

Spokane County Code, Title 9, Chapter 9.14 - Roads, Approach and Drainage in New Construction

Revised Section 9.14.215 (see below)

9.14.215 Discharge of unauthorized waters and non-stormwater prohibited--Penalty.

(1) It shall be unlawful for any person to throw, drain, run or otherwise discharge or connect unauthorized water and/or non-stormwater discharges (illicit discharges) to the municipal separate storm sewer system (MS4), surface waters or ground waters of the state without written permission of the director of utilities, county engineer or authorized designee.

(A) For purposes of this chapter, unauthorized waters include, but are not limited to:

- (a) Groundwater from springs or other natural or artificial sources, foundation drains, sump pumps, and other means of discharging groundwater to the surface;
- (b) Stormwater runoff containing sediment;
- (c) Discharges from swimming pools, hot tubs, detention or evaporation ponds;
- (d) Other water and non-stormwater discharges (illicit discharges) posing a public health or safety hazard or that could reduce the effectiveness of stormwater control and treatment facilities, or negatively impact the MS4, surface or ground water. Illicit discharges include but are not limited to the following:
 - (i) Trash and debris;
 - (ii) Construction Materials;
 - (iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
 - (iv) Antifreeze and other automotive products;
 - (v) Metals, in either particulate or dissolved form;
 - (vi) Flammable or explosive materials;
 - (vii) Radioactive materials;
 - (viii) Batteries;
 - (ix) Acids, alkalis or bases;
 - (x) Paints, stains, resins, lacquers or varnishes;
 - (xi) Degreasers and/or solvents;
 - (xii) Drain cleaners;
 - (xiii) Pesticides, herbicides or fertilizers;
 - (xiv) Steam cleaning wastes;
 - (xv) Soaps, detergents or ammonia;
 - (xvi) Swimming pool or spa filter backwash;
 - (xvii) Chlorine, bromine or other disinfectants;
 - (xviii) Heated water;
 - (xix) Domestic animal waste;

- (xx) Sewage;
- (xxi) Recreational vehicle waste;
- (xxii) Animal carcasses;
- (xxiii) Food wastes;
- (xxiv) Bark and other fibrous materials;
- (xxv) Lawn clippings, leaves or branches;
- (xxvi) Silt sediment, concrete or gravel;
- (xxvii) Dyes;
- (xxviii) Chemicals not normally found in uncontaminated water;
- (xxix) Any other associated process discharges, except as allowed by permit or law;
- (xxx) Any hazardous material or waste not listed above;
- (xxxi) Water discharged from the cleaning of containers or equipment used in laying, cutting, or processing concrete and mortar and the water used in such processes; and
- (xxxii) Water discharged from the cleaning of equipment or containers holding paint solvents or similar contaminants;

(2) Discharges -- Conditionally Allowed.

The following types of discharges shall not be considered to be illegal discharges if the stated condition(s) is met:

- (A) Minimal discharges from lawn watering and other irrigation run-off are allowed;
- (B) Minimal discharges from street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are allowed;
- (C) Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water, as long as discharges are de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments; and
- (D) Other non-stormwater discharges may be allowed when in compliance with the requirements of a stormwater pollution prevention plan approved by the county engineer or director of utilities.

(3) Discharges -- exemption.

The following discharges are exempt from the provisions of 9.14.215:

- (A) Non-stormwater discharges covered by a National Pollution Discharge Elimination System (NPDES) Permit and/or State Waste Discharge General Permit;
- (B) Discharges from emergency fire fighting activities;
- (C) Diverted stream flows not containing sediment;
- (D) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (E) Air conditioning condensation;
- (F) Flows from riparian habitats and wetlands; and
- (G) Irrigation water from agricultural sources.

(H) Dust control materials that are applied in compliance with local and state policy and/or law.

(4) Definitions.

"CWA" means the Federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended in Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 *et. seq*;

"Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body;

"Hazardous materials" means any material, including any substance, waste or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or contribute to a substantial present or potential hazard to human health, safety and property or the environment when improperly treated, transported, or disposed of, or otherwise managed; and

"Hyperchlorinated" means water that contains more than 10mg/liter chlorine;

"Minimal Discharges" means minor infrequent discharges that occur during the normal course of lawn watering, street or sidewalk washing, exterior building washing, dust control, or irrigating that do not cause structural damage, negatively impede the function of the MS4 and are not defined as an illicit discharge. Discharges from publicly conducted or contracted street cleaning, dust control and maintenance activities that require water are classified as minimal discharges;

"Municipal Separate Storm Sewer System or MS4" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFT 122.2.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology;

"Non-stormwater Connection or Illicit Connection" means any man-made conveyance that is connected to a municipal separate storm sewer system without a permit, excluding roof drains and other similar type connections. Examples of illicit connections include, but are not limited to; sanitary sewer line connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system;

"Non-stormwater Discharge or Illicit Discharge" means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from emergency fire fighting activities;

"Waters of the State" includes those waters as defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington State and "'waters of the state" as defined in Chapter 90.48 RCW which includes: lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

(5) Authority to Inspect.

(A) The county engineer and/or director of utilities, or authorized designee(s) shall have the authority to inspect county property and/or the municipal separate storm sewer system, surface water or ground water to discover and locate illegal discharges.

(6) Authority to Investigate.

(A) The county engineer and/or director of utilities, or authorized designee(s) shall have the authority to investigate public or private property to determine the source of illegal discharges to public property, the municipal separate storm sewer system, surface water or ground water.

(7) Enforcement.

(A) The county engineer and/or director of utilities, or authorized designee(s), may give oral or written notice to any property owner or person who is discharging unauthorized waters or non-stormwater to county property, municipal separate storm sewer system or public rights-of-way;

(B) The county engineer and/or director of utilities or authorized designee(s), may give oral or written notice to any property owner or person who has connected or is illegally connecting a pipe, culvert, ditch, swale, stormwater pond, detention or retention facility, or other unauthorized connection to county property, municipal separate storm sewer system, public rights-of-way, surface water or ground water for the purpose of discharging unauthorized waters or non-stormwater;

(a) The illegal discharge or connection must cease and desist as soon as notice is given to the person. If oral notice is given, the county within twenty-four hours will send written notice to the person.

(i) If the violation does not cease and desist immediately upon oral and/or written notice, the county engineer or director of utilities or

authorized designee, may authorize the immediate removal of the illegal discharge and/or connection;

(8) Penalty.

(A) If the illegal discharge or connection does not cease and desist immediately upon notice, the person shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed two hundred fifty dollars or imprisonment in the county jail not exceeding ninety days or both. Each day that a violation exists shall constitute a separate offense;

(B) The county may seek legal remedy and/or financial reimbursement for enforcement and, when applicable, soil and/or water contamination clean-up expenses resulting from illegal discharges and connections from the responsible party, as per the provisions of local, state and federal law. (Res. 01-1093, Exhibit A (part), 2001) (Res.09-0672, Exhibit A (part), 2009)