



# City of Edgewood

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## City of Edgewood Stormwater Policy Directive

Date: February 2015

To: City of Edgewood Community Development, Building and Public Works Staff and Contracting Consultants.

From: Assistant City Manager - Eric C. Phillips, AICP

Subject: City of Edgewood Policy Directive Regarding Stormwater Enforcement and Coordination Processes and Documentation

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### Section 1: Introduction

This document was prepared in coordination with Kennedy/Jenks Consultants at the request of the City of Edgewood (City) with the intent to document the City's enforcement strategy and internal coordination processes in response to issues of non-compliance with federal, state, or local pollution prevention regulations that may arise due to discharges into and/or from the City's municipal separate storm sewer system (MS4) to waters of the state of Washington. Conditions or activities that may cause a violation include, but are not limited to, illicit discharges, improper storage of chemicals or hazardous materials, construction dewatering activities, erosion of soils, improper herbicide and/or fertilizer use, accidental spills, and other pollution-causing activities. The policy directive is intended to provide guidance to staff and contracted inspectors who provide field support and front line enforcement support to the City in meeting its code requirements. The City's inspector or designee may refer non-compliance investigations and enforcement to the City's designated enforcement official or local, state, or federal agencies, or may help coordinate investigation and enforcement actions with them, as appropriate. These investigations may include DOE staff and/or Tacoma-Pierce County Health Department staff as well as other code enforcement staff.

This document is also intended to define the City's recordkeeping procedures for inspection documentation and enforcement actions prepared or taken by the site inspector or designee for instances of non-compliance as well as permit monitoring for compliance.

Nothing in this stormwater Policy Directive is meant to replace conditions and requirements as set forth in EMC 13.05, other City ordinances, and/or applicable laws.

### Section 2: Legal Authority

As an operator of a regulated small MS4, the City of Edgewood is covered under the Western Washington Phase II Municipal Stormwater Permit (Phase II). The Phase II includes numerous requirements including, but not limited to, development and implementation of a Stormwater Management Program (SWMP). Section S5.C.4 of the Phase II requires the City to implement and enforce programs to reduce pollutants in stormwater runoff to the City's MS4 from new development, redevelopment, and construction site activities applicable to private and public development, including roads. The City's stormwater regulations defining and governing new

development, redevelopment, and construction site policies, procedures, and legal authority are listed in Title 13 (Water and Sewers) of the Edgewood Municipal Code (EMC). Specifically, EMC Chapter 13.05 addresses the City's stormwater manual and site development regulations, Chapter 13.25 addresses illicit stormwater discharges, and Chapter 1.10 authorizes the City to punish any individual or entity violating the EMC or the provisions of any City ordinance with civil and/or criminal penalties.

The sections that follow describe the City's internal and external processes for plan review for new development and redevelopment projects, construction inspection and enforcement, and other inspections and investigations performed by the City.

## Section 3: Plan Review of Proposed New and Redevelopment Projects

Pursuant to EMC 13.05.030, any development or redevelopment activity must apply for and receive a site development permit, unless the project meets very specific exemptions from the regulations. The City or its designee reviews submitted plans and information to determine whether the submittal complies with the provisions of EMC Chapter 13.05.

### **Section 3.1: Single-Family Residence Plan Review**

The City or its designee reviews Single Family Resident (SFR) construction stormwater plans for compliance with the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Western Washington (SWMM) and EMC 13.05. Information listed in EMC 13.05.120 (e.g., record of payment, documentation of compliance with the SWMM, etc.) must be included in the submittal before the review process begins. As part of the review, the City or its designee evaluates the design and analysis methodology used and considers the factors identified in EMC 13.05.140 (i.e., conditions for City acceptance of preexisting stormwater facilities), when applicable. If submitted plans do not meet City requirements, they are returned to the applicant for revision and resubmittal. Once it is determined the submittal meets EMC 13.05 and SWMM requirements, the City issues a site development permit (or building permit). Unless out of the ordinary circumstances or public complaints arise, the City site inspector (typically the building inspector who is CESCL certified) or designee does not typically conduct site inspections outside of normal site review during other inspection calls of single family residences during or after construction. A final inspection of the approved surface water system is required for all smaller (single family) building projects that have a surface water compliance permit.

### **Section 3.2: Commercial Development Plan Review**

Commercial developments including, but not limited to, multi-family residential developments, single family developments and subdivisions (during Plat development), condominiums, and businesses must comply with EMC 13.05 to obtain site development permits. The applicant must submit information outlined in EMC 13.05.120 to the City. The City or its designee then reviews the submittal for compliance with EMC 13.05 and SWMM requirements and provides the applicant with a list of required revisions, if appropriate. If necessary, a resubmittal of the drawings and plans will be requested. Once the submittal is determined to be compliant with EMC 13.05 and the SWMM, a site development permit is issued by the City.

Unlike SFR projects, the City site inspector or designee perform construction site inspections on all commercial development projects as described in the following section.

## Section 4: Construction Inspections, Documentation, and Enforcement

Construction inspections are triggered by the commencement of construction activities (e.g., clearing and grubbing, grading, etc.). Periodic inspections are conducted by the site inspector or designee to evaluate site compliance with EMC 13.05, the SWMM, and Ecology's Construction Stormwater General Permit (CSGP), as applicable. Erosion and sediment control (ESC) measures and the project site are inspected to evaluate the potential for sediment transport offsite and for project work to negatively impact the City's MS4, public health and safety, and/or environmental health. Deficiencies noted during the site visit are documented and included in a site inspection report (a sample report format is noted in "Appendix A" attached). The site inspector or designee will submit the site inspection report identifying investigation results, including any documented deficiencies, to the holder of the permit (e.g., owner, contractor, developer, etc.). Upon receipt of the inspection report, the permit holder will have 1 week to address identified items. A compliance plan to address the deficiencies may be submitted to the City for review and approval if out of the ordinary circumstances, acts of God, etc. are encountered.

Deficiencies identified during the site visits are documented on a construction tracking sheet retained by the City in the official project file. If a deficiency is not addressed or if the deficiency has arisen multiple times before, it is flagged and monitored by the City. By flagging the deficiency, the City is putting the permit holder on notice that the City may issue an enforcement action if the deficiency continually arises or is consistently not addressed. If the City identifies a deficiency that requires immediate attention, endangers public health and safety, endangers environmental health, or is a serious chronic problem, the City can issue an enforcement action, pursuant to EMC 13.05.100. These actions include, but are not limited to, assessing civil penalties, withholding or withdrawing approval, revoking the site development permit, issuing of a stop work order, or any combination thereof. Documentation and copies of any warning letters, notices of violation (NOVs), or other enforcement action and documentation of any communications and/or meetings with the City are retained by the City and are included in the project file.

- The process for site inspections and reporting is to be reviewed with the applicants by City Staff for all commercial projects during the pre-construction meeting to assure familiarity with the City's surface water compliance process.

## Section 5: Inspection Programs for Existing Sites or Facilities

To ensure compliance with EMC Title 13, including standards incorporated by reference from the SWMM, and pursuant to EMC 13.05.110 and 13.25.060, City site inspectors or designees conduct inspections of commercial and residential sites. Investigations may be conducted upon request of the owner or operator or may be warranted in response to complaints from businesses, the public, or other public agencies identifying possible or potential water quality concerns (e.g., spills, erosion, flooding, unmaintained stormwater systems, etc.).

The focus of inspections at commercial sites, generally small and large businesses, is to ensure that adequate stormwater pollutant source control measures are in place and to educate business owners and employees about appropriate and applicable best management practices (BMPs) they need to implement to prevent prohibited discharges and maintain water quality.

Inspections of residential projects including, but not limited to, single-family residential sites, residential subdivisions, multi-family residential properties, and condominiums, are conducted in

primarily in response to violation reports or complaints in order to ensure proper operation and maintenance of installed stormwater quality and quantity structures. For small residential stormwater systems, inspections may incorporate a procedure for self-inspection by the owner, operator, or their agent.

If violations are found during an inspection of an existing site or facility, appropriate response actions will be taken by the site inspector or designee in accordance with the guidelines provided in EMC 1.10.

## Section 6: Investigation of Reports of Non-Compliance and Public Complaints

Instances of non-compliance will be noted during inspections, as appropriate, based on the severity and nature of the infraction. Inspection results will be compared with the City's relevant historical compliance records or incident reports and with maintenance and service records, where available and as necessary, to determine whether and what level of response or penalty is warranted. Violations that adversely impact the City's MS4, public health and safety, and/or environmental health detected during site inspections may warrant immediate site or facility shutdown (e.g., stop work orders, revocation of a site permit, termination of service, etc.) in accordance with the provisions of EMC Chapters 13.05.100.F and 13.25.080.B. All violations will be noted in a site inspection report written by the site inspector or designee and sent to the owner and/or operator of the site or facility and a copy shall be placed in the formal project file. EMC 13.05 and 13.25 outline deadlines by which the owner and/or discharger must respond, petition, or pay a penalty, as applicable.

In addition to immediate response or corrective action, the site inspector or designee may notify Ecology in the event of serious instances of non-compliance detected during an inspection or observation.

If an immediate threat to a public roadway, or public facility is determined the City may direct immediate corrections by use of City work forces to secure, stabilize and otherwise protect the public health safety and welfare. Under emergency conditions the City responsible staff or designee shall provide timely notice and follow-up documentation as quickly as possible after securing the site.

The Primary Contacts for Compliance for typical reporting is as follows:

- Small projects & Building Permits (includes SFR construction): Edgewood Building Official or Senior Planner (most common).
- Site Development, Commercial Projects: City's project Manager and designated engineering field inspector. All filed inspections and directives shall be copied to the permit file. Contact site geotechnical or on-call stormwater engineer as deemed necessary.
- City Street and Capital Construction Projects: City project Manager and or construction site manager.
- Citizen Complaints: Document via Citizen Action Request (CAR). Site Visit by department head or designee. Follow-up based on site visit

# City of Edgewood Stormwater policy Directive

## “Appendix A”

XXX – SITE DEVELOPMENT  
EROSION CONTROL - INSPECTION RECORD

Kennedy/Jenks Consultants

Visit # <u>XX</u> Date: <u>XX/XX/XX</u>	<b>Status:</b> - NIA – Needs Immediate Attention - OK – Okay - FX – Fixed - N/A – Not Applicable or Not Observed	If Status “NIA” Describe Failure/Condition	If Failure/Condition addressed, describe solution					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; text-align: center;">Mon</td> <td style="width: 12.5%; text-align: center;">Tue</td> <td style="width: 12.5%; text-align: center;">Wed</td> <td style="width: 12.5%; text-align: center;">Thur</td> <td style="width: 12.5%; text-align: center;">Fri</td> </tr> </table>	Mon	Tue	Wed	Thur	Fri		
Mon	Tue	Wed	Thur	Fri				
SILT FENCE								
1. Site perimeter intact?								
2. Sediment and/or water buildup?								
CONSTRUCTION ENTRANCE								
1. Sediment on site access road?								
2. Sediment on public road[s]?								
STORM DRAIN INLETS								
1. Sediment buildup?								
2. Protection intact?								
SOIL EXCAVATION								
1. Monitor for contaminants								
ONSITE EROSION								
1.								
2.								
SOIL STOCKPILES								
1. Stabilized?								
2. Visible erosion/rills?								
SWALES/CHECK DAMS								
1. Swales Stabilized?								
2. Check dams condition?								
SEDIMENT & DETENTION PONDS								
1. Sediment ponds intact?								
2. Surface water controls (interceptor dikes, slope drains, etc.) intact?								
3. Detention ponds intact?								
SLOPE STABILITY								

XXX – Erosion Control Status

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XXX – SITE DEVELOPMENT  
EROSION CONTROL - INSPECTION RECORD

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1. Slopes stable?			
OTHER SOURCE/EROSION CONTROL MEASURES			
1.			
2.			
3.			

Inspection Report (IR) No.	Date(s) Identified	Previous IR No.	Addressed?	Notes/Description
Date-Comment #				

GENERAL COMMENTS/NOTES:

- **Time of visit:**
- **Weather:**
- 

Picture 1 – XXX

Picture 2 – XXX

