

RESOLUTION NO. 08-02

A RESOLUTION OF THE PORT COMMISSIONERS OF THE PORT OF SKAGIT COUNTY ESTABLISHING A POLICY PERTAINING TO THE PROHIBITION OF ILLICIT DISCHARGE ON PORT PROPERTIES.

WHEREAS, the Port of Skagit County is covered as a Secondary Permittee under the Western Washington Phase II Municipal Stormwater Permit, issued by the Washington State Department of Ecology on January 17, 2007; and

WHEREAS, Special Condition S6.D.3.b. of the permit requires all Secondary Permittees to adopt policies prohibiting illicit discharges and illegal dumping and identifying possible enforcement mechanisms for those policies; and

WHEREAS, the commission adopted Rules and Regulations Applying at Skagit Regional Airport and Bayview Business and Industrial Park in 2001, and Rules and Regulations Applying at the La Conner Marina in 2007, which govern the handling of garbage and other waste on port properties; and

WHEREAS, the port enters into lease agreements with all new tenants that establish (1) the right of entry for inspection and (2) the requirement to comply with all applicable environmental laws and regulations; and

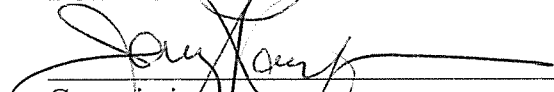
WHEREAS, the commission deems it necessary to establish a new policy to prohibit illicit discharges and illicit connections to the port's stormwater system; and

WHEREAS, the policy as proposed is in the best interest of public health and welfare;


NOW, THEREFORE, BE IT RESOLVED that the Port Commission of the Port of Skagit County hereby adopts the *Illicit Discharge Stormwater Policy*, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein.

ADOPTED by the Port Commission of the Port of Skagit County at a regular meeting thereof held this 15th day of January 2008.

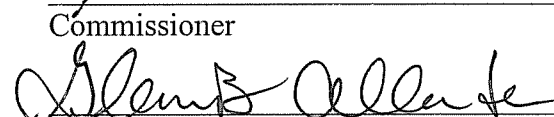
PORT OF SKAGIT COUNTY



Commissioner



Commissioner



Commissioner

**PORT OF SKAGIT COUNTY
ILLCIT DISCHARGE STORMWATER POLICY**

I. PURPOSE

The purpose of the illicit discharge stormwater policy is to protect public health and water quality by prohibiting the release of unauthorized non-stormwater discharges to the port's stormwater system as required by federal and state law.

II. DEFINITIONS

- A. **Stormwater**: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

- B. **NPDES Permit**: National Pollutant Discharge Elimination System permit program, which is administered by the Environmental Protection Agency (EPA). The EPA delegated responsibility to administer the NPDES permit program to the State of Washington under Chapter 90.48 RCW, which defines the Department of Ecology's authority and obligations in administering the wastewater discharge permit program. One of the mechanisms for achieving the goals of the Clean Water Act is the NPDES permit program.

- C. **BMP**: Best Management Practice. Methods that have been determined to be the most effective, practical means of preventing or reducing pollution.

- D. **Illicit discharge**: Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges otherwise allowed under this policy.

- E. **Illicit Connection**: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyance which allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, and any connection to the storm drain system from indoor drains, sump pumps, and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency; or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has been documented in plans, maps, or equivalent records and approved by an authorized enforcement agent.

III. APPLICABILITY

This policy applies to all discharge entering any part of the port's stormwater system and generated on port property. The port's stormwater system includes all ditches, pipe conveyances, catch basins, ponds, and detention basins owned and operated by the Port of Skagit County. Discharges generated on property not owned by the port and entering the port's stormwater system will be addressed in coordination with the local city or county jurisdiction.

IV. RESPONSIBILITY FOR ADMINISTRATION

Responsibility for administration, implementation, and enforcement of this policy shall be with the port Executive Director or his or her designee.

V. DISCHARGE PROHIBITIONS

A. Prohibition of Illicit Discharges

No person shall discharge or cause to be discharged into the port's stormwater system any non-stormwater materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

(a) The following discharges are allowable if stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water are prohibited unless the discharge is first dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system.
2. Discharges from lawn watering and other irrigation runoff shall be minimized through the use of conservation practices and BMPs.
3. Street and pavement wash water, vehicle wash water, dust control water, and routine external building wash down that does not use detergents shall be minimized through the use of conservation practices and BMPs.

(b) The following discharges are exempt from this policy:

1. Uncontaminated ground water.
2. Foundation or footing drains.
3. Air conditioning condensation.
4. Water from crawl space pumps.
5. Flows from streams, riparian habitats and wetlands.

6. Any non-stormwater discharge authorized under a current NPDES permit and in full compliance with the terms of that permit.

B. Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

VI. ENFORCEMENT PROCEDURES

The port commission authorizes the executive director or his or her designee to administer the terms of this policy by verbal or written instruction. In the event of an illicit discharge the port shall implement the following procedures:

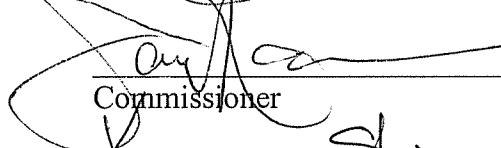
1. The responsible party shall be contacted immediately to establish appropriate remedies.
2. If a repeat or continued violation of this policy is committed by a port tenant, the port shall enforce the terms of the lease.
3. If a violation of this policy is committed by other than a port tenant, the port shall alert state or local enforcement authorities.

VII. REVIEW OF POLICY


This policy shall be reviewed from time to time as deemed appropriate by the port commission.

ADOPTED by the Port Commission of the Port of Skagit County at a regular meeting thereof held this 15th day of January, 2008.

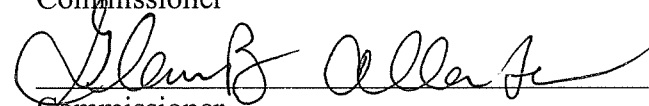
PORT OF SKAGIT COUNTY



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