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ORIGINAL

ORDINANCE NO. 2180

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND MUNICIPAL CODE AND REDMOND COMMUNITY DEVELOPMENT GUIDE IN ORDER TO ADOPT REGULATIONS FOR THE PROTECTION OF THE CITY'S WELLHEADS FROM HAZARDOUS MATERIALS AND OTHER POLLUTANTS ENTERING THE CITY'S WATER SUPPLY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Redmond obtains its public drinking water from two sources: City groundwater wells and a connection to the City of Seattle water pipeline, and

WHEREAS, the natural quality of water from the City's groundwater wells is good, but the aquifer or aquifers from which such wells draw is vulnerable to contamination from intense urban development in the City's downtown and southeast industrial areas, and

WHEREAS, in order to maintain the City's irreplaceable supply of drinking water, the City staff has worked cooperatively with business community representatives to develop a comprehensive Wellhead Protection Ordinance, and

WHEREAS, in September 2003, the City's Technical Committee reviewed and recommended the proposed Wellhead Protection Ordinance to the Redmond Planning Commission, and

WHEREAS, in October 2003, the Planning Commission held a public hearing on the proposed Wellhead Protection Ordinance and unanimously recommended approval of the ordinance to the Redmond City Council, and

WHEREAS, the City Council has reviewed the proposed Wellhead Protection Ordinance and has determined that the ordinance should be passed in order to ensure the long-term protection of the City's underground drinking water resource and to protect the City's drinking water infrastructure from costly and potentially compromising contamination events, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Wellhead Protection Amendments to the Redmond Municipal Code. The City Council hereby approves and adopts the new RMC Chapter 13.07 and the amendments to RMC 5.04.070, 5.64.120, 13.06.180 and 13.06.190 set forth on Exhibit A to this ordinance, which exhibit is incorporated herein by this reference as if set forth in full.

Section 2. Wellhead Protection Amendments to the Redmond Community Development Guide. The City Council hereby approves and adopts the following new provisions and amendments to the Redmond Community Development Guide set forth on Exhibit B to this ordinance, which exhibit is incorporated herein by this reference as if set forth in full:

A. The new definitions and amendments to definitions in Chapter 20A.20;

B. The amendments to Sections 20D.140.10-010, 20D.14.10-220, and 20D.140.10-300 relating to Sensitive Areas;

C. The replacement Sensitive Areas Map for Aquifer Recharge Areas and the amendment to Section 20D.140.10-040;

D. The amendments to Sections 20F.10.50-090 and 20F.10.50-100 relating to alteration or expansion of a nonconformance;

E. The amendments to the Permit Classification Chart in Section 20F.30.15-040;

F. The amendments to Section 20F.30.30-15 relating to the Type I review decision-maker and appeal body;

G. The amendments to Section 20D.170.60-030 relating to development standards for special uses; and

H. The amendment to Section 20E.90.10-050 and the new Section 20E.90.10-095 relating to the Clearing, Grading and Storm Water Management Code.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance or any code provision adopted or amended herein should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any such code provision.

Section 4. Effective Date. This ordinance, being the exercise of a power specifically delegated to the City's legislative body, is not subject to referendum and shall take effect five (5) days after publication of a summary consisting of the title.

APPROVED:

MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:

CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
JAMES E. HANEY

FILED WITH THE CITY CLERK:	October 17,2003
PASSED BY THE CITY COUNCIL:	October 21, 2003
PUBLISHED:	October 27, 2003
EFFECTIVE DATE:	November 1, 2003

Exhibit A

Redmond Municipal Code Regulations

Section 1. New Procedures Added to the Redmond Municipal Code to provide for a Hazardous Materials Questionnaire to be required as needed to evaluate the use of chemicals near the wells.

Section 5.04.070, *Procedures for issuance of license,* of the Redmond Municipal Code is hereby amended as follows:

5.04.070 Procedures for issuance of license.

(A) Formal Application Required. Every person required to procure a license under the provisions of this chapter shall submit an application for such license to the Finance Director. The application shall be made upon forms provided by the Finance Director.

(B) Commencement of Business Activities. No person shall be entitled or authorized to engage in business within the city until such time as the Finance Director has approved the issuance of a business license pursuant to the terms of this chapter. The acceptance of a business license application by the City shall not be deemed to grant any right or privilege under this chapter, except as otherwise provided by law.

(C) Burden on Applicant. The Finance Director, or other designated officer, is authorized, but not required, to mail to persons engaging in business forms for applications for licenses, but failure of the person to receive any such form shall not excuse the person from making application for and securing the license required by this chapter. (Ord. 1924 § 1, 1996).

(D) Applications for Business Licenses or license renewals, including home businesses, within the boundaries of Wellhead Protection Zones 1, 2, or 3 shall be accompanied by a completed Hazardous Materials Questionnaire to determine the regulatory status of the business. The Director of Public Works, or his or her designee, shall review and approve the Hazardous Materials Questionnaire.

Section 2. **A new chapter is added to Title 13, Water and Sewers of the Redmond Municipal Code to provide for a systematic way of protecting the wellheads from hazardous materials entering the water supply.**
Title 13 of the Redmond Municipal Code is hereby amended to add Chapter 13.07 and read as follows:

Title 13

WATER AND SEWERS

Chapters:

13.02 Water and Sewer Service Funds
13.03 Definitions
13.04 Sewage and Drainage
13.05 Side Sewer Contractor Roster
13.06 Stormwater Maintenance Code
13.07 Wellhead Protection
13.08 Installing and Connecting Water Service
13.01 Cross-Connection and Backflow Prevention
13.11 Water and Sewer Connection Charges
13.12 Reimbursement Agreements for Utility Improvements
13.15 Latecomer Connection Charge – 180th Avenue N.E. Sanitary Sewer Improvements
13.16 Water and Sewer Service Rates
13.17 Utility Accounts
13.18 Stormwater Management Utility
13.20 Storm Drainage Capital Facilities Charges
13.21 Stormwater Engineering, Plan Review and Processing Fees
13.22 *Repealed*
13.24 Water Conservation
13.28 Sprinkling and Irrigation
13.32 Fluoridation of Water Supply
13.34 Streetlighting Charges
13.36 Utility Extensions Outside City Limits
13.38 Administrative and Processing Services – Cost Recoupment

Chapter 13.07

WELLHEAD PROTECTION

Sections:

13.07.010 Purpose
13.07.020 Authority
13.07.030 Definitions
13.07.040 Scope and applicability
13.07.050 Information and operational requirements
13.07.060 Hazardous Materials Questionnaire required
13.07.070 Hazardous Materials Inventory Statement required
13.07.080 Hazardous Materials Management Plan required
13.07.090 Waiver of forms submittal
13.07.100 Performance standards
13.07.110 Wellhead monitoring program
13.07.120 Reporting of hazardous substances releases and completion of cleanup
13.07.130 Inspections
13.07.140 Appeals
13.07.150 Enforcement authority
13.07.160 Orders
13.07.170 Penalty for violations
13.07.180 Penalties due
13.07.190 Severability
13.07.200 Abrogation and restrictions
13.07.210 Interpretation
13.07.220 Conflicts

13.07.010 Purpose. The purpose of this chapter is to:

A. Fulfill public water system Wellhead Protection Program requirements of Chapter 246-290 WAC.

B. Protect the general public health and prevent contamination of groundwater resources used by the City as a drinking water supply from hazardous materials and other deleterious substances through the following methods:

1. Preventing pollution;

2. Establishing wellhead protection zones around the City's water supply wells;

3. Prohibiting new facilities or activities that may pose a significant hazard to the City's groundwater resources resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances;

4. Imposing standards for storing, handling, treating, using, producing, recycling, or disposing of hazardous materials so as to preclude the introduction of such materials into soil, surface water, or groundwater; and

5 Establishing a monitoring program to detect the presence of contaminants in groundwater prior to their reaching the City's water supply wells.

13.07.020 Authority.

This chapter is established under authority of the Optional Municipal Code (Chapter 35A.70 RCW), Growth Management Act (Chapter 36.70A RCW), Public Water Systems-Penalties and Compliance (Chapter 70.119A RCW), and Public Water Supplies (Chapter 246-290 WAC).

13.07.030 Definitions.

For the purpose of this chapter, the following definitions shall apply. Additional definitions related to wellhead protection are located in RCDG 20A20.

(1) "Business license" means that document issued by the City under authority of Chapter 5.04 of the Redmond Municipal Code licensing the transaction of the indicated business by the person whose name appears thereon for the stated year.

(2) "Director" means the Director of the Public Works Department or his/her designee.

(3) "Hazardous Materials Inventory Statement" means a form provided by the City of Redmond and completed by a facility owner or operator that discloses the types, quantities, and locations of hazardous materials and other deleterious substances that are or will be stored, handled, treated, used, produced, recycled, or disposed of at the facility. The Hazardous Materials Inventory Statement shall be prepared pursuant to requirements of the Redmond Fire Code RCDG 20.E.100.

(4) "Hazardous Materials Management Plan" means a form provided by the City of Redmond and completed by a facility owner or operator that includes the facility description, the Hazardous Materials Inventory Statement; descriptions of separation, secondary containment, and monitoring for aboveground and underground storage areas and waste disposal; record keeping; an emergency response plan; and an emergency response training plan. The Hazardous Materials Management Plan shall be prepared pursuant to requirements of the Redmond Fire Code RCDG 20E.100.

(5) "Hazardous Materials Questionnaire" means a form provided by the City of Redmond and completed by a facility owner or operator that discloses the types and estimated amounts of hazardous materials used by the facility, and the operational activities of the facility.

(6) "Monitoring Well" means a well designed to obtain a representative groundwater sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(7) "Operator" means any person or persons in control of, or having responsibility for, the operation of a facility.

(8) "Owner" means for purposes of this chapter, a person or persons with a vested ownership interest in a facility, including a leasehold interest, but does not include persons holding only contingent interests or security interests in all or a portion of the facility.

(9) "Person" means an individual, firm, association, joint venture, partnership, municipality, government agency, political subdivision, industry, public or private corporation, owner, lessee, tenant, or any other entity whatsoever.

(10) "RCDG" means the Redmond Community Development Guide.

(11) "Redmond Fire Code" means the fire code adopted by the City of Redmond.

(12) "Retail Facility" means a building, structure, or portion thereof, used for the display and sale of merchandise, and involving stocks of goods, wares, or merchandise incidental to such purposes and accessible to the public. Retail facilities include, but are not limited to the following: department stores, drug stores, markets, paint stores without bulk handling, shopping centers, and wholesale and retail stores.

(13) "Wellhead Protection Zones" means land areas delineated by the City for purposes of safeguarding groundwaters that supply, or potentially supply, drinking water to wells operated by the City

13.07.040 Scope and Applicability.

A. The provisions of this chapter shall apply to all facilities, activities, and residences in the City of Redmond that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or deleterious substances.

B. Boundaries for wellhead protection zones are delineated in the map "City of Redmond Wellhead Protection Zones" adopted as part of RCDG 20D.140.10-040. Wellhead Protection Zones are classified into four zones: Wellhead Protection Zone 1, 2, and 3, as defined in accordance with Chapter 246-290 WAC, and Wellhead Protection Zone 4.

1. Wellhead Protection Zone 1 represents the land area overlying the six-month time-of-travel zone of any public water source well owned by the City.
2. Wellhead Protection Zone 2 represents the land area that overlies the portion of the one-year time-of-travel zone that does not lie in the six-month time-of-travel zone of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zone 1.
3. Wellhead Protection Zone 3 represents the land area that overlies the portion of the five-year and ten-year time-of-travel zones of any public water source well owned by the City that does not lie in the one-year time-of-travel zone, excluding the land area contained within Wellhead protection Zones 1 or 2.
4. Wellhead Protection Zone 4 represents all the remaining land area in the City not contained within Wellhead Protection Zones 1, 2, or 3.

The applicability of various requirements in this chapter shall depend upon the zone in which the facility or activity is located.

13.07.050 Information and operational requirements.

A. Any facility, activity, or residence in the City in which hazardous materials or other deleterious substances are present shall be operated in a manner that ensures safe storage, handling, treatment, use, production, and recycling or disposal of such materials and substances and prevents their unauthorized release to the environment.

B. In no case shall hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant groundwater hazard within the City of Redmond.

13.07.060 Hazardous Materials Questionnaire required.

A. The Director shall review and approve the Hazardous Materials Questionnaire submitted in accordance with RMC 5.04.070 (D). The Director shall use the Hazardous Materials Questionnaire to determine whether the applicant must submit a Hazardous Materials Inventory Statement. If the Director determines that a Hazardous Materials Inventory Statement is required, the applicant must submit it within 30 days of receipt of notice from the City. The City may grant a one-time thirty (30) day extension at the written request of the applicant.

B. Information requirements for public agencies, institutions, non-profit organizations, and any other organization which is not required to have a business license in Zones 1, 2, or 3 that use hazardous materials:

1. By January 31 of each year or at the request of the Director, public agencies, non-governmental agencies, non-profit organizations, or any other organization not required to have a business license shall complete a Hazardous Materials Questionnaire and shall comply with the wellhead protection chapter accordingly.

2. If it is determined that the public agency, governmental agency, institution, non-profit organization, or other organization not required to have business license is required to submit a Hazardous Materials Inventory Statement. The entity must submit the Hazardous Materials Inventory Statement within thirty (30) days of a receipt of notice from the City.

C. The following facilities or activities are exempt from submitting a Hazardous Materials Questionnaire:

1. Heating equipment fuel tanks with a capacity of less than one thousand one hundred (1,100) gallons existing as of the effective date of this chapter and containing heating fuel for consumptive use on the parcel where used.

2. Petroleum products stored in vehicle or equipment fuel tanks.

3. Storage within retail facilities of hazardous materials or other deleterious substances for sale in original containers with a capacity of less than or equal to five (5) gallons liquid or one hundred (100) pounds solid.

4. Application of fertilizers and pesticides and their commercial formulations, if done in accordance with state and federal standards for accepted farming and horticultural practices.

5. Temporary presence of maintenance chemical substances, such as paints and paint thinners, that are actively in use for non-routine maintenance or repair of a facility in individual containers not to exceed five (5) gallons liquid or one hundred (100) pounds solid.

D. If it is determined that a facility or an activity that has been exempted under Section 13.07.060(C) poses a significant groundwater hazard, the City may require compliance with relevant provisions of this chapter.

E. If the use of an exempt facility is changed or if the facility is expanded or upgraded, the owner or operator shall submit a Hazardous Materials Questionnaire within thirty (30) days of the change to determine the regulatory status of the facility under this chapter.

13.07.070 Hazardous Materials Inventory Statement required.

A. If the Hazardous Materials Questionnaire determination establishes that a facility or activity transfers, stores, handles, uses, produces, recycles, or disposes of aggregate quantities of hazardous materials or deleterious substances equal to or greater than twenty (20) gallons liquid or two hundred (200) pounds solid, the owner or operator of the facility or activity must submit a Hazardous Materials Inventory Statement within thirty (30) days of receipt of notice from the City. The Hazardous Materials Inventory Statement shall reflect all current and anticipated types and quantities of hazardous materials and other deleterious substances that will be stored, handled, treated, used, produced, recycled, or disposed of at a facility. The City shall review and approve the Hazardous Materials Inventory Statement. The Hazardous Materials Inventory Statement shall be used by the Director to determine if a Hazardous Materials Management Plan is required.

B. Use of information from other jurisdictional agencies. Information required in the Hazardous Materials Inventory Statement may be substituted with or supplemented by information already documented or tabulated in an equivalent level of detail in a permit issued to the facility or activity by other jurisdictional agencies. The information must be submitted in a format acceptable to the City.

13.07.080 Hazardous Materials Management Plan required.

A. If the Director determines that a facility or activity has aggregate quantities of hazardous materials or other deleterious substances of more than fifty (50) gallons liquid or five hundred (500) pounds solid or if the Director determines the facility or activity would pose a significant groundwater hazard, the owner or operator must submit a Hazardous Materials Management Plan within sixty (60) days of receipt of notice from the City. The City may grant a one-time thirty (30) day extension at the written request of the owner or operator. The Hazardous Materials Management Plan shall be submitted in a format approved by the City and shall include the location of the Material Safety Data Sheets at the facility.

B Availability of the Hazardous Materials Management Plan. The facility owner or operator shall make certain that a copy of the Hazardous Materials Management Plan is available at the facility and is conspicuously located such that a copy or copies of the plan are immediately available to all employees involved with transferring, storing, handling, treating, using, producing, and recycling or disposing of hazardous materials or other deleterious substances.

C. Training Requirements. The facility owner or operator shall ensure that all employees involved with transferring, storing, handling, treating, using, producing, and recycling or disposing of hazardous materials or other deleterious substances are familiar with the Hazardous Materials Management Plan through regular training.

13.07.090 Waiver of forms submittal.

A. The submission of a new Hazardous Materials Questionnaire, Hazardous Materials Inventory Statement, or Hazardous Materials Management Plan may be waived if the previously submitted forms on file with the Director are accurate and up-to-date.

B. The request for waiver must be submitted annually on a form provided by the Director and must be signed by the owner or operator attesting that there have been no changes in operation standards, or quantities or types of hazardous materials transferred, stored, handled, used, produced, recycled, or disposed of at the facility as reported in the forms on file.

C. The City may require submittal of a renewed Hazardous Materials Questionnaire, Hazardous Materials Inventory Statement, and/ or Hazardous Materials Management Plan at its discretion.

13.07.100 Performance standards.

A. General Standards. Within five (5) years, any facility or activity existing as of the effective date of this chapter within which hazardous materials or other deleterious substances are present shall comply with the relevant performance standards in RCDG 20D.140.10-300 or equivalent best management practices acceptable to the City.

B. Specific Performance Standards. The following specific performance standards apply to the following listed facilities within Wellhead Protection Zones 1 or 2:

1. Sewer Pipelines. Should the Director have reason to believe that the operation of a sewer pipeline and conveyance system appurtenances existing as of the effective date of this chapter may be degrading groundwater quality, the Director may require that leak testing be conducted. Should leakage be detected, the Director shall require correction to his/her satisfaction.

2. Stormwater Infiltration Systems. Stormwater infiltration systems existing as of the effective date of this chapter located at regulated facilities must address specific releases

posed by hazardous material storage or processing. These risks may be mitigated by physical means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan for the regulated facility.

a. Within five (5) years of the effective date of this chapter, any stormwater infiltration systems existing as of the effective date of this chapter shall be certified by a professional engineer or engineering geologist registered in the State of Washington as conforming to the requirements of the Washington Department of Ecology Stormwater Management Manual for Western Washington (2001), as adopted by the City of Redmond. If a system cannot be so certified, the system shall be modified such that the certification is attained.

b. Provisions to prevent releases of hazardous materials into stormwater systems shall be updated in the Hazardous Materials Management Plan and supported by upgraded or new infiltration system designs, as necessary, to reflect significant changes in types, quantities, and handling of hazardous materials.

c. The owner or operator of a regulated stormwater infiltration facility shall notify the Public Works Department that a stormwater infiltration system has been decommissioned within sixty (60) days of its decommissioning.

3. Underground Hydraulic Elevator Cylinders. The owner or operator of any facility with an underground hydraulic elevator pressure cylinder shall inspect the annulus at least once every six (6) months for evidence of hydraulic fluid leakage and report the results to the Director. If leakage is detected, the facility owner or operator shall complete repairs within thirty (30) days of discovery of leakage, and document such repairs to the Director within thirty (30) days of completion of repairs.

C. Residential Users. Residential users of hazardous materials living in the City of Redmond shall reduce contamination risks to groundwater by:

1. Following storage, use, and disposal instructions on all household hazardous chemical containers;

2. Following storage, use, application, and disposal instructions for pesticides, herbicides, and fertilizers;

3. Following storage, use, and disposal instructions for automotive fuels, lubricants, and cleaning products; and.

4. Reporting unauthorized releases of hazardous materials into the environment.

13.07.110 Wellhead monitoring program.

A. The City may develop and maintain a City-wide Wellhead Monitoring Program in order to monitor water quality and detect potential contamination before it reaches the City's water supply wells.

B. If the City has probable cause to suspect groundwater contamination at a facility, the City shall request permission of the owner or operator to install groundwater monitoring wells and sample at a frequency to be determined. If the request is denied, the City may apply for an administrative search warrant pursuant to Section 1.14.090 of the Redmond Municipal Code.

13.07.120 Reporting of hazardous substances releases and completion of cleanup.

A. The owner or operator of a facility shall provide a written notice to the Director at the same time as reporting a release under either of the following programs:

1. The Department of Ecology's Model Toxics Control Act (MTCA) (Chapter 173-3440-300 WAC) Cleanup Regulations, or

2. The U.S. Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. Section 9503c).

B. The owner or operator of a facility shall provide written notice to the Director within five (5) business days of receipt of a No Further Action letter from the Department of Ecology, or a final Record of Decision from U.S. Environmental Protection Agency, regarding confirmation of cleanup of a release at the facility.

13.07.130 Inspections.

A. The City shall have the right to inspect a facility at reasonable times for the purposes of determining compliance with this chapter. Inspections may include, but are not limited to visual inspections of hazardous materials storage and secondary containment areas; inspections of Hazardous Materials Management Plans; and sampling of soils, surface water and groundwater.

B. Prior to making inspections on private property for compliance with this chapter, the City shall provide notice to the owner or operator of the date planned for the inspection. The City shall provide a minimum of twenty-four (24) hours' notice unless there is an imminent threat to human health or the environment. Upon arrival, the City's inspector shall present identification credentials, state the purpose of the inspection, and request entry.

C. In the event that access by a City inspector is denied, the City may apply to a court of competent jurisdiction for issuance of a search warrant authorizing entry for purposes of carrying out the inspections provided for under this section.

D. Coordination with Other City Inspection Programs. City inspectors shall endeavor to coordinate inspections for wellhead protection with stormwater, fire, and/or other applicable inspection programs.

13.07.140 Appeals.

Appeals concerning the application and administration of this chapter shall be processed according to the administrative procedures provided in RCDG 20F.30 unless associated with another permit, in which case the appeal procedures in RCDG 20F.30 for the associated permit will apply.

13.07.150 Enforcement authority.

The Director shall administer and enforce this chapter and shall have the authority to adopt and implement administrative procedures for such enforcement.

13.07.160 Enforcement policy.

Enforcement action shall be taken whenever a person has violated any provisions of this chapter. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation; the damage or risk to the public or to the underlying aquifer, groundwater wells, and drinking water infrastructure; and/or the degree of bad faith demonstrated by the person(s) subject to the enforcement action. In determining appropriate penalties to be assessed for violation(s) of the terms of the chapter, the City shall also consider the financial savings, if any, achieved by the violator in failing to comply with the terms of this chapter.

13.07.170 Orders.

A. The Director shall have the authority to issue to an owner or operator of a facility an order to bring the facility into compliance with this chapter. The order shall provide notice of compliance requirements including:

1. A description of the specific nature, extent, and time of the violation and the damage that might reasonably occur;

2. Notification that the violation cease and desist and, in appropriate cases, the specific corrective action to be taken;

3. A detailed plan enumerating the manner in which the corrective actions stipulated under 13.07.170 (2) will be undertaken to bring the facility into compliance and a schedule for undertaking such actions;

4. The timeframe within which the corrective action must be initiated and completed; and

5. Civil and/or criminal penalties that might be incurred by the owner or operator of a facility not in compliance with this chapter.

13.07.180 Penalty for violations.

A. Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an approval or order issued by the Director shall be subject to civil and/or criminal penalties. Civil and criminal penalties shall be administered as provided in Chapter 1.14 of the Redmond Municipal Code. Each day of continued violation shall constitute a separate violation.

B. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets a violation shall be considered to have committed a violation for the purposes of the civil penalty.

C. Procedures for Imposing Penalty. The procedures for notice of violation and imposition of penalties under this chapter shall be the same as for other code violations as described in Chapter 1.14 of the Redmond Municipal Code, provided, that such procedures may be initiated by either the Director or the Code Compliance Officer upon request of the Director.

D. Community Service or Supplemental Environmental Project Alternative. The Director may, at his/her discretion, provide the option for payment of all or part of any penalties incurred by any person(s) to be made in the form of community service or a Supplemental Environmental Project that will be of benefit to the environment and the City. If a person(s) decides to avail him/herself of this option when offered by the Director, the Director and the person(s) shall enter into a formal written agreement providing for the community service or Supplemental Environmental Project. This agreement shall include, in detail, the description of the service(s) to be rendered or the project to be implemented by the person(s) in penalty for noncompliance with this chapter. The description shall include the hours of service(s) needed to offset the aforementioned penalties based on a mutually agreed upon hourly rate for service.

E. Re-Inspection Fees. In addition to the penalties imposed by the Code Hearing Examiner, the Director may impose a re-inspection fee for any facility found not to be in compliance with this chapter. The re-inspection fee shall be independent of any current or future penalties that may be incurred by the facility owner or operator for noncompliance with this chapter.

13.07.190 Penalties due.

Penalties imposed by the Code Hearings Examiner under this chapter shall become due and payable thirty (30) calendar days after receiving notice of the penalty unless application for

remission or mitigation is made or an appeal filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty (30) calendar days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and a final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed is not paid within the time specified in this section, the City may take actions necessary to recover such penalties.

13.07.200 Severability.

If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

13.07.210 Abrogation and restrictions.

It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions, unless specifically provided otherwise in this chapter. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

13.07.220 Interpretation.

The Director shall be responsible for interpreting the provisions of this chapter. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

13.07.230 Conflicts.

When any existing provision of the Redmond Municipal Code or the Redmond Community Development Guide conflicts with this chapter, that which provides greater public health and environmental protection, as determined by the Director, shall apply, unless specifically provided otherwise in this chapter.

Section 3. A minor correction is being made in Title 5 and Title 13 to reflect the correct title of the position created to hear issues on penalties.

Title 5 and Title 13 of the Redmond Municipal Code is hereby amended to read as follows:

Title 5
BUSINESS LICENSES AND REGULATIONS

5.64.120 Enforcement.

C. Penalties. Each City business day during which an employer fails to 1) implement a commute trip reduction program, or 2) modify a commute trip reduction program that does not meet the goals shall constitute a separate violation of this Chapter. No affected employer with an approved CTR program may be held liable for failure to reach the applicable SOV or VMT goals. This Chapter shall be enforced by the Code Compliance Officer as provided in Chapter 1.14 of the Redmond Municipal Code, provided that:

1. In any hearing on the matter the Code Compliance hearing Examiner shall consider as evidence:
    a. Documented contacts between the City and the employer;
    b. Documented program activities undertaken by the employer; and
    c. Any other evidence submitted by the City or the employer which can demonstrate compliance with this Chapter and the CTR law (RCW 70.94.521 – .551), or lack thereof; and
2. The maximum civil penalty that may be imposed by the Code Compliance hearing Examiner for each separate violation shall be $250 per day per violation.

Failure to obey any order of the Code Compliance hearing Examiner, and failure to comply with any administrative decision or sanction imposed under this Chapter shall constitute a class 1 civil infraction pursuant to RCW 7.80.120 and shall be punishable by a maximum civil penalty of $250 per day per violation. In addition to the institution of any such civil infraction proceedings, the City may authorize the city attorney to collect the fees by appropriate legal action against the employer.

An employer shall not be deemed to be in violation of this Chapter if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they: (a) propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and (b) advise the union of the existence of the statute and the mandates of the CTR program approved by the City of Redmond and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

13.06.180 Penalty for violations.

A. Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an approval or order issued by the Director shall be subject to a civil penalty to be administered by the Code Compliance Hearing Examiner as provided in Chapter 1.14 of the Redmond Municipal Code. Each day of continued violation shall constitute a separate violation for purposes of this penalty.

B. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

C. Procedure for Imposing Penalty. The procedure for notice of violation and imposition of penalties under this chapter shall be the same as for other code violations as described in Chapter 1.14 of the Redmond Municipal Code, provided that such procedures may be initiated by either the Director or the Code Compliance Officer upon request of the Director.

D. Community Service Alternative. The Director may, at his/her discretion, provide the option for payment of all or part of any penalties incurred by any person(s) to be made in the form of community service that will be of benefit to the environment and the City. If a person decides to avail themselves of this option when offered by the Director, the Director and the person shall enter into a formal, written agreement providing for the community service. This agreement shall include in detail the

description of the service(s) to be rendered by the person(s) in penalty for noncompliance of this chapter. The description shall include the hours of service needed to offset the above mentioned penalties based on a mutually agreed upon hourly rate for service.

E. Re-Inspection Fees. In addition to the penalties to be imposed by the Code Compliance Hearing Examiner, the Director may impose a re-inspection fee for any account or storm drainage facility found not to be within compliance of this chapter. This inspection fee shall be independent of any current or future penalties that may be incurred by the property owner for noncompliance of this chapter.

F. Business License Revocation. In addition to any other penalty imposed, the Director may seek revocation of any business license held by the violator. The Director may request that the City Clerk revoke the violator's business license for any of the following reasons: (a) noncompliance with this chapter, (b) not allowing for inspection of their stormwater facility, and; (c) nonpayment of any fines or inspection fees incurred by the owner of the utility account. The procedures for revocation shall be those described in Chapter 5.04 of the Redmond Municipal Code.

13.06.190 Penalties due.

Penalties imposed by the Code Compliance Hearing Examiner under this chapter shall become due and payable 30 days after receiving notice of penalty unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable 30 days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due

and payable after all review proceedings and a final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed is not paid within the time specified in this section, the City of Redmond may take actions necessary to recover such penalties.

EXHIBIT B

Redmond Community Development Guide Regulations

Section 1. New Definitions Added to the Redmond Community Development Guide. Chapter 20A.20, *Definitions*, of the Redmond Community Development Guide and Municipal Code in the noted divisions is hereby amended to insert the following definitions:

20A.20.020 "B" Definitions

Bulk Storage Facility.

A facility where flammable or combustible liquids, solids, or gels are received by tank vessel, pipeline, railroad tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such substances by tank vessel, pipeline, railroad tank car, tank vehicle, portable tank or container.

20A.20.030 "C" Definitions

Cathodic Protection Well.

A cased or uncased borehole constructed for the purpose of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground. Cathodic protection wells are also known as anode wells.

20A.20.040 "D" Definitions

Deleterious Substances.

Include, but are not limited to, chemical and microbial substances that are not classified as hazardous materials under RCDG 20A.20.080, whether the substances are in usable or waste condition, that have the potential to pose a significant groundwater hazard, or for which monitoring requirements or treatment based standards are enforced under Chapter 246-290 WAC.

Dry Cleaning Establishment.

Any facility that uses a transfer machine, dry-to-dry vented unit, or dry-to-dry closed loop unit with chlorinated solvents to clean clothing or other materials.

20A.20.060 "F" Definitions

Fleet.

Five or more vehicles operated within or from a facility.

Fueling Area.

An area in which petroleum fuels are dispensed in liquid form for commercial sale, public use, or for fleet vehicle operation.

20A.20.070 "G" Definitions

Groundwater.

Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

20A.20.080 "H" Definitions

Hazardous Materials.

Any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined and classified in Chapter 70.105 RCW and Chapter 173-303 WAC, whether the materials are in usable or waste condition. Hazardous materials shall also include petroleum or petroleum products that are in a liquid phase at ambient temperatures, including any waste oils or sludges.

20A.20.090 "I" Definitions

Incremental Environmental Improvement.

An improvement to a system protective of groundwater at an existing facility where the improvement reduces the facility's impact on groundwater, provided the improvement is not one of the prohibited activities identified in RCDG 20D.140.10-220.

20A.20.230 "M" Definitions

Mobile Fleet Fueling.

The practice of filling fuel tanks of vehicles from tank vehicles. Mobile fleet fueling is also known as wet fueling and wet hosing. Mobile fleet fueling does not include fueling at construction sites.

MTBE.

Methyl tertiary butyl ether, a gasoline additive.

20A.20.160 "P" Definitions

Perchlorethylene.

A colorless liquid used as a dry cleaning fluid, degreaser of metals, and a solvent (also known as PERC, tetrachloroethylene, tetrachloroethene, carbon dichloride, and ethylene tetrachloride).

20A.20.190 "S" Definitions

Secondary Containment.

Containment designed to hold an unauthorized release external to a primary container.

System Protective of Groundwater.

A system at a facility that serves to protect groundwater quality, including, but not limited to stormwater systems, wheel wash systems, and secondary containment systems associated with hazardous materials.

Significant Groundwater Hazard.

A condition in which there is a reasonable probability of release of a hazardous material or deleterious substance and the material or substance is or can be transferred to a liquid phase that is mobile in both soils and groundwater.

Solid Waste.

All putrescible and nonputrescible solid and semisolid wastes as defined in Chapter 173-304 WAC, Minimum Functional Standards for Solid Waste Handling.

20A.20.200 "T" Definitions

Time-of-Travel Zone.

The delineated area within which groundwater moves towards, and eventually reaches, a water supply well within a given period of time.

20A.20.21 "U" Definitions

Unauthorized Release.

Any intentional or unintentional spilling, leaking, emitting, discharging, escaping, leaching, or disposing of any hazardous material or other deleterious substance into groundwater, surface water, surface soils, or subsurface soils not permitted under federal, state, or local law.

20A.20.230 "W" Definitions

Well.

For the purposes of administering 20D.140, RCDG, Sensitive Areas, a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension that includes water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. For this purpose a well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

Wellhead Protection Zone

A zone designated under guidance from the Washington Department of Health Wellhead Protection Program pursuant to Chapter 246-290 WAC to protect areas with a critical recharging effect on aquifers used for potable waters.

Section 2. Definitions to be amended.

Chapter 20A.20, *Definitions*, of the Redmond Community Development Guide and Municipal Code in the noted divisions is hereby amended to read as follows:

20A.20.010 "A" Definitions

Aquifer.

~~Generally, any water bearing soil or rock unit. Specifically, a body of soil or rock that contains sufficient saturated permeable material to conduct ground water and yield economically significant quantities of ground water to wells and springs. (Ord. 1693(010))~~

A body of soil or rock that contains sufficient saturated material to conduct groundwater and yield useable quantities of groundwater to springs and wells.

Aquifer Recharge Area.

~~Areas where water infiltrates into the subsurface and travels downward through the soil to a ground water aquifer. Aquifer recharge areas vary in susceptibility depending on soil and ground water conditions and are classified according to the following criteria:~~

(1) ~~Low significance/low susceptibility — upland areas underlain by soils consisting largely of silt, clay or glacial till.~~

(2) ~~Medium significance/moderate susceptibility — upland areas underlain by soils consisting largely of sand and gravel, and valley floor areas underlain by soils consisting largely of sand, silt, and clay in which there is a significant upward component to ground water flow within the valley alluvium.~~

(3) ~~High significance/high susceptibility — valley floor areas underlain by soils consisting largely of sand and gravel in which there is a predominantly downward or lateral component to ground water flow, and which serve as a source of drinking water. (Ord. 1693 (015))~~

Areas where water infiltrates into the surface and travels downward through the soil to a groundwater aquifer. Aquifer recharge areas vary in susceptibility depending on soil and groundwater conditions.

20A.20.030 "C" Definitions

Critical Aquifer Recharge Areas.

~~Areas where an aquifer that is a source of drinking water is both highly susceptible and vulnerable to contamination. Unless site-specific information demonstrates little or no contaminant loading potential, high significance/high susceptibility areas are considered to be critical aquifer recharge areas. (Ord. 1693 (085))~~

Areas, defined under the provisions of the Growth Management Act (Chapter 36.70A RCW), where an aquifer that is a source of drinking water is both highly susceptible and vulnerable to contamination. Areas with a high susceptibility to groundwater contamination occur where an aquifer is used as a drinking water source and a combination of the following occur(s): permeable soils, permeable surficial geology, and/or groundwater close to the ground surface.

20A.20.060 "F" Definitions

Fill/Fill Material.

~~A deposit of earth material placed by human or mechanical (machine) means. (Ord. 1693 (170))~~

Earth or other solid material that is brought onto a property located within the City of Redmond, for use in regrading the ground surface; stabilizing on-site soils for support of structures, pavement, and other property features; altering watercourses or wetlands; or other purposes where the material becomes a part of the property. Fill material does not include such things as topsoil, beauty bark, compost, sand, gravel, or crushed rock used as a surface treatment.

~~**Hazardous Waste Treatment and Storage Facilities.**~~

~~A facility, site, or a portion thereof, which reclaims, treats, detoxifies, neutralizes, or stores hazardous waste materials. This definition shall not include temporary household hazardous waste handling facilities sponsored by King County or other qualified governmental agencies. (Ord. 1930)~~

Hazardous Waste Treatment, Storage, and Disposal Facilities.

Any facility regulated pursuant to Chapter 173-303-280 WAC through Chapter 173-303-670 WAC.

Section 3. Sensitive Areas Chapter is modified to reflect changes in the method for protection of Aquifer Recharge Areas.

Chapter 20D.140, *Sensitive Areas*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

20D.140 Sensitive Areas

20D.140.10 Sensitive Areas.

20D.140.10-010 Purpose and Intent.
20D.140.10-020 Applicability – Regulated Activities.
20D.140.10-030 Exemptions.
20D.140.10-040 Sensitive Areas Maps.
20D.140.10-050 Relationship to Other Regulations.
20D.140.10-060 Permit Process and Application Requirements.
20D.140.10-070 Classification and Rating of Sensitive Areas.
20D.140.10-080 Buffer Areas.
20D.140.10-090 Wetland Buffers.
20D.140.10-100 Stream Buffers.
20D.140.10-110 Wildlife Habitat Area Buffers.
20D.140.10-120 Critical Landslide Hazard Area Buffers.
20D.140.10-130 Buffer Width Variances.
20D.140.10-140 Alteration or Development of Sensitive Areas – Standards and Criteria.
20D.140.10-150 General Mitigation Standard.
20D.140.10-160 Other Appropriate Mitigation Actions.

20D.140.10-170 Alteration of Sensitive Areas.
20D.140.10-180 Alteration of Wetlands.
20D.140.10-190 Alteration of Streams.
20D.140.10-200 Alteration of Wildlife Habitat Areas.
20D.140.10-210 Alteration of Geologic Hazard Areas.
20D.140.10-220 Prohibited Activities in Wellhead Protection Zones~~Alteration of Aquifer Recharge Areas~~.
20D.140.10-230 Flood Hazard Areas – Development Standards.
20D.140.10-240 Proposed Developments.
20D.140.10-250 Mitigation Standards, Criteria and Plan Requirements.
20D.140.10-260 Performance Standards for Mitigation Planning.
20D.140.10-270 Wetlands and Streams Performance Standards.
20D.140.10-280 Wildlife Habitat Area Performance Standards.
20D.140.10-290 Geologic Hazard Area Performance Standards.
20D.140.10-300 Wellhead Protection Zone~~Aquifer Recharge Area~~ Performance Standards.
20D.140.10-310 Approved Mitigation Projects – Signature.
20D.140.10-320 Approved Mitigation Projects – Contingency Planning.
20D.140.10-330 Monitoring Program and Contingency Plan.
20D.140.10-340 Procedural Provisions.
20D.140.10-350 Reasonable Use Provision.
20D.140.10-360 Severability.

20D.140.10 Sensitive Areas.

20D.140.10-010 Purpose and Intent.

(4) The City finds that these essential sensitive areas perform a variety of valuable and beneficial biological and physical functions that benefit the City and its residents. Some types of sensitive areas may also pose a threat to human safety or to public and private property. The City further finds that the functions of sensitive areas include the following:

(a) Wetlands. Wetlands help to maintain water quality; store and convey storm water and floodwater; recharge ground water; provide important fish and wildlife habitat; and serve as areas for recreation, education and scientific study and aesthetic appreciation. The City's overall goal shall be to achieve no net loss of wetlands. This goal shall be implemented through retention of the function, value and acreage of wetlands within the City. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

The primary purpose of the wetland regulations is to avoid wetland impacts and achieve a goal of no net loss of wetland function, value and acreage; and where possible enhance and restore wetlands.

(b) Streams. Streams and their associated buffers provide important fish and wildlife

habitat and corridors; help to maintain water quality; store and convey storm water and floodwater; recharge ground water; and serve as areas for recreation, education and scientific study and aesthetic appreciation.

The primary purpose of the stream regulations is to avoid impacts to streams and associated riparian corridors; and where possible, provide for stream enhancement and rehabilitation.

(c) Wildlife Habitat. Wildlife habitat provides opportunities for food, cover, nesting, breeding and movement for fish and wildlife within the City; maintains and promotes diversity of species and habitat within the City; coordinates habitat protection with elements of the City's open space system wherever possible; helps to maintain air and water quality; controls erosion; serves as areas for recreation, education and scientific study and aesthetic appreciation; and provides neighborhood separation and visual diversity within urban areas.

The primary purpose of wildlife habitat regulation is to avoid impacts to critical habitats and to restore and enhance degraded or lower quality habitat.

(d) Geologic Hazard Areas. Geologic hazard areas include lands that are affected by natural processes that make them susceptible to landslides, seismic activity and severe erosion.

The primary purpose of geologic hazard area regulations is to avoid and minimize potential impacts to life and property from geologic hazards through appropriate levels of study and analysis, application of sound engineering principles, and regulation or limitation of land uses.

(e) Aquifer Recharge Areas. Aquifer recharge areas provide a source of potable water and contribute to stream discharge during periods of low flow. The City finds that certain portions of its planning area are susceptible to contamination of drinking water and watercourse supplies through rapid infiltration of pollutants through the soil to ground water aquifers.

The primary purpose of aquifer recharge area regulations is to protect critical aquifer recharge areas by avoiding land use activities that pose potential contamination; and to minimize impacts to recharge areas through the application of strict performance standards.

Wellhead Protection Zones 1, 2, and 3 are designated as critical aquifer recharge areas under the provisions of the Growth Management Act (Chapter 36.70A RCW) and are established based on proximity to and travel time of groundwater to the City's public water source wells.

The City finds, therefore, that identification, regulation and protection of sensitive areas are necessary to protect the public health, safety and general welfare.

20D.140.10-070 Classification and Rating of Sensitive Areas.

To promote consistent application of the standards and requirements of this chapter, sensitive areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

~~(5) Aquifer Recharge Areas. Aquifer recharge areas shall be classified as "low," "medium" and "high" significance based on the soil and ground water conditions and risks to drinking water. Classification depends on the combined effects of hydrogeological susceptibility to contamination and contaminant loading potential, as follows:~~
~~(a) Low Significance/Low Susceptibility Recharge Areas. Upland areas underlain by soils consisting largely of silt, clay or glacial till.~~
~~(b) Medium Significance/Moderate Susceptibility Recharge Areas. Upland areas underlain by soils consisting largely of sand and gravel, and valley floor areas underlain by soils consisting largely of sand, silt and clay in which there is a significant upward component to ground water flow within the valley alluvium.~~
~~(c) High Significance/High Susceptibility Recharge Areas. Valley floor areas underlain by soils consisting largely of sand and gravel in which there is a predominantly downward or lateral component to ground water flow, and which serve as a source of drinking water.~~

(5) Wellhead Protection Zones. The City of Redmond is classified into four wellhead protection zones based on proximity to and travel time of groundwater to the City's public water source wells, and are designated using guidance from the Washington Department of Health Wellhead Protection Program pursuant to Chapter 256-290 WAC.

(a) Wellhead Protection Zone 1 represents the land area overlying the six-month time-of-travel zone of any public water source well owned by the City.

(b) Wellhead Protection Zone 2 represents the land area that overlies the one-year time-of-travel zone of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zone 1.

(c) Wellhead Protection Zone 3 represents the land area that overlies the five-year and ten-year time-of-travel zones of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zones 1 or 2.

(d) Wellhead Protection Zone 4 represents all the remaining land area in the City, not included in Wellhead Protection Zones 1, 2, or 3.

20D.140.10-220 Prohibited Activities in Wellhead Protection Zones.~~Alteration of Aquifer Recharge Areas.~~

~~(1) The following land uses and activities shall be prohibited in critical (high significance) aquifer recharge areas:~~
~~(a) Land uses and activities that involve the use, storage, transport or disposal of significant quantities of chemicals, substances or materials that are toxic, dangerous or hazardous, as those terms are defined by State and Federal regulations;~~
~~(b) On-site community sewage disposal systems;~~
~~(c) Underground storage of chemicals;~~
~~(d) Petroleum pipelines; and~~
~~(e) Solid waste landfills.~~

~~(2) Medium or Low Significance Recharge Areas: Development within medium or low significance aquifer recharge areas, as those terms are defined in these regulations, shall implement the mitigation standards contained in RCDG 20D.140.10-250 through 20D.140.10-320. (Ord. 1693. Formerly 20C.40.100(15)(e))~~

(1) Land uses or activities for new development or redevelopment that pose a significant hazard to the City's groundwater resources resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall be prohibited in Wellhead Protection Zones 1 and 2. These land uses and activities include, but are not limited to:

(a) On-site community sewage disposal systems, as defined in Chapter 248-272 WAC;

(b) Hazardous liquid pipelines as defined in Chapter 81.88 RCW and RCDG 20A.20;

(c) Solid waste landfills;

(d) Solid waste transfer stations;

(e) Liquid petroleum refining, reprocessing, and storage;

(f) Bulk storage facilities as defined in RCDG 20A.20;

(g) The storage or distribution of gasoline treated with the additive MTBE;

(h) Hazardous waste treatment, storage, and disposal facilities except those defined under permit by rule for industrial wastewater treatment processes per Chapter 173-303-802 (5)(c) WAC;

(i) Chemical manufacturing, including but not limited to, organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals;

(j) Dry cleaning establishments using the solvent perchloroethylene;

(k) Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and non-ferrous metals from molten materials;

(l) Wood preserving and wood products preserving;

(m) Mobile fleet fueling operations;

(n) Class I, Class III, Class IV and the following types of Class V wells 5F1, 5D3. 5D4, 5W9, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 as regulated under Chapter 90.48 RCW, Chapter 173-218 WAC, and Chapter 173-200 WAC; and

(o) Other land uses and activities that the City determines would pose a significant groundwater hazard to the City's groundwater supply.

(2) Wellhead Protection Zones. Development within the City of Redmond shall implement the performance standards contained in RCDG 20D.140.10-300 that apply to the zone in which it is located.

20D.140.10-300 Wellhead Protection Zone Performance Standards.~~Aquifer Recharge Area Performance Standards.~~

~~Any uses or activities locating in a medium or low significance aquifer recharge area which involve the use, storage, transport or disposal of significant quantities of chemicals, substances, or materials that are toxic, dangerous or hazardous, as those terms are defined by State and Federal regulations, shall comply with the following additional standards:~~

~~(1) Development within medium significance aquifer recharge areas, as that term is defined in these regulations, shall implement the following measures:~~

~~(a) Underground storage of chemicals, substances or materials that are toxic, hazardous or dangerous is discouraged;~~

~~(b) Any chemicals, substances or materials that are toxic, hazardous or dangerous shall be segregated and stored in receptacles or containers that meet State and Federal standards;~~

~~(c) Storage containers shall be located in a designated, secured area that is paved and able to contain leaks and spills, and surrounded by a dike;~~

~~(d) Secondary containment devices shall be constructed around storage areas to retard the spread of any spills and a monitoring system should be implemented;~~

~~(e) A written operations plan shall be developed, including procedures for loading/unloading liquids and for training of employees in proper materials handling;~~

~~(f) An emergency response/spill clean-up plan shall be prepared and employees properly trained in reacting to accidental spills;~~

~~(g) Any above-ground storage tanks shall be located within a diked area on an impervious surface. The tanks shall include overfill protection systems and positive controls on outlets to prevent uncontrolled discharges;~~

~~(h) Development should be clustered and impervious surfaces limited where possible;~~

~~(i) No waste liquids or chemicals of any kind shall be discharged to storm sewers; and~~

~~(j) All development shall implement best management practices (BMPs) for water quality, as approved by the Committee, such as biofiltration swales and use of oil-water separators, and BMPs appropriate to the particular use proposed.~~

~~(2) Development within low significance aquifer recharge areas shall implement best management practices (BMPs) for water quality as approved by the Committee. (Ord. 1693. Formerly 20C.40.120(05)(d))~~

Any uses or activities locating in the City of Redmond which involve storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall comply with the following standards that apply to the zone in which they are located. Residential uses of hazardous materials or deleterious substances are exempt from the following standards.

If a property is located in more than one Wellhead Protection Zone, the Director of Public Works shall determine which standards shall apply based on an assessment evaluation of the risk posed by the facility or activity. The assessment evaluation may include, but not be limited to:

(a) The location, type, and quantity of the hazardous materials or deleterious substances on the property;

(b) The geographic and geologic characteristics of the site; and

(c) The type and location of infiltration on the site.

(1) Development within Wellhead Protection Zones 1 or 2 shall implement the following performance standards:

(a) Secondary Containment.

(i) The owner or operator of any facility or activity shall provide secondary containment for hazardous materials or other deleterious substances in aggregate quantities equal to or greater than twenty (20) gallons liquid or two hundred (200) pounds solid or in quantities specified in the Redmond Fire Code (RCDG 20E.100), whichever is smaller.

(ii) Hazardous materials stored in tanks that are subject to regulation by the Washington State Department of Ecology under Chapter 173-360 WAC (Underground Storage Tank Regulations) are exempt from the secondary containment requirements of this section, provided that documentation is provided to demonstrate compliance with those regulations.

(b) Vehicle Fueling, Maintenance, and Storage Areas. Fleet and automotive service station fueling, equipment maintenance, and vehicle washing areas shall have a containment system for collecting and treating all runoff from such areas and preventing release of fuels, oils, lubricants, and other automotive fluids into soil, surface water, or groundwater. Appropriate emergency response equipment shall be kept on site during transfer, handling, treatment, use, production, recycling or disposal of hazardous materials or other deleterious substances.

(c) Loading and Unloading Areas. Secondary containment or equivalent best management practices, as approved by the Director of Public Works, shall be required at loading and unloading areas that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or other deleterious substances in aggregate quantities equal to or greater than twenty (20) gallons liquid or two hundred (200) pounds solid.

(d) Stormwater Infiltration Systems. Design and construction of new stormwater infiltration systems must address site-specific risks of releases posed by all hazardous materials on site. These risks may be mitigated by physical design means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan. Design and construction of said stormwater infiltration systems shall also be in accordance with RCDG 20E.90.10-020 and the City of Redmond Technical Notebook and shall be certified for compliance with the requirements of this section by a professional engineer or engineering geologist registered in the State of Washington.

(e) Well Construction and operation shall comply with the standards in 20E.90.10-095.

(f) Protection Standards During Construction. The following standards shall apply to construction activities occurring where construction vehicles will be refueled on site and/or the quantity of hazardous materials that will be stored, dispensed, used, or handled on the construction site is in aggregate quantities equal to or greater than twenty (20) gallons liquid or two hundred (200) pounds solid, exclusive of the quantity of hazardous materials contained in fuel or fluid reservoirs of construction vehicles. As part of the City's project permitting process, the City may require any or all of the following items:

(i) A Development Agreement;

(ii) Detailed monitoring and construction standards;

(iii) Designation of a person on site during operating hours who is responsible for supervising the use, storage, and handling of hazardous materials and who has appropriate knowledge and training to take mitigating actions necessary in the event of fire or spill;

(iv) Hazardous material storage, dispensing, refueling areas, and use and handling areas shall be provided with secondary containment adequate to contain the maximum release from the largest volume container of hazardous substances stored at the construction site;

(v) Practices and procedures to ensure that hazardous materials left on site when the site is unsupervised are inaccessible to the public. Locked storage sheds, locked fencing, locked fuel tanks on construction vehicles, or other techniques may be used if they will preclude access;

(vi) Practices and procedures to ensure that construction vehicles and stationary equipment that are found to be leaking fuel, hydraulic fluid, and/or other hazardous materials will be removed immediately or repaired on-site immediately. The vehicle or equipment may be repaired in place, provided the leakage is completely contained.

(vii) Practices and procedures to ensure that storage and dispensing of flammable and combustible liquids from tanks, containers, and tank trucks into the fuel and fluid reservoirs of construction vehicles or stationary equipment on the construction site are in accordance with the Redmond Fire Code (RCDG 20E.100).

(viii) Practices and procedures, and/or onsite materials adequate to ensure the immediate containment and cleanup of any release of hazardous substances stored at the construction site. On site clean up materials may suffice for smaller spills whereas cleanup of larger spills may require a subcontract with a qualified cleanup contractor. Releases shall immediately be contained, cleaned up, and reported if required under Chapter 13.07.120 of the Redmond Municipal Code. Contaminated soil, water, and other materials shall be disposed of according to state and local requirements.

(g) Fill Materials. Fill material shall comply with the standards in 20E.90.10-095.

(h) Cathodic Protection Wells. Cathodic protection wells shall be constructed following the standards in 20E.90.10-095.

(i) Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be constructed following the standards in 20E.90.10-095.

(j) Best Management Practices. All development or redevelopment shall implement best management practices (BMPs) for water quality and quantity, as approved by the Technical Committee, such as biofiltration swales and use of oil-water separators, BMPs appropriate to the particular use proposed, clustered development, and limited impervious surfaces.

(2) Development within Wellhead Protection Zone 3, shall implement the following performance measures:
(a) Compliance with the performance standards for vehicle fueling, maintenance and storage areas; loading and unloading areas; well construction and operation; cathodic protection wells; underground hydraulic elevator cylinders, and Best Management Practices in RCDG 20D.140-300(1)(b), (c), (e), (h), (i), and (j); and

(b) Fill materials shall not contain concentrations of contaminants that exceed cleanup standards for soil specified in Chapter 173-340-740 WAC, Model Toxics Control Act, regardless of whether all or part of the contamination is due to natural background levels at the fill source site.

(3) Development within Wellhead Protection Zone 4 shall implement best management practices (BMPs) for water quality and quantity as approved by the Technical Committee.

(4) An incremental environmental improvement to a system protective of groundwater shall not alter, expand, or intensify an existing non-conformance but may proceed without having to meet the following City codes, with prior approval from the Director of Public Works or his/her designee:

(a) Restrictions associated with sensitive areas and sensitive area buffers, if the footprint of the original system protective of groundwater is located within the same sensitive area buffer;

(b) Any requirement to bring a portion of the facility up to current building, fire, or land use codes that is triggered by the value or design of the incremental environmental improvement to a system protective of groundwater;

(c) The incremental improvement shall not qualify as a redevelopment that would otherwise be prohibited by RCDG Section 20D.140.10-220(1).

Section 4. Sensitive Areas Map for Aquifer Recharge Areas is replaced with a new map to reflect improved methods for determining aquifer recharge areas and new procedures for protecting critical aquifer recharge areas. Additionally a code reference is updated to correct scrivener error that refers to old codification numbering.

Chapter 20D.140-, *Sensitive Areas*, of the Redmond Community Development Guide and Municipal Code is hereby amended replace the existing map "Aquifer Recharge Areas" with a map titled "Wellhead Protection Zones" and to amend text as follows.

See Attachment A, Map of Wellhead Protection Zones

20D.140.10-040 Sensitive Areas Maps.

(1) Sensitive Areas Generally. The approximate location and extent of sensitive areas within the City's planning area are shown on the sensitive areas maps adopted as part of this chapter. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent and boundaries of sensitive areas shall be determined in the field by a qualified consultant according to the procedures, definitions and criteria established by this chapter. In the event of any conflict between the sensitive area location or designation shown on the City's maps and the criteria or standards of this section, the criteria and standards shall prevail. The sensitive area locations are indicated on the following maps included as a part of this division and listed as follows:

(a) Wetlands
(b) Stream Classification
(c) Landslide Hazard Areas
(d) Critical Erosion Hazard Areas
(e) Seismic Hazard Areas
(f) Floodplains

~~These maps are located in RCDG Title 20B, Physical Environment Profile.~~

(2) Wellhead Protection Zones. Boundaries for wellhead protection zones are delineated in the map "City of Redmond Wellhead Protection Zones" as adopted as part of this chapter and included as part of this division.

Section 5. Chart 20F.10.50, Nonconformances is amended to restrict the alteration or expansion of nonconformances in the most critical wellhead protection zones. 20F.30.15-040, *Classification of Permits and Decisions*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

20F.10.50-090 Alteration or Expansion of a Nonconformance.

(1) General. The alteration or expansion of a nonconformance is prohibited unless it does not increase the nonconformity, or unless it is specifically permitted through an official action as stated in RCDG 20F.30.15, Types of Review, or as stated below. The alternation or expansion of a nonconformance is prohibited for land uses and activities listed in 20D.140.220(1) and located in Wellhead Protection Zones 1 and 2.

(1) Nonconforming Use. The expansion of a structure containing a nonconforming use is prohibited with the following exceptions. A nonconforming use may be changed to a conforming use.

(a) Nonconforming Residential Uses:

(i) General. A nonconforming residential use may not be expanded to create additional dwelling units.

(ii) Single-Family Dwellings. A single-family dwelling on a single lot may be expanded up to 450 square feet of floor area.

(iii) Duplex and Multi-family Dwellings. Two or more dwellings may be expanded up to 450 square feet of floor area per unit; provided, that parking for all units is brought into conformance with existing regulations.

(b) A structure containing a nonconforming use may be altered; provided, that nonconforming landscaping and pedestrian system improvements are brought into conformance per subsection (4) of this section.

20F.10.50-100 Alteration or Expansion of a Nonconformance in the City Center.

(1) Purpose. The City recognizes that some existing, vital businesses of value to the community in the City Center may have been rendered nonconforming as a result of land use plan changes. The intent of this section is to encourage retention of existing businesses and to allow continued investment and upgrades to the business structures in the City Center. Nonconforming uses except those located in Wellhead Protections Zones 1 and 2 listed in 20D.140.220(1) in the City Center may expand as described below.

(2) This section applies to nonconformances in the City Center in addition to RCDG 20F.10.50-090, Alteration or Expansion of a Nonconformance. In the case of a conflict, this section shall apply.

(3) Nonconforming Commercial, Institutional, or Park Use. Nonconforming commercial, institutional, and park uses in the City Center Neighborhood may expand and/or rebuild in conjunction with restoration per RCDG 20F.10.50-80 to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and pedestrian system improvements shall be brought into conformance with current standards per RCDG 20F.10.50-090(4).

(4) Nonconforming Industrial Uses.

(a) General. Nonconforming industrial uses in the City Center Neighborhood not deemed unsafe, hazardous, unhealthful, or obnoxious due to noise, odor, air quality or visual blight may expand to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and pedestrian system improvements shall be brought into conformance with current standards as required by RCDG 20F.10.50-090(4), Nonconforming Landscaping and Pedestrian System Area.

(b) Outside Uses. Equipment and machinery associated with outside nonconforming uses may be relocated or altered, provided the equipment or machinery is not relocated any closer to the nearest residential district or street.

(c) Volumes. Increased sales, production or output volume shall not be considered as an expansion, provided the use does not expand to occupy additional land or another building.

Section 6. Chart 20F.30.15-040, Classification of Permits and Decisions is amended to show the addition of new procedures/permits regarding the protection of wellheads. 20F.30.15-040, *Classification of Permits and Decisions*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

20F.30.15-040, CLASSIFICATION OF PERMITS AND DECISIONS

Type of Review Procedure	TYPE I Administrative, Appropriate Department	TYPE II Administrative, Technical Committee/ Design Review Board	TYPE III Quasi-Judicial, Hearing Examiner	TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	TYPE V Quasi-Judicial, City Council	TYPE VI Legislative, City Council with Planning Commission Recommendation
Permits and Land Use Actions	**Planning Department** Boundary Line Adjustment Sign Permit Sign Program Shoreline Exemption Telecom. Facility (no ground equipment) Temporary Use (short term) Tree Removal **Building Division** Building Permit Electrical Permit Home Moving Permit Mechanical Permit Plumbing Permit **Fire Department** Fire Protection Permit Hazardous Materials Permit UFC Permit **Public Works Department** Clearing and Grading Permit Extended Public Area Use Permit Flood Zone Permit Hazardous Materials Inventory Statement Hazardous Materials Management Plan Performance Standards in Wellhead Protection Zones Hydrant Permit Right-of-Way Use Permit Sewer Permit Special Event Permit Water Permit	Administrative Design Flexibility Administrative Modification Binding Site Plan SEPA Review (when not combined with another permit or required for a Type I permit) Shoreline Substantial Development Short Plat Site Plan Entitlement Special Use Telecom. Facility (with ground equipment)	Preliminary Plat Reasonable Use Exception Shoreline Conditional Use Shoreline Variance Variance	Concurrency Exemption Conditional Use Master Planned Development (Residential and Commercial) Planned Development (Residential and Commercial) Public Project Alteration of Wildlife Habitat Areas Development Guide Amendment, Zoning Map (consistent with Comprehensive Plan)	Annexation Essential Public Facility Final Plat Plat Alteration Plat Vacation Right-of-Way Vacation Sensitive Areas Exception for Streets and/or Utilities Temporary Use (long term)	Development Guide Amendment, Comprehensive Plan Map and/or Policies Development Guide Amendment, Text Development Guide Amendment, Zoning Map (that requires a Comprehensive Plan Amendment, that is an area-wide amendment or that is the adoption of a new or substantially revised neighborhood or citywide zoning map)

Section 7. 20F.30.30-15(2), Type I Decision-maker and Appeal Body chart is amended to show the addition of the decision-maker and the appeal body for new Type I procedures/permits regarding the protection of wellheads.

20F.30.30-15(2), *Type I Decision-maker and Appeal Body*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

20F.30.30-015 Type I Review Decision-maker and Appeal Body

(1) Decisions on Type I applications are made by the appropriate Department Director or designee. Appeals of Type I decisions are made to the appropriate appeal body. The decision-maker and designated appeal body for each application reviewed as a Type I, are indicated in the table in subsection (2) of this section.

(2) Type I Decision-maker and Appeal Body

Application	Decision-maker (Department)	Appeal Body
Administrative Interpretation	Planning	Hearing Examiner
Christmas Tree Lot	Planning	Hearing Examiner
Home Business	Planning	Hearing Examiner
Lot Line Revision	Planning	Hearing Examiner
Sign Permit	Planning	Hearing Examiner
Sign Program	Planning	Hearing Examiner
Shoreline Exemption	Planning	Hearing Examiner
Telecommunication Facility	Planning	Hearing Examiner
Temporary Use (short term)	Planning	Hearing Examiner
Tree Removal	Planning	Hearing Examiner
Building Permit	Building	Hearing Examiner
Electrical Permit	Building	Hearing Examiner
Home Moving Permit	Building	Hearing Examiner
Mechanical Permit	Building	Hearing Examiner
Plumbing Permit	Building	Hearing Examiner
Fire Protection Permit	Fire	Hearing Examiner
Hazardous Materials Permit	Fire	Hearing Examiner
UFC Permit	Fire	Hearing Examiner
Clearing and Grading	Public Works	Hearing Examiner
Flood Plain Development Permit	Public Works	Hearing Examiner
Hazardous Materials Inventory Statement	Public Works	Hearing Examiner
Hazardous Materials Management Plan	Public Works	Hearing Examiner
Hydrant Permit	Public Works	Hearing Examiner
Performance Standards in Wellhead Protection Zones	Public Works	Hearing Examiner
Right-of-Way Use Permit	Public Works	Hearing Examiner
Sewer Permit	Public Works	Hearing Examiner
Special Event Permit	Public Works	Hearing Examiner
Street Use Permit	Public Works	Hearing Examiner
Water Permit	Public Works	Hearing Examiner

Section 8. The hazardous waste and treatment and storage facilities section of 20D.170, Special Uses, is amended to show a different title for a section reference.
20D.170.60-030, *Development Standards*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

20D.170.60-030 Development Standards.

All incidental or primary hazardous waste treatment and storage shall, at a minimum, meet the following conditions:

(1) Primary treatment or storage facilities shall follow all State regulations, pursuant to Chapter 70.105 RCW;

(2) The proposed development or use shall meet all other Federal, State and local standards concerning the handling of hazardous substances;

(3) Measures shall be taken in the construction of structures, design of storage areas, and design of delivery areas to prevent release of materials including those resulting from a "worst case" accident and including consideration of large storms where areas are not covered;

~~(1)~~(4) The use shall be subject to the sensitive areas regulations in RCDG 20D.140.10-220, Wellhead Protection Zone Performance Standards ~~Aquifer Recharge Area Development Standards~~, and RCDG 20D.140.10-230, Flood Hazard Area Development Standards;

(5) Incidental treatment and storage shall meet the additional criteria in either RCDG 20D.170.60-040 or 20D.170.60-050; and

Measures shall be taken to eliminate or mitigate unpleasant odors from occurring on surrounding properties.

Section 9. The section of the Stormwater Management Code that addresses what permits are needed is amended to add performance standards and a new permit for fill in certain WP zones.
20E.90.10, *Clearing, Grading, and Stormwater Management Code*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

20E.90 Clearing, Grading, and Storm Water Management

20E.90.10 Clearing, Grading, and Storm Water Management Code.

20E.90.10-010	Purpose and Intent.
20E.90.10-020	Design, Construction and Maintenance – General Requirements.
20E.90.10-030	Director.
20E.90.10-040	Issuance of Permits.
20E.90.10-050	Activities Requiring Permits.
20E.90.10-055	Activities That Do Not Require a Clearing, Grading, and Storm Water Permit.

20E.90.10-060	Classification of Clearing, Grading and Storm Water Management Construction Activities.
20E.90.10-070	Rough Grading Projects.
20E.90.10-080	Design and Construction Requirements.
20E.90.10-090	Relief from General Design Standards.
20E.90.10-095	Wellhead Protection Zones 1 or 2 Performance Standards
20E.90.10-100	Enforcement – Authorization.
20E.90.10-110	Inspection.
20E.90.10-120	Stop Work Orders.
20E.90.10-130	Suspension or Revocation of Permit.
20E.90.10-140	Penalty for Violation.
20E.90.10-150	Restoration.
20E.90.10-160	Notification of Noncompliance.
20E.90.10-170	Penalties.
20E.90.10-180	Processing Fees.
20E.90.10-190	Permit Fees.
20E.90.10-200	Inspection Fees.

20E.90.10-050 Activities Requiring Permits.

All clearing, grading or storm water management construction activities listed below require approved plans and a permit(s). Activities that include any of the following require City approved clearing, grading and storm water management plans or permits, but still must meet the requirements and design standards provided in RCDG 20.E.90.10-020. The thresholds are cumulative during a one-year period for any given site.

(1) Clearing of 5,000 square feet of land area or more.

(2) Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.

(3) Removal of 11 or more trees that are six-inch diameter or larger. The tree diameter is measured four feet from the ground. The removal of 10 or fewer trees is regulated in RCDG 20.E.90.10-060.

(4) Any clearing or grading within a sensitive area or buffer of a sensitive area. Sensitive areas are defined in Chapter 20D.140 RCDG. Any disturbance to vegetation within sensitive areas and their corresponding buffers is also regulated by Chapter 20D.140 RCDG, the Sensitive Area Ordinance (SAO). Note that under the SAO, a Clearing/Grading permit for work on steep slopes must first receive a variance from the Hearing Examiner and must address criteria in the SAO which include considerations of alternatives that avoid any disturbance of steep slopes.

(5) Any change of the existing grade by four feet or more. This criterion applies to all permanent changes in grade and grade changes for extended periods of time (60 days or longer) located outside structure footprints.

(6) Any work within a public easement, City owned tract or City right-of-way. Any clearing, grading or landscaping must be approved by the Department. of Public Works prior to construction.

(7) The creation or addition of impervious surface in the amount of 5,000 square feet or more.

(8) Any construction of public drainage facilities to be owned or operated by the City.

(9) Any construction of private storm drainage pipes 12- inch in diameter or larger.

(10) Any modification of, or construction which affects, the private quantity or quality control

system. (Does not include maintenance or repair to the original condition).
(11) Fill (does not include common landscape materials) equal to or exceeding 10 cubic yards if located in Wellhead Protection Zones 1 or 2.

20E.90.10-095 Wellhead Protection Zones 1 and 2 Performance Standards

In Wellhead Protection Zones 1 and 2, performance standards for the following uses or activities shall be implemented.

(1) Well Construction and Operation. The record and construction details of any well regulated under Chapter 173-160 WAC, Construction and Maintenance of Wells, and any well excluded per Chapter 173-160-010(2) WAC that is constructed or decommissioned in Zones 1 and 2, shall be provided to the Department of Public Works within sixty (60) days of well completion or decommissioning.

(2) Fill Material. Fill material shall not contain concentrations of contaminants that exceed cleanup standards for soil specified in Chapter 173-340-740 WAC, Model Toxics Control Act, regardless of whether all or part of the contamination is due to natural background levels at the fill source site. Where the detection limit (lower limit at which a chemical can be detected by a specified laboratory procedure) for a particular soil contaminant exceeds the cleanup standard for soil specified in Chapter 173-340-740 WAC, the detection limit shall be the standard for fill material quality.

(i) Fill materials in quantities greater than ten (10) cubic yards placed directly on or in the ground in excess of six (6) months shall meet the following requirements:

(A) A fill material source statement shall be provided to the Department of Public Works and shall be reviewed and accepted by the Department prior to stockpiling or grading imported fill materials at the site. The source statement shall be issued by a professional engineer, geologist, engineering geologist or hydrogeologist licensed in the State of Washington demonstrating the source's compliance with standards of the Model Toxics Control Act. The source statement shall be required for each different source location from which fill will be obtained.

(B) Analytical results demonstrating that fill materials do not exceed cleanup standards specified in Chapter 173-340-740 WAC may be used in lieu of a fill material source statement, provided the regulated facility submits a sampling plan to, and which is approved by, the Director of Public Works. The regulated facility must then adhere to the approved sampling plan, and maintain analytical data onsite and available for inspection for a minimum of five (5) years from the date that the fill was accepted.

(ii) The Department of Public Works may accept a fill material source statement that does not include results of sampling and analysis of imported fill if it determines that adequate information is provided indicating that the source location is free of contamination. Such information may include, but is not limited to:

(A) Results of field testing of earth materials to be imported to the site with instruments capable of detecting the presence of contaminants; or

(B) Results of previous sampling and analysis of earth materials to be imported to the site.

(iii) A fill material source statement is not required if documents confirm that imported fill will be obtained from a Washington State Department of Transportation approved source.

(iv) The Director of Public Works shall have the authority to require corrective measures regarding non-compliant fill materials, including independent sampling and analysis, if the property owner or operator fails to accomplish such measures in a timely manner. The property owner or operator shall be responsible for any costs incurred by the City in the conduct of such activities.

(3) Cathodic Protection Wells. Designs for cathodic protection wells shall be submitted to the City for review and approval prior to initiation of drilling. Cathodic protection wells shall be constructed such that the following do not occur:

(a) Vertical cross-connection of aquifers normally separated by confining units

(b) Migration of contaminated surface water along improperly sealed well casings:

(c) Introduction of electrolytes or related solutions into the subsurface; and

(d) any of the above conditions caused by improperly abandoned cathodic protection wells that are no longer in use.

(4) Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be encased in an outer plastic casing constructed of schedule 40 or thicker-wall polyethylene or polyvinyl chloride (PVC) pipe, or equivalent. The plastic casing shall be capped at the bottom, and all joints shall be solvent- or heat-welded to insure water tightness. The neck of the plastic casing shall provide a means of inspection to monitor the annulus between the pressurized hydraulic elevator cylinder and the protective plastic casing.