

CODE

**CITY OF REDMOND
ORDINANCE NO. 2831**

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, ADOPTING RMC CHAPTER 13.25,
"TEMPORARY CONSTRUCTION DEWATERING," IN
ORDER TO REGULATE TEMPORARY CONSTRUCTION
DEWATERING

WHEREAS, construction in certain areas of the City requires dewatering due to the location of the water table beneath the surface; and

WHEREAS, construction dewatering has the potential to reduce the City's ability to safely convey stormwater runoff, affect the City's water rights, and impact the City's drinking water supply, both in terms of quantity of water available at the City's wells and in terms of the potential for drawing contaminants across property lines; and

WHEREAS, in order to preserve the quantity and quality of the City's groundwater, regulations should be enacted to regulate construction dewatering.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Adoption of Chapter. RMC Chapter 13.25,
Temporary Construction Dewatering, is hereby adopted to read as
follows:

Chapter 13.25

TEMPORARY CONSTRUCTION DEWATERING

Sections:

- 13.25.010 Definitions.
- 13.25.020 Purpose.
- 13.25.030 Compliance with Other City, State,
 Federal Regulations.
- 13.25.040 Applicability.
- 13.25.050 Management of Contaminated Groudwater and
 Water Quality Standards.
- 13.25.060 Temporary Construction Dewatering
 Feasibility Study.
- 13.25.070 Temporary Construction Dewatering Plan.
- 13.25.080 TCD Suspensions or Revocation.
- 13.25.090 TCD Effluent Discharge.
- 13.25.100 Replacement of Drinking Water Supply.
- 13.25.110 Administrative Fees.
- 13.25.120 Appeals.

13.25.010 Definitions.

(A) As used in this chapter, the following terms
have the meanings set forth below:

- "Contaminated groundwater" means groundwater
that is contaminated by the presence of man-made
pollutants, including, but not limited to, gasoline,
oil, solvents, pesticides, fertilizers, and other
deleterious substances whose presence may cause

drinking water to fail to meet state, federal, and local standards.

- "Development project" means the private or public construction, remodeling, or repair of: buildings, structures, or utilities.

- "Groundwater" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

- "Radius of influence" means the radial distance from the center of a wellbore to the point where there is no lowering of the water table or potentiometric surface (the edge of the cone of depression). This distance can be calculated: a) as an estimate within hydrological groundwater modeling analysis conducted prior to the onset TCD at one or more development project sites, and b) via field observations occurring once TCD activities commenced at one or more development project sites.

- "Replacement water" means water purchased by the City Water Utility to offset drinking water supply that would have been produced by drinking water supply wells, had drinking water production rates not been impaired by TCD activities.

- "Temporary Construction Dewatering" or "TCD" means the placement of wells or other mechanisms in order to capture, pump, and remove groundwater from a development site in order to conduct excavation, construct underground building features, or utility systems.

- "Temporary Construction Dewatering Operating Policy" means an administrative operating policy adopted by the City's Technical Committee that details the requirements for submittals and the methodologies required for submittals, and detail the methodologies the City of Redmond will use during review and oversight of TCD activities.

- "Waters of the State" means any waters within the territorial limits of Washington State.

13.25.020 Purpose.

(A) This chapter regulates temporary construction dewatering within the City of Redmond. The provisions of this chapter are intended to prevent, limit, and enable the City to respond to TCD activities which impair the City's ability to:

(1) Deliver drinking water from the City Water Utility operated drinking water wells;

(2) Safely convey stormwater runoff within the City's separate municipal stormwater sewer system (MS4); and

(3) Manage the movement and disposal of contaminated groundwater in a manner that is in compliance with state and federal laws.

13.25.030 Compliance with Other City, State, Federal Regulations.

(A) All temporary construction dewatering activities occurring within the City of Redmond must comply with this chapter and all other applicable City, State, and Federal regulations, including but not limited to, the following:

(1) The Federal Safe Drinking Water Act, 42 U.S.C. §300f, *et seq.*, as amended;

(2) The Federal Clean Water Act, 33 U.S.C. §1251, *et seq.*, as amended;

(3) The Washington State Model Toxics Control Act (MTCA), Chapter 70.105D RCW; as amended;

(4) The Washington State Environmental Policy Act (SEPA), Chapter 43.21C RCW, as amended;

(5) The City of Redmond Wellhead Protection Ordinance, Chapter 13.07 RMC, as amended; and

(6) Water rights that have been granted to the City of Redmond by the State of Washington.

(B) In the case of conflict, the regulations that are more protective of water quality shall prevail.

13.25.040 Applicability.

(A) This chapter applies to all development projects that require temporary construction dewatering and for which cannot be demonstrated that groundwater will be captured, pumped, or removed from the development site at a rate of less than 500 gallons per minute.

(B) This chapter does not pertain to permanent dewatering of completed underground structures and does not authorize permanent dewatering within the City of Redmond.

13.25.050 Management of Contaminated Groundwater and Water Quality Standards.

(A) Temporary construction dewatering activities shall not cause contaminated groundwater to move across property boundaries towards a City drinking water supply well. Temporary construction dewatering activities shall also not accelerate the movement of contaminated groundwater towards a City drinking water supply well.

(B) Construction dewatering effluent discharged to Waters of the State shall meet Water Quality Standards for Surface Waters of the State of Washington (Chapter 173-201A WAC) or MTCA Surface Water Standards.

(C) Construction dewatering effluent that is infiltrated into the ground must meet State Groundwater Quality Standards.

13.25.060 Temporary Construction Dewatering Feasibility Study.

(A) A *Temporary Dewatering Feasibility Study* is required for all construction projects that require temporary construction dewatering and for which it

cannot be demonstrated that groundwater will be captured, pumped, or removed from the development site at a rate of less than 500 gallons per minute. A *Temporary Construction Dewatering Feasibility Study* shall be submitted prior to construction as part of site planning and entitlement review processes. This feasibility study shall consist of a site specific hydrogeological and engineering analysis which details the potential dewatering-related impacts to the City drinking water supply wells, to the municipal stormwater conveyance system, and on the potential movement of underground contaminates.

(B) The feasibility study shall:

(1) Include analysis of geotechnical project, and water quality considerations detailed in the *Temporary Construction Dewatering Operating Policy* adopted by the City's Technical Committee;

(2) Be conducted using the procedures and methodologies identified in the *Temporary Construction Dewatering Operating Policy* adopted by the City's Technical Committee; and

(3) Include a site-specific assessment of potential contamination, and identify any known

contaminated sites located within the proposed TCD's radius of influence.

(C) The City of Redmond shall review *Temporary Construction Dewatering Feasibility Studies* completed in accordance with the *Temporary Construction Dewatering Operating Policy* to determine if the City will allow proposed TCD activities to occur at a development project site. The City of Redmond retains the authority to condition, deny, or allow TCD activities at development projects based on this review.

(D) Development Projects who have adequately identified and demonstrated that potential impacts to

(1) The City's drinking water supply wells,
(2) The City's stormwater conveyance system, and

(3) The movement of contaminants across property boundaries and toward City drinking water supply wells, or the acceleration of such movement where the same already exists, are negligible or can be mitigated,

will be allowed to conduct TCD contingent upon the successful completion of a *Temporary Construction Dewatering Plan*.

13.25.070 Temporary Construction Dewatering Plan.

(A) A complete *Temporary Construction Dewatering Plan* shall include the information and items identified in the *Temporary Dewatering Operating Policy*.

(B) The City of Redmond shall review *Temporary Construction Dewatering Plans* completed in accordance with the *Temporary Construction Dewatering Operating Policy*, to determine that the development project has addressed all potential impacts to City drinking water supply wells, the City stormwater conveyance system, and the movement of contaminants. The City of Redmond retains the authority to add conditions and requirements to construction activities to the *Civil Site Construction Permit*. Private development projects shall not start TCD activities until the City of Redmond has granted the *Civil Site Construction Permit*. *Temporary Construction Dewatering* shall not begin at public capital improvement projects prior to

approval of the site design by the City Engineer. Conditions and requirements shall be included with the development project construction contract as a special provision.

(C) A *Contamination Mitigation Plan* shall be included as part of the *Temporary Construction Dewatering Plan* to address all contamination identified at the development site or within the proposed TCD's radius of influence. *Contamination Mitigation Plans* shall include:

(1) A hydrogeological evaluation of the potential movement of contaminants due to TCD at a specific site; and

(2) All required information and actions detailed in the *Temporary Construction Dewatering Operating Policy*.

(D) Conditions regulating the monitoring, mitigation, treatment, and disposal of contaminated groundwater shall be imposed on the development project. Acceptance of the applicant's *Temporary Construction Dewatering Plan* shall be contingent on the City of Redmond satisfaction with proposed mitigation measures.

13.25.080 TCD Suspensions or Revocation.

(A) The Public Works Director or his or her designee may order the suspension of temporary construction dewatering for any of the following reasons:

(1) Municipal storm pipe capacity has been exceeded, resulting in an unacceptable increased risk of flooding.

(2) Municipal drinking water wells are impacted to such an extent that one or more City drinking water supply wells cannot produce specified minimum quantities of water to fulfill supply to water utility customers and the City or the City's wholesale water supplier has activated an emergency water response plan.

(3) Violations of state surface water quality standards (Chapter 173-201A WAC) when the TCD effluent discharges to surface Waters of the State.

(4) Violations of state groundwater quality standards (Chapter 173-200 WAC) when the TCD effluent is infiltrated via dispersion back into a groundwater aquifer.

(5) When otherwise deemed necessary by the Public Works Director to protect public safety, property, and natural environment.

(B) Notice of suspension or revocation shall be given in writing by mailing or otherwise delivering a copy to the applicant or the applicant's onsite construction personnel. The suspension or revocation shall become effective immediately upon delivery or receipt and the applicant shall immediately cease all TCD activities.

13.25.090 TCD Effluent Discharge.

(A) TCD effluent shall be allowed to be discharged to the City's stormwater conveyance system, provided that the City's stormwater engineering staff is able to verify that:

(1) The effluent meets appropriate state water quality standards for dispersion into the surface waters of the state;

(2) Effluent discharge rates do not exceed those designated within the *Temporary Construction Dewatering Plan*; and

(3) All other conditions stipulated in the *Temporary Construction Dewatering Plan* have been satisfied.

13.25.100 Replacement of Drinking Water Supply.

(A) The Public Works Director or his/her designees shall determine if TCD activities at one or more developments are impacting a City drinking water supply well. The following considerations shall be used to make this declaration of impact: Reduced expected instantaneous well production rate, water level within the supply well while pumping, time of year, and potential contamination or other factor to degrade the quality of potable water produced by the supply well. The evaluation of considerations leading to a determination of impact shall occur in accordance with the procedures and methodology detailed in the *Temporary Construction Dewatering Operating Policy*.

(B) The Public Works Director or his/her designees may, at their discretion, allow TCD activities to reduce the instantaneous and annual rates of withdrawal if regional drinking water supply is available for purchase from Cascade Water Alliance.

It is presumed that if regional drinking water supply is not available for purchase, the regional water shortage plan has been activated.

(C) Development projects whose TCD activities have been determined to be solely or partly impacting the City of Redmond Water Utility's production of the drinking water at a specific supply shall either:

(1) Cease TCD activities; or

(2) With the Public Works Director's consent, pay the City's costs of purchasing replacement supply, if available, from the City's water purveyor as a condition for continued operation of TCD activities. The Public Works Director may require the applicant to deposit sufficient funds with the City to defray the cost of purchasing replacement water for the duration of the TCD activities prior to allowing the TCD activities to continue

13.25.110 Administrative Fees.

(A) The Public Works Director shall have the authority to impose administrative fees for the review of the *Temporary Construction Dewatering Feasibility Studies* and *Temporary Construction Dewatering Plans*

required by this chapter in order to recoup the City's costs of conducting the reviews. The administrative fees provided in this subsection shall be collected at the time the *Temporary Construction Dewatering Feasibility Study* and *Temporary Construction Dewatering Plan* is submitted and the City shall not be obligated to review the *Study* or *Plan* until the review fee is paid.

(B) The Public Works Director shall have the authority to impose an administrative fee in order to recoup the City's costs of inspection and monitoring during the implementation of *Temporary Construction Dewatering Plans*. Inspection and monitoring fees shall be paid at the time of construction permit issuance and the city shall not be obligated to issue permits until the administrative fees are paid.

(C) The Public Works Director shall have the authority to impose an administrative fee on the purchase of replacement water from the City's regional water supplier under this chapter in order to recoup the City's costs of processing requests for such water. The administrative fees to be paid under this subsection shall be paid at the same time as the cost

of the replacement water and shall be in addition to the cost of the water itself.

(D) The Public Works Director shall have the authority to require development permit applicants to pay the cost of any outside technical assistance necessary to review and resolve issues and disputes regarding technical issues relating to *Temporary Construction Dewatering Feasibility Studies* and *Temporary Construction Dewatering Plans*.

13.25.120 Appeals.

(A) The development project applicant and any party of record may appeal a decision of the City to approve, deny, or condition a *Temporary Construction Dewatering Feasibility Study* or *Temporary Construction Dewatering Plan* under this chapter. The appeal shall be made by appealing the decision on the underlying permit to which the *Study* or the *Plan* pertains and shall follow the procedures for appealing the underlying permit set forth in the Redmond Zoning Code.

(B) The development project permit holder may appeal a decision by the Public Works Director to

suspend or revoke permission for Temporary Construction Dewatering activities. The appeal shall be to the Hearing Examiner and shall follow the procedure set forth in the Redmond Zoning Code for the appeal of Type I permit decisions. The filing of an appeal shall not stay the Public Works Director's order to cease Temporary Construction Dewatering Activities, but Public Works Director may, but shall not be obligated to, allow Temporary Construction Dewatering activities to continue during the pendency of an appeal if the same can be done consistent with the public health, safety, and welfare.

(C) All appeals under this section shall be made on forms established under the Redmond Zoning Code and accompanied by any applicable appeal fee. No appeal shall be considered filed or complete until any applicable appeal fee is paid.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance 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.

Section 4. Effective date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

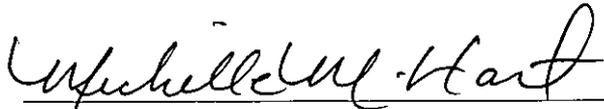
ADOPTED by the Redmond City Council this 17th day of May, 2016.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: May 3, 2016
PASSED BY THE CITY COUNCIL: May 17, 2016
SIGNED BY THE MAYOR: May 20, 2016
PUBLISHED: May 23, 2016
EFFECTIVE DATE: May 28, 2016
ORDINANCE NO. 2831

YES: ALLEN, BIRNEY, CARSON, MARGESON, MYERS, SHUTZ, STILIN