

“De Minimus Amounts” means a small or miniscule amount of contaminant in a discharge that is demonstrated to be non-harmful to the environment.

“Direct Infiltration Facility” means, for the purposes of this chapter, any mechanism that is intended to direct stormwater or process wastewater directly into the ground without providing treatment in accordance with VMC chapters 14.10 and 14.25. Examples include, but are not limited to, drywells, ponds, trenches and perforated pipe systems.

"Director" means the director of the City of Vancouver public works department or designee.

“Discharge” means, for purposes of this chapter only, the release of materials such that the materials may enter or be emitted to the air, land or water resources.

“Disposal” means discharging, discarding or abandoning materials into or on any land, air or water resources.

“Disposal Site” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site as defined at VMC Section 14.26.110 herein, surface impoundment, injection well or waste pile.

“Drywell” means a precast concrete manhole with perforations and installed with drain rock or other material for exfiltration of surface water runoff or other drainage to the subsurface.

“Existing Operations, Uses, Activities” means operations, uses or activities established prior to the effective date of this chapter.

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

“Hard Chrome Plating” means chrome plating applied in a sufficient thickness to provide a hardened protective surface rather than merely a decorative surface. A hard chrome shop is more likely to be a large single-purpose plating shop with higher quantities of hazardous plating materials onsite, whereas facilities which do decorative plating may do so as just one of the steps in their manufacturing process.

“Hazardous Material” means any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

“Illicit connection” means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets or outlets that are connected directly to the stormwater drainage system.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

“Land Application Site” means a place where wastes such as sludge or gray water are applied to the land.

“Leachable Constituents” means these constituents are determined using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846.

“Manage” means a general term that includes, but is not limited to, the use, transfer, storage, processing and re-packaging of materials. This does not include the active or immediate transportation of materials.

"Municipal Waste" means general residential and commercial wastes including the waste collected by garbage haulers and the waste delivered to transfer or disposal sites by the waste generators themselves (self-haul).

“Municipal Water Supply Well” means a City or Clark Public Utility (CPU) owned drinking water well meeting the definition of a Group A community water system as defined by WAC 246-290-020. Locations of such wells are depicted on the Water Resources Protection Ordinance Critical Area and Special Protection Area map as maintained by the City.

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

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

“New Operations, Uses, Activities” means operations, uses or activities established on or after the effective date of this chapter on February 3, 2003. Development or activities requiring a building or other permit are new operations, uses or activities. In addition, when a change in an operation places that operation into a higher classification per VMC Table 14.26.125A, the operation shall be considered and treated as a new operation.

“Operation(s)” means industrial, commercial, institutional or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary facilities, equipment, transport vehicles or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state or local government entities.

“Outdoor Wood Preservation” means the act of pressure treating wood products for weather resistance and outdoor use, using organic-based preservatives such as creosote or pentachlorophenol, typically used to treat poles or heavy timbers, and inorganic-based preservatives such as chromium, copper and arsenic, typically used to treat dimension lumber.

“Permeable surface” means soil or other ground cover with a sufficiently rapid infiltration rate so as to eliminate surface runoff.

“Permit” means the most current version of the City of Vancouver’s January 17, 2007 National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit.

“Person” means any human being, firm, labor organization, partnership, corporation, unincorporated association, trustee, trustee in bankruptcy, receiver or any other legally recognized entity.

“Petroleum Fuel” means petroleum-based liquid products that are refined from crude oil specifically for fuel purposes. Fuel includes, but is not limited to, all grades of automotive gasoline, aviation gasoline, diesel, heating oils and kerosene.

“Potentially Harmful Materials” means hazardous materials as defined at VMC Section 14.26.110 as well as other materials including, but not limited to, the following which, if discharged or improperly disposed, may present a risk to water resources:

Petroleum products including but not limited to petroleum fuel and petroleum-based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids, alkalis or bases; paints, stains, resins, lacquers or varnishes; degreasers; solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; collected lawn clippings, leaves or branches; trash or debris; silt, sediment or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

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“Process Wastewater” means wastewater discharged from one or more industrial processes or industrial cleanup procedures.

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

“Releasing” or “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including but not limited to the abandonment or discarding of barrels, containers, and other closed receptacles.

“Responsible Government Official” means a person employed by the federal, state or a local government with authority to protect the public health and safety or water resources. Examples include, but are not limited to, persons employed by the police and fire departments, and employees of the Washington State Department of Ecology, the United States Environmental Protection Agency, Clark County, and Clark County Public Health.

“Sewage Disposal Cesspool” means a lined excavation in the ground which receives the discharge of a drainage system, designed to retain solids and organic matter while permitting liquids to seep through the sides and bottom.

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

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

"Stormwater facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, and sediment basins.

“Stormwater Manual” means the 2005 Stormwater Management Manual for Western Washington, which is the 5-volume technical manual (Publication Nos. 05-10-29 through 05-10-33) prepared by the Washington State Department of Ecology for use by local governments that contains BMPs to prevent, control or treat pollution in stormwater.

“Stormwater Treatment Facility” means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment facilities include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

“Surface Water” means water that flows across the land surface, in channels or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

“Tank” means a stationary device designed to contain liquids used or stored at an operation which may include hazardous materials, chemicals or dangerous wastes, and which is constructed primarily of non-earthen materials to provide structural support.

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“Toxicity” means having properties that cause or significantly contribute to death, injury or illness in humans or wildlife. A material exhibits the characteristic of toxicity if it contains certain leachable constituents at sufficient concentrations to be considered dangerous to human health and the environment. Leachable constituents and toxicity concentrations are referenced in the Toxicity Characteristic List of WAC 173-303-090(8) as amended.

“Transfer Warehouse” means any enclosed and covered transportation-related warehouse where shipments of products, which may be hazardous materials but not dangerous wastes, are held in portable containers for transfer.

“Underground Injection Control” or “UIC” well means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles or other similar mechanisms or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

“Water Resources” means surface water, storm water and groundwater.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.112 Authority.

The City shall retain the authority to require implementation of any portion of this chapter, as defined herein and as necessary to protect water resources and to comply with the City’s January 17, 2007 National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit when the City becomes aware of and documents specific circumstances concerning an operation that demonstrates that the measures are necessary to protect public health and safety. The City may impose additional requirements whenever documented specific circumstances applicable to an operation threaten water resources.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.113 Adoption of manual.

A. For purposes of regulation of activities subject to this chapter, the City hereby adopts as its Stormwater Manual the 2005 Stormwater Management Manual for Western Washington.

B. At least one copy of the manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manual may also be made available for use and examination by the public at the Office of the Director, or on the City website.

C. Where provisions of this chapter or manual adopted under this section conflict with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply.

(M-3920, Added, 06/15/2009, Sec 4)

Section 14.26.114 Cross reference.

Any reference to “Stormwater Management Manual” or “Puget Sound Erosion Control Manual” or “Washington Department of Ecology’s Stormwater Management Manual for the Puget Sound” or “Puget Sound Water Quality Manual” or “BMP’s approved by the Western Washington Stormwater Manual” or “Department of Ecology alternative paving Best Management Practices,” wherever found within the Vancouver Municipal Code, shall refer to this chapter and to the equivalent manuals as adopted in this

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chapter.

(M-3920, Added, 06/15/2009, Sec 3)

Section 14.26.115 Scope and applicability.

A. Operations: All operations are subject to the provisions of this chapter. Each operation shall meet the Minimum Standards defined in VMC section 14.26.120. Operations that manage hazardous materials may also be required to meet the Greater Standards for Hazardous Materials Management, as defined in VMC sections 14.26.125 and .130.

B. Designated Areas:

1. Critical Aquifer Recharge Area: The entire area within the boundary of the City of Vancouver (as it exists on the effective date of this chapter and as it may exist in the future) is designated as a Critical Aquifer Recharge Area. The provisions of this chapter shall apply to all areas within the City.

2. Special Protection Areas.

a. Special Protection Areas are defined inside the Critical Aquifer Recharge Area (inside the city boundary), to include property within one thousand nine hundred feet (1900') of any municipal water supply well. The locations of these wells are depicted on the Water Resources Protection Ordinance Critical Area and Special Protection Areas map (or the equivalent update) that is maintained by and available from the City.

b. The City shall apply development restrictions as defined in VMC 14.26.135 to activities inside the Special Protection Areas.

C. Prohibitions: Regardless of operating status or location, the following uses and activities shall be prohibited within the City:

1. Hard Chrome Plating Operations
2. Outdoor Wood Preservation Operations
3. Chemical Lagoons and Pits
4. Sewage Disposal Cesspools
5. Hazardous Material Disposal Sites
6. Radioactive Waste Disposal Sites
7. Municipal Waste Disposal Sites

D. Emergency Response Exclusion: Emergency response activities shall be excluded from the requirements of this chapter, if such an activity is initiated and completed within a timeframe too short to allow for full compliance with this chapter. This exclusion shall only apply to immediate actions that are undertaken in response to an imminent threat to water resources, public health or safety. This exclusion shall not apply unless a responsible government official as defined at VMC Section 14.26.110 is notified and agrees that the event is a qualifying emergency.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

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Section 14.26.117 Discharges to water resources.

A. Prohibited Discharges: No person or operation shall discharge any potentially harmful materials as set forth at VMC Section 14.26.110 herein into the water resources of the City. Persons or operations shall use all known, available, and reasonable means to prevent the discharge of any potentially harmful materials into the water resources of the City.

B. Illicit Connections:

1. Any connection that could allow conveyance of any solid, liquid or gas material not composed entirely of surface and storm water directly to water resources is considered an illicit connection and is prohibited, except:

a. Connections conveying allowable discharges as set forth at VMC Section 14.26.117.C and D herein;

b. Connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or a state waste discharge permit; and

c. Connections conveying effluent from permitted or authorized onsite sewage disposal systems to subsurface soils.

2. Floor drains shall not be installed inside an operation which stores or uses hazardous materials unless approved by the City for connection to sanitary sewer. Existing floor drains connected to storm drains or to surface water drains located in or near indoor hazardous material storage or use areas are considered unauthorized connections and shall be sealed or removed to prevent liquid entry, piped to the sanitary sewer (with approval and appropriate shut-off valves), be routed to blind sumps or be directed to additional containment or treatment systems meeting the standards of this chapter.

C. Allowable Discharges to Stormwater Drainage System: The following types of discharges shall be permitted unless the City determines that these discharges (whether singly or in combination with others) are causing significant contamination of water resources:

1. Uncontaminated water from crawl space pumps or footing drains;
2. Materials placed as part of an approved habitat restoration or bank stabilization project;
3. Natural uncontaminated surface water or ground water;
4. Flows from riparian habitats and wetlands;
5. City-approved dye testing following verbal notification to the City at least one day prior to the date of test. The City and the Clark County Public Works Department are exempt from this requirement;
6. Any discharge allowed by an operation's National Pollutant Discharge Elimination System (NPDES) permit or other authorized discharge permit;
7. Any discharge specifically allowed in writing by a local, state or federal agency for remedial action in an agreed order, a consent decree or in a voluntary cleanup effort.

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D. Allowable Discharges to Permeable Surfaces. The following types of discharges shall be permitted onto a permeable surface unless the City determines that these discharges (whether singly or in combination with others) contain greater than de minimus amounts of contaminants:

1. All allowable discharges specified in VMC 14.26.117.C;
2. Potable water;
3. Potable water line flushing;
4. Landscape watering;
5. Residential car and boat washing;
6. Residential swimming pool and spa water;
7. Common discharge practices from water well disinfection.

E. Non-stormwater Discharges to the Stormwater Drainage System Prohibited Unless Conditions Met. The following categories of non-stormwater discharges are prohibited discharges to the Stormwater Drainage System unless the stated conditions are met:

1. Discharges from potable water sources, including 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, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System.

2. Discharges from landscape watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities and water conservation efforts.

3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the Stormwater Drainage System.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the Stormwater Drainage System, the City must minimize the amount of street wash and dust control water used.

5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of the stormwater pollution prevention plan received by the City, which addresses control of construction site de-watering discharges.

F. A UIC well may be used to manage stormwater when pollutant concentrations that reach ground water are not expected to exceed Washington state ground water quality standards (chapter 173-200WAC). This section shall not be construed to authorize any discharge to a UIC that does not conform to the requirements of WAC 173-218 – Underground Injection Control Program. (M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

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Section 14.26.120 Minimum standards.

A. Operational Best Management Practices (BMPs): All operations shall adopt the following best management practices to ensure their operations minimize potential risks to water resources.

1. Precautions: The owner/operator shall take precautions to prevent accidental releases of hazardous materials. Hazardous materials shall be separated and prevented from entering Stormwater Drainage Systems, septic systems, and drywells.

2. Hazardous Materials Management: Hazardous materials shall be managed so that they do not threaten human health or the environment or enter water resources.

3. Hazardous Material Releases: All hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials recycled or disposed of properly. The City shall be notified of any release of hazardous materials that clearly impact water resources, as soon as possible but no later than 24 hours after the release. The Stormwater Manual provides applicable operational BMPs for spills of oils and hazardous substances.

4. Oil/Water Separators: Oil/water separators shall be inspected, cleaned and maintained as stipulated in the Stormwater Manual. The City may allow an operation to modify the regularity of cleanouts if the operation can demonstrate to the City's satisfaction that the separator operates effectively at less frequent cleaning intervals.

5. Pesticide and Fertilizer Management. All pesticides, herbicides, fungicides and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the Stormwater Manual, VMC 20.760 Shoreline Management Area, and VMC 20.740 Critical Areas Protection.

6. Stormwater Treatment Systems: Stormwater drainage systems and treatment facilities, including, but not limited to, catch basins, wetponds and vaults, biofilters, settling basins, and infiltration systems, shall be cleaned and maintained by the responsible party designated in VMC 14.25.230 according to the applicable operational BMPs for the maintenance of stormwater, drainage and treatment systems in the Stormwater Manual.

7. Decommissioning Water Wells: Any water well which is unusable, abandoned or whose use has been permanently discontinued or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned according to the provisions of the Washington Administrative Code WAC 173-160-381.

8. Operation Closure: At the closure of an operation, all hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state and federal laws.

9. Mobile Washing and Pressure Cleaning: Operations which engage in activities such as pressure washing, carpet cleaning, and equipment and vehicle washing shall apply best management practices according to applicable BMPs for washing and steam cleaning in the Stormwater Manual. Mobile washing operations shall ensure that all of their employees are knowledgeable of proper discharge practices. Washwater from such operations shall be captured and directed to an approved discharge location. Non-approved wash water shall not be discharged into the City's stormwater drainage system.

B. Commercial Operations Requiring Additional BMPs: Operations which engage in the following

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commercial operations shall implement the applicable source control BMPs from the Stormwater Manual: commercial animal handling, commercial composting, printing operations, fueling stations, log sorting, railroad yards, recyclers, scrap yards, and wood treatment facilities.

C. **Specific Activities Requiring Additional BMPs:** Operations performing the following activities shall implement the applicable source control BMPs from the Stormwater Manual and shall comply with the requirements of VMC 20.760, Shorelines Management Area, and 20.740, Critical Areas Protection: construction/repair/maintenance of boats/ships, airfield/street deicing, dust control, landscaping, loading/unloading of trucks and railcars, repair/maintenance/parking of vehicles/equipment, erosion control at industrial sites, maintenance of utility corridors, maintenance of roadside ditches/culverts, outdoor manufacturing, mobile fueling of vehicles/equipment, painting/coating of vehicles/buildings/equipment, storing dangerous wastes, or managing raw materials.
(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.125 Application of greater standards.

A. **Classifications:** Certain non-residential operations present a greater potential risk to water resources because of the volume and type of hazardous materials that are managed. These non-residential operations are classified in VMC Table 14.26.125A and are subject to the stipulated actions defined in this section.

Table 14.26.125A – CLASSIFICATIONS	
Classification	Definition
Class I Operations	<p>Operations that at any time within a year time period will or do manage over 220 pounds in total of the following:</p> <p>A. Hazardous materials, including any mixtures thereof, that contain constituents referenced in the Code of Federal Regulations, 40 CFR 302.4 (referenced in Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)); or</p> <p>B. Hazardous materials, including any mixtures thereof, that contain constituents from the lists specified in VMC Table 14.26.125A, Class II (below).</p> <p><u>Concentration Declassification.</u> A Class I operation shall no longer be a classified operation if the Class I constituents (40 CFR 302.4) contained in a product or waste are individually present at less than 1% by weight for non-carcinogenic hazardous materials, and less than 0.1% by weight for known or suspected carcinogenic hazardous materials. (Operators should review the Material Safety Data Sheet for the hazardous materials to make this determination).</p> <p><u>Consumer Quantity Declassification.</u> A Class I operation shall no longer be a classified operation if both of the following conditions are met:</p> <p>A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and</p> <p>B. Products containing Class I or Class II hazardous materials are managed in closed</p>

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	<p>containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material.</p> <p><u>Metal and Metal Alloy Declassification.</u> Solid metals and solid metal alloys, including but not limited to roll stock, bar stock, sheet stock, and manufactured articles such as equipment, parts, building materials, and piping, that contain one or more metals listed in 40 CFR 302.4 or WAC 173-303-090(8) shall be declassified; EXCEPT, that where machining, forming, grinding, cutting, melting or other activities produce residues such as shavings, grindings, swarf, fume or other finely divided particulate forms of a listed metal or metal alloy that may present a threat to water resources, such residues shall not be declassified.</p> <p><u>Personal and Commercial Vehicle Fuel Tank Declassification.</u> The greater standards of VMC 14.26.125.B and VMC14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).</p>
<p style="text-align: center;">Class II Operations</p>	<p>Operations that at any time within a one year time period will or do manage over 2,200 pounds in total of the following:</p> <p>A. Hazardous materials, including any mixtures thereof, that exhibit the characteristic of toxicity as defined at VMC Section 14.26.110KK because they contain leachable constituents as defined at VMC Section 14.26.110T from the Toxicity Characteristic List of WAC 173-303-090(8) as amended; or</p> <p>B. Hazardous materials, including any mixtures thereof, that contain constituents that are referenced on the Halogenated Solvent List set forth in VMC Table 14.26.165A.</p> <p><u>Site Cleanup Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the primary activity is site remediation or cleanup pursuant to an approved settlement agreement or a remedial action under 70.105B RCW.</p> <p><u>Concentration Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the Class II constituents (from WAC 173-303-090(8) or the Halogenated Solvent List set forth in Table 14.26.165A) are present in the hazardous materials being managed at concentrations of less than 5% by weight.</p> <p><u>Transfer Warehouse Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the following conditions are met:</p> <p>A. The operation is a transfer warehouse as defined in VMC Section 14.26.110LL; and</p> <p>B. Containers of hazardous materials are not opened at the site under any circumstance; and</p> <p>C. Products containing Class II hazardous materials are managed in containers with</p>

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<p>individual capacities of no more than 400 gallons.</p> <p><u>Consumer Quantity Declassification.</u> A Class II operation shall no longer be a classified operation if both of the following conditions are met:</p> <p>A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and</p> <p>B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material.</p> <p><u>Personal and Commercial Vehicle Fuel Tank Declassification.</u> The greater standards of VMC 14.26.125B and VMC14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).</p>
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B. Stipulated Actions and Timelines: Class I and II operations shall adopt the Greater Standards for Hazardous Material Operations defined in VMC Section 14.26.130, according to the following stipulations:

1. New Operations: New Class I and Class II operations shall adopt the Greater Standards beginning the date of issuance of certificate of occupancy or as otherwise specified in accordance with the provisions of this chapter.

2. Existing Operations: Existing Class I and Class II operations shall adopt the Greater Standards (or some portion thereof), within a time period specified by the City, if the City becomes aware of and documents specific circumstances which demonstrate that Greater Standards (or some portion thereof) are necessary to protect public health and safety or reduce the risk of contamination to water resources.

3. Change of Class or Tenant: The City shall be notified as soon as possible and no later than 30 days after:

a. A change in classification of an operation as defined in VMC Table 14.26.125A.

b. Occupation of an existing Class I or II operation by a new tenant.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3290, Repealed & Replaced, 06/15/2009, Sec4; M-3600, Added, 11/04/2002)

Section 14.26.130 Greater standards for hazardous materials operations.

A. Best Management Practices (BMPs): All new Class I and II operations shall implement the provisions of this section within ninety (90) days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II.

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1. Design and Construction: Operations shall be designed, constructed, maintained and operated to minimize the possibility of an unplanned release of hazardous materials to soil or water resources.

2. Container/Tank Management: A container or tank holding a hazardous material shall always be closed, except to add or remove materials. Hazardous materials shall also be managed so that they do not damage the structural integrity of the operation or devices containing the material.

3. Container/Tank Condition: All containers and tanks shall be maintained in such a manner as to assure effective operation and prevent the release of hazardous materials.

4. Container/Tank Identification: The owner/operator shall label all containers and tanks containing hazardous materials to identify the major risk(s) associated with the contents. This labeling shall conform to applicable sections of the Uniform Fire Code, Occupational Safety and Health standards, and/or the State of Washington's Dangerous Waste Regulations.

5. Ancillary Equipment: Any leaking pipe, pump or other ancillary equipment shall be repaired or replaced promptly. Ancillary equipment associated with hazardous materials shall be supported and protected against physical damage and excessive stress.

6. Compatibility: The owner/operator shall use a container or tank made of or lined with materials which are compatible with the hazardous materials to be stored.

7. Containment: Container and tank storage areas shall have a containment system that is capable of collecting and holding spills and leaks. This containment shall:

- a. Be constructed of an impervious surface with sealed joints.
- b. Joints between concrete slabs and slab/foundation interfaces should be eliminated or minimized in the operation;
- c. Provide pollution control measures to protect water resources, including run-off collection and discharge from active areas;
- d. Be designed to provide secondary containment of 110% of the container's or tank's capacity; or in areas with multiple tanks, 110% of the largest tank or 10% of the aggregate tank volumes, whichever is larger. Secondary containment shall be provided in all areas where hazardous materials are loaded/unloaded, transferred, accumulated or stored;
- e. Be compatible with the materials that are being handled; and
- f. Be routinely inspected as defined at VMC section 14.26.130C.

8. Loading Areas: Loading and unloading areas shall be designed, constructed, operated and maintained to:

- a. Contain spills and leaks that might occur during loading/unloading;
- b. Prevent releases of hazardous materials to water resources;
- c. Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

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d. Allow for removal as soon as possible any collected hazardous materials resulting from spills, leaks, and equipment cleaning.

9. Closure: At closure of an operation, all remaining structures, containers, tanks, liners, and soil containing or contaminated with hazardous materials at concentrations above state and federal regulatory thresholds shall be decontaminated and properly disposed of or managed.

B. Spill and Emergency Response Plan (SERP):

1. All new Class I and II operations shall develop and implement a Spill and Emergency Response Plan (SERP) within 90 days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations may also be required to develop and implement a SERP if the City determines this action will help prevent releases of hazardous materials to water resources.

2. The SERP shall be maintained on site, and shall be made available to the City upon request.

3. The SERP shall be updated at least every 5 years or as needed to reflect significant changes in operation or practices.

4. At a minimum, the SERP shall include the following information:

a. Spill Prevention.

i. Drawings including the layout of the operation, a floor plan, direction of drainage, entrance and exit routes, and areas where hazardous materials are received, stored, transported, handled or used in operations.

ii. Listings of all hazardous materials on site including types, volumes, locations and container types and sizes.

iii. Spill prevention related equipment including equipment which serves to detect releases of potential water resources contaminants.

b. Emergency Response.

i. Chain of command and procedures for spill response.

ii. Phone list of response agencies including federal, state and city emergency contact numbers and environmental cleanup companies.

iii. Procedures for treating and disposing of spilled hazardous materials.

c. Certification.

The SERP shall include a certification signed by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete, and the spill prevention equipment and emergency response measures described herein are as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact

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information.

C. Operational Inspections:

1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations may also be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.

2. Schedule: The owner/operator shall develop a written schedule for inspecting all monitoring equipment, safety or emergency equipment, security devices, and any other equipment that helps prevent, detect or respond to water resource-related hazards.

3. Regular Inspections: The owner/operator shall perform site inspections to identify malfunctions and deterioration of equipment or containers, operator errors, discharges or any other condition that may cause or lead to the release of hazardous materials to water resources. The owner/operator shall conduct these inspections often enough to identify problems in time to correct them before they impact water resources. Inspections shall be completed in all areas where hazardous materials are managed and a written record of those inspections made at least annually.

4. Water Resource-Related Hazard Mitigation: The owner/operator shall remedy any problems revealed by the inspection. Where a water resource-related hazard is imminent or has already occurred, remedial action shall be taken immediately.

D. Training Program:

1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other facilities also may be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.

2. Operations shall develop a training program or amend an existing program that informs employees at least once each year of any possible risks to water resources associated with on-site operations. The owner/operator shall ensure that employees know or understand:

a. The location of hazardous materials managed at the operation and the associated potential risks to water resources;

b. The location of material safety data sheets (MSDS) at the operation;

c. How employees can detect the presence or release of hazardous materials;

d. How employees can protect themselves through work practices, emergency procedures, and with personal protective equipment;

e. How to locate and use the operation's Spill and Emergency Response Plan; and

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- f. How to prevent the pollution or contamination of water resources.

E. Closure Plan:

1. Each new Class II operation shall prepare and submit to the City a Closure Plan within 6 months of the date of issuance of the certificate of occupancy. Each existing Class II operation shall prepare and submit such a plan within 6 months of a request by the City. Class II operations shall ensure that their facilities are closed in a manner that prevents the release of hazardous materials during closure, protects water resources, and prevents post-closure escape of hazardous materials to water.

2. Plan Requirements: The Closure Plan shall detail the means by which the operation will, upon any closure anticipated to be longer than 2 years, remove and properly dispose of hazardous materials, and perform an investigation to confirm the presence or absence of hazardous materials in the soil and ground water, if potential contamination is indicated. Specifically, the Closure Plan shall include the following:

- a. A listing of the types and quantities of hazardous materials reasonably expected to be present on-site during the operating life of the operation.
- b. A description of the plan for removal and disposal of hazardous materials.
- c. A description of the plan to decontaminate containment systems and ancillary equipment.
- d. An estimate of the cost to implement the Closure Plan, using the assumption that a third party will conduct removal and disposal activities.
- e. A certification signed by an authorized representative of the business/industry submitting the Closure Plan stating, "I certify that the information provided in this document is to the best of my knowledge accurate and the closure measures described herein will be implemented as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

3. Report Update. The owner/operator of an operation shall update the Closure Plan every 5 years or re-certify the current information and estimates. The Closure Plan shall also be updated if operating procedures change in such a way that the volume/mass of hazardous material is increased by 25% or more.

F. Engineering and Operating Report: When the City recognizes and demonstrates a need for additional information on an operation's practices, the City may require the operation to submit an engineering and operating report to accommodate the City's review of operations and to prevent releases of hazardous materials to water resources. If required, the report shall provide the following:

1. The type of industry or business including the kind and quantity of finished products.
2. A process flow diagram illustrating the process flow of water and materials in a normal operating day. This will include details on the operation's plumbing and piping and where specific chemicals are added to processes.
3. A discussion of any discharges to the Stormwater Drainage System.
4. A discussion of any discharges through land applications, including seepage lagoons,

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irrigation, and subsurface disposal. As applicable, this discussion should also include the depth to ground water and anticipated overall effects of the operations on the quality of water resources.

5. Provisions for any plans for future expansion or intensification.

6. A certification signed and dated by an authorized representative of the operation stating: “I certify that the information provided in this document is to the best of my knowledge true and complete.” The signed certificate shall include the authorized representative’s name (printed), title, and contact information.

G. Records & Reports:

1. Operations shall maintain records of required inspection, training, cleaning and maintenance events. Where operations are otherwise required by the City or another agency to maintain such records, those records shall satisfy this requirement. All operations shall maintain these records on site for at least 3 years and shall make them available to the City upon request.

2. Plans, reports or other documentation concerning the management of hazardous materials shall also be made available to the City upon request.

3. Information provided to the City will be available to the public. Information may be claimed as confidential by the operation as outlined at VMC section 14.26.150 herein. If no claim is made at the time of submission, the City will make the information available to the public when requested.

H. Protections for Stormwater: All new Class I and II operations shall implement the applicable structural Best Management Practices (BMPs) of the Stormwater Manual prior to the date of issuance of the certificate of occupancy.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.135 Restrictions in special protection areas.

A. Development Limitation:

1. New Operations. The City shall not approve applications for the following in Special Protection Areas as defined in VMC section 14.26.115B2:

a. New bulk petroleum fuel operations as defined by VMC 14.26.110; or

b. New Class II operations as defined in VMC Table 14.26.125A, EXCEPT a new Class II operation may occupy an existing structure or facility appropriate for the use and located between 1,000 and 1,900 feet from a municipal water supply well when:

i. All applicable provisions of this chapter are met; and

ii. The owner or operator provides an Engineering and Operating Report described in VMC section 14.26.130F to the City’s satisfaction.

2. Existing Operations.

a. Existing bulk petroleum fuel operations are nonconforming uses. However, existing bulk petroleum fuel operations throughout the Special Protection areas may become conforming by:

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- i. Filing such a request with the City; and
 - ii. Taking the necessary action(s) to meet all applicable provisions of this chapter to the City's satisfaction.
- b. Existing Class II operations are nonconforming uses. However, an existing Class II operation located between 1,000 and 1,900 feet from a municipal water supply well may become conforming by:
- i. Filing such a request with the City; and
 - ii. Taking the necessary action(s) to meet all applicable provisions of this chapter to the City's satisfaction.

B. Septic Systems:

1. The City shall accept no application for approval of a project in the Critical Aquifer Recharge Area defined at VMC section 14.26.115B1, including the Special Protection Areas defined at VMC section 14.26.115B2 relying upon installation of a septic system until the system has been approved by Clark County Public Health or a successor agency responsible for permitting of septic systems.
2. New septic systems and replacement of existing septic systems shall not be permitted in Special Protection Areas. An owner/operator may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for groundwater contamination at the site. This analysis may include a soils and groundwater evaluation if deemed necessary by the City.
3. The City shall not approve a project relying upon installation of a septic system in a Special Protection Area unless all of the following findings are made:
 - a. Connection to an existing sewer line is impossible or impracticable; and
 - b. The property cannot be reasonably developed without use of a septic system; and
 - c. The septic system design poses no significant risk of groundwater contamination.
4. The City's decision may be appealed to the Hearings Examiner in accordance with VMC section 14.26.160.

C. Heating Oil Tanks:

1. New underground heating oil tanks and replacement of existing heating oil tanks shall not be permitted in Special Protection Areas. An owner/operator may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for groundwater contamination at the site. This analysis may include a soils and groundwater evaluation if deemed necessary by the City.
2. The City shall not approve the installation of an underground heating oil tank in a Special Protection Area unless the following findings are made:
 - a. Connection to another source of fuel or energy is impracticable; and

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b. The proposed underground fuel tank poses no significant risk of groundwater contamination.

3. The City's decision may be appealed to the Hearings Examiner in accordance with VMC Section 14.26.160.

D. Direct Infiltration Facilities:

1. New direct infiltration facilities, and replacement of existing direct infiltration facilities shall not be allowed for Class I and Class II operations in Special Protection Areas. An operation may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for groundwater contamination at the site. This analysis may include a soils and groundwater evaluation if deemed necessary by the City.

2. The City's decision may be appealed to the Hearings Examiner in accordance with VMC section 14.26.160.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.140 Administrative programs.

A. Educational and Technical Assistance Program.

1. The City will work in conjunction with other agencies to implement an Education and Technical Assistance Program to assist property owners, business and industry owners and managers, residents, and other interested parties in understanding the importance of protecting the City's water resources and in employing best management practices in pursuit of that goal.

2. The program directed toward business and industry will include but not be limited to technical assistance visits, informational fact sheets, self-audits or workshops.

3. Additional education and assistance programs aimed at residences, public institutions and low-risk businesses shall include:

a. Education on the proper use of pesticides, herbicides, fungicides, and fertilizers;

b. Discussions of the impacts of unauthorized discharges to drywells, catch basins, storm basins and sanitary sewer; and

c. Activities to explain and promote the proper management and disposal of used oil and other contaminants.

B. Compliance Inspections:

1. City personnel may inspect any operation in the City that is known to manage (or may potentially manage) hazardous materials or is reasonably believed to be a potential source of an illicit discharge.

2. Inspections may be initiated as the result of a complaint or referral, or as defined by a routine schedule for compliance. Inspections will be used to determine if there is any risk to water resources, and to determine if an operation is in compliance with this chapter.

3. Inspections may involve a review of process equipment, structures, and operating practices;

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records or plan review; interviews with operators; photo documentation and sampling. As such, operators shall allow representatives of the City, upon presentation of credentials, to:

- a. Enter the premises where hazardous materials are being managed, or where records may be kept under the provisions of this chapter. The owner/operator shall make necessary arrangements to allow access without delay. Unreasonable delay may constitute a violation of this chapter;
- b. Have access to and copy, at reasonable times, any records that must be kept under the provisions of this chapter;
- c. Inspect at reasonable times any facilities, equipment (e.g., safety, monitoring, operating, or other equipment), practices or operations regulated or required under the provisions of this chapter;
- d. Sample and monitor at reasonable times, any substances or parameters at any location for the purposes of assuring compliance or as otherwise authorized by the provisions of this chapter. This requirement may involve the City's installation or erection of equipment to conduct sampling, inspection, compliance monitoring or metering operations. As such, at the written or verbal request of the City, operators shall remove any temporary or permanent obstruction to safe and easy access to an operation to be inspected and/or sampled. The operator shall not replace such an obstruction without the City's consent.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.145 Enforcement.

A. Enforcement. It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC Title 22.

B. Supplemental Enforcement Provisions for Water Resources Protection. In addition to civil and criminal enforcement as authorized under VMC Title 22, enforcement of this chapter may utilize the following authority:

1. The City Council of the City of Vancouver finds that an operation not in compliance with the requirements of this chapter constitutes a public nuisance under RCW 7.48, Nuisances.

2. The City may use field notes, observations, photo documentation, sample logs, analytical results or other information to define risk and to establish that an operation is in violation of this chapter.

3. The City may require the implementation of the operational or structural best management practices, as defined through the provisions of this chapter. The City may also require the operator to sample and analyze any discharge, surface and storm water, ground water and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the City. If the operator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City.

4. The City may impose additional requirements whenever documented specific circumstances (applicable to the operation) threaten water resources.

5. Notwithstanding any other provisions of this chapter, whenever it appears to the City that conditions regulated by this chapter require immediate action to protect the public health and/or safety, the City is authorized to enter such property for the purpose of inspecting and investigating such emergency conditions.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

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Section 14.26.150 Trade secrets and confidential records.

A. Records Availability.

1. All surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities shall generally be available for public inspection and copying.

2. Such information shall also not be available for public inspection and copying if protected from public disclosure by the provisions of RCW chapter 42.56 as amended or other state and federal laws governing the dissemination of public records and information to the public, including but not limited to patent, trademark, and trade secret laws and regulations.

3. In no case shall an employee or agent of the City be liable to a business, industry or person for the public disclosure of any surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities; unless such information or data has been marked confidential by the business, industry or person and/or the business, industry or person has requested confidentiality consistent with this section.

B. Exemption from Disclosure Request.

1. Any business, industry or person may request that specific and particular information or data in the possession of the City be exempted from public inspection and copying. The request shall be in writing and addressed to the City, and the business, industry or person shall bear the burden of establishing that the specific and particular information or data sought to be exempted is protected from public disclosure under VMC section 14.26.150A2. The City attorney's office shall determine whether and which portions of such information are protected from public disclosure within 21 days of receipt of a request for confidentiality. The City shall not release for public inspection and copying that information and data for which a business, industry or person has requested confidentiality until such time as the City has made a determination of whether the information is protected from public disclosure, unless the City determines in good faith that the request for confidentiality is frivolous or without merit.

2. The City may withhold records based on VMC section 14.26.150A2 only if it finds:

a. The record contains information that reflects valuable research data that has been obtained by the City within 5 years of the date of the request and that disclosure would produce private gain and public loss. For purposes of this finding, "research data" means a body of facts and information collected for a specific purpose and derived from close, careful study or from scholarly or scientific investigation or inquiring; or

b. The record contains trade secret information because it includes a formula, pattern, compilation, program, device, method, technique or process that:

i. Derives independent economic value, actual or potential, from not being generally known;

ii. The information is the subject of efforts that are reasonable under the

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circumstances to maintain its secrecy; and

- iii. The information is not readily ascertainable from another source.

3. As an alternative to the procedures specified in VMC section 14.26.150B2, the City attorney's office may decline to make a determination of whether the record is exempt from public disclosure because it contains trade secret information. Where the City attorney's office declines to make such a determination, the City shall provide the holder of the trade secret a reasonable amount of time, but in no case more than 21 days to obtain an order from the superior court preventing disclosure of the record.

4. A business, industry or person submitting information or data to the City for which the business, industry or person intends to claim whole or partial confidentiality shall mark those specific pages and sections of information or data asserted to be confidential with a conspicuous and legible marking indicating "TRADE SECRET" and/or "CONFIDENTIAL". The business, industry or person shall then submit a request for trade secret protection to the City for the marked records within 7 days of submitting such marked information or data.

C. Availability of Confidential Information: Surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities, which the City or a court of competent jurisdiction has determined are trade secrets and exempted from public inspection and copying, shall be available upon written request to local, state, and federal governmental agencies for uses related to this chapter, the NPDES program, state water quality monitoring and enforcement, and other enforcement proceedings involving the business, industry or person.

D. Procedure for Public Records Request: Any person seeking to inspect or copy any surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities, which are not exempted from public disclosure, shall do so by written request to the City. The request shall be specific enough to permit the City to identify the particular documents, information or data sought. The City shall respond to each document request in accordance with RCW 42.56.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.152 Alternative practices.

A. Where appropriate, the City shall accept other local, state or federal approvals, permits or other authorization as satisfying certain provisions defined through this chapter. The City retains the authority to review plans, permits and operating conditions to determine compliance.

B. The City will accept an alternative practice, system, plan or structure only if the owner/operator can demonstrate to the City that the alternative will produce the same or a greater level of water resource protection.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.154 Adjustments.

An Adjustment is a technical variation in the application of a Minimum Requirement to a particular project. The City may grant Adjustments to this chapter only under this section. No other Adjustments are authorized under this section.

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A. Adjustment Approval Process.

1. Permit procedural requirements. Adjustments to the Minimum Requirements may be granted by the City, as Permittee, provided that a written finding of fact is prepared showing compliance with the specified criteria.

2. City process. A request for an Adjustment shall be administratively processed in accordance with procedures specified in the General Requirements. The Director may grant an Adjustment upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B. below. The Director shall maintain a record of such decisions and associated findings.

B. Adjustment Approval Criteria. The City may grant an Adjustment to this chapter only under the following circumstances:

1. Compliance with the approval criteria must be documented with written findings of fact.
2. The Adjustment provides substantially equivalent environmental protection.
3. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.

4. The Adjustment will not result in non-compliance with other Minimum Requirements.

5. No Adjustment shall be used in place of an Exception procedure under VMC 14.26.155, where such procedure is applicable.

(M-3920, Added, 06/15/2009, Sec 4)

Section 14.26.155 Special Exceptions.

The City may grant Special Exceptions to this chapter under this section.

A. Special Exception Approval Process.

1. NPDES Permit procedural requirements. Special Exceptions may be granted by the City following legal public notice of an application for an exception, legal public notice of the City's decision on the application for special exception, and written findings of fact that documents the City's determination to grant an exception. The City shall keep records, including the written findings of fact, of all exceptions. Project-specific design exceptions based on site-specific conditions do not require prior approval of the Washington State Department of Ecology.

2. City process. Applications for Special Exceptions under this chapter shall be processed according to the procedures for Type III applications under VMC 20.210.060. A fee shall be imposed in the amount of the fee for a Type III variance as established under VMC 20.180.060. The Hearings Examiner may grant a Special Exception upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. Hearings under VMC 14.26.155 relating to Special Exceptions shall be consolidated with any required open record hearing related to any underlying application, where such open record hearing is required.

B. Exception Approval Criteria. The City may grant Special Exceptions to this chapter, if application of this chapter imposes a severe and unexpected economic hardship on a project applicant.

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1. The following must be documented with written findings of fact:
 - a. The current (pre-project) use of the site; and
 - b. How the application of this chapter restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of this chapter; and
 - c. The possible remaining uses of the site if the Special Exception were not granted; and
 - d. The uses of the site that would have been allowed prior to the adoption of this chapter; and
 - e. A comparison of the estimated amount and percentage of value loss as a result of the requirements of this chapter versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the requirements of this chapter; and
 - f. The feasibility for the owner to alter the project to apply the requirements of this chapter.
2. In addition any exception must meet the following criteria:
 - a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
 - b. The exception is the least possible exception that could be granted to comply with the intent of this chapter. This criteria is met by evidence that the owner/operator has employed measures to avoid and minimize impacts, such as:
 1. limiting the degree or magnitude of the regulated use or activity;
 2. implementing best management practices;
 3. phasing or limiting implementation;
 4. changing the timing of activities; or
 5. revising site plans.

(M-4022, Amended, 09/10/2012, Sec 59-Effective 10/10/2012; M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.160 Appeals.

A. Appeals of enforcement of this chapter under VMC 14.26.145 and VMC Title 22 shall be governed by VMC Title 22.

B. Appeals under VMC 14.26.135 relating to special protection areas shall be consolidated with any open record hearing or appeal related to any underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type II applications in VMC 20.210.020. Where there is no underlying new development or redevelopment application requiring an open record hearing or appeal, appeals under VMC 14.26.135 relating to special protection areas shall be processed according to the procedures set forth in VMC 14.20.070.

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C. Appeals under VMC 14.26.155 relating to special exceptions shall be consolidated with any open record hearing or appeal related to the underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type III applications in VMC 20.210.020. Where there is no underlying application requiring an open record hearing or appeal, appeals under VMC 14.26.155 relating to special exceptions shall be processed according to the procedures set forth in VMC 14.20.070.

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)

Section 14.26.165 Halogenated solvent table.

Solvent	Synonym(s)	CAS No.
Benzyl chloride	Chloromethylbenzene	100-44-7
Bis(2-chloroethyl)ether	Bis(-chloroethyl)ether	111-44-4
Bis(2-chloroisopropyl)ether	Bis(-chloroisopropyl)ether	108-60-1
Bromobenzene	Phenyl bromide	108-86-1
Bromochloromethane	Chlorobromomethane	74-97-5
Bromodichloromethane	Dichlorobromomethane	75-27-4
Bromoethane	Ethyl bromide	74-96-4
Bromoform	Tribromomethane	75-25-2
Carbon tetrachloride	Tetrachloromethane	56-23-5
Chlorobenzene	Benzene chloride	108-90-7
2-Chloroethyl vinyl ether	(2-Chlorethoxy)ethane	110-75-8
Chloroform	Trichloromethane	67-66-3
1-Chloro-1-nitropropane	Chloronitropropane	600-25-9
2-Chlorophenol	o-Chlorophenol	95-57-8
4-Chlorophenyl phenyl ether	p-Chlorodiphenyl ether	7005-72-3
Chloropicrin	Trichloronitromethane	76-06-2
m-Chlorotoluene		108-41-8
o-Chlorotoluene	2-Chloro-1-methylbenzene	95-45-8
p-Chlorotoluene		106-43-4
Dibromochloromethane	Chlorodibromomethane	124-48-1
1,2-Dibromo-3-chloropropane	DPCP	96-12-8
Dibromodifluoromethane	Freon 12-B2	75-61-6
1,2-Dichlorobenzene	o-Dichlorobenzene	95-50-1
1,3-Dichlorobenzene	m-Dichlorobenzene	541-73-1
1,1-Dichloroethane	1,1-DCA	75-34-3

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1,2-Dichloroethane	Ethylene dichloride, 1,2-DCA	107-06-2
1,1-Dichloroethene	Vinylidene chloride 1,1-DCE	75-35-4
trans-1,2-Dichloroethylene	trans-1,2-DCE	156-60-5
1,2-Dichloropropane	Propylene dichloride	78-87-5
cis-1,3-Dichloropropene	cis-1,3-Dichloropropylene	10061-01-5
trans-1,3-Dichloropropene	trans-1,3-Dichloropropylene	10061-02-0
Ethylene dibromide	1,2-Dibromoethane, EDB	106-93-4
Hexachlorobutadiene	HCBD	87-68-3
Hexachlorocyclopentadiene	HCCPD	77-47-4
Methylene chloride	Dichloromethane	75-09-2
Pentachloroethane	Ethane pentachloride	76-01-7
1,1,2,2-Tetrabromoethane	Acetylene tetrabromide	79-27-6
1,1,2,2-Tetrachloroethane	Acetylene tetrachloride	79-34-5
Tetrachloroethylene	Perchloroethylene, PCE	127-18-4
1,2,4-Tetrachlorobenzene	1,2,4-TCB	120-82-1
1,1,1-Trichloroethane	Methyl chloroform, 1,1,1-TCA	71-55-6
1,1,2-Trichloroethane	1,1,2-TCA	79-00-5
Trichloroethylene	TCE	79-01-6
1,1,2-Trichlorofluoromethane	Freon 11	75-69-4
1,2,3-Trichloropropane	Allyl trichloride	96-18-4
1,1,2-Trichlorotrifluoroethane	Freon 113	76-13-1

(M-3920, Repealed & Replaced, 06/15/2009, Sec 4; M-3600, Added, 11/04/2002)