



ORDINANCE NO. 6012

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 12 SURFACE WATER TO COMPLY WITH FEDERAL AND STATE REGULATIONS REGARDING WATER QUALITY.

WHEREAS, the City of Albany operates under the National Pollutant Discharge Elimination System (NPDES) program of the Federal Clean Water Act; and

WHEREAS, communities with populations in excess of 50,000 are required to obtain coverage under the Oregon Department of Environmental Quality's (DEQ) NPDES Municipal Separate Storm Sewer Systems Phase II General Permit (MS4 Permit); and

WHEREAS, the City of Albany applied for coverage under DEQ's MS4 Permit in June 2021; and

WHEREAS, the MS4 Permit outlines requirements for implementation of Albany's Post-Construction Stormwater Quality Program (SW Program); and

WHEREAS, the City of Albany must make modifications to the City's SW Program to comply fully with DEQ's MS4 Permit by February 28, 2024.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Municipal Code text for Title 12 is hereby amended as shown in bold type for additions and strikethrough text for deletions, in the following Section 2.

Section 2: Amending Title 12 Sections 12.10.010, 12.45.030 and 12.45.040:

12.10.010 Prohibited discharges.

No person shall cause any pollutant to be discharged to public rights-of-way, **private or** municipal stormwater system, or any Waters of the State or cause any pollutant to be placed in a location where such pollutant is likely to escape or be carried into the public rights-of-way, municipal stormwater system or into the Waters of the State.

(1) Prohibited discharges include, but are not limited to, the following:

(a) Any liquids, solids, or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of the municipal stormwater system.

(b) Any solid or viscous substances that may cause obstruction to the flow in the stormwater system, such as but not limited to: grease, garbage, sand, straw, grass clippings, rags, plastics, or mud.

(c) Any discharge having a pH less than six or greater than 10, unless the divergence from these limits can be proven to occur from rainfall pH.

(d) Any discharge **or runoff** containing toxic pollutants, **oils, chemicals or other hazardous materials**.

(e) Pollutants that result in the presence of toxic gases, vapors, or fumes within the stormwater system that may cause acute worker health or safety problems.

(f) Any substance that may cause the City to violate its NPDES and/or other storm system permits, or that may cause the City to violate instream water quality standards set by the State of Oregon.

(g) Any substance that causes or may cause visible discoloration of the receiving waters such as but not limited to dyes and inks, except as described in subsection (2)(b) of this section.

(h) Any discharge having a temperature that may inhibit biological activity in the receiving waters or cause the City to violate instream water quality standards set by the State of Oregon, or that could harm the stormwater system.

(i) Any discharge containing oxygen demanding pollutants that may elevate the oxygen demand within the municipal stormwater system or Waters of the State.

(j) Any hauled waste, septage, or discharge from cleaning tanks including those from mobile cleaning services.

(k) Stormwater runoff containing eroded sediments from land-disturbing activities.

(l) Any refuse, rubbish, garbage, **pet waste**, litter, or other discarded or abandoned objects.

(m) Discharge of washwater containing surfactants, soaps, or detergents, steam or heated water except as described in (2)(a) of this section.

(2) The following are exempt from discharge prohibitions established by this chapter:

(a) Water line flushing with dechlorination; discharges from potable water sources; landscape irrigation; irrigation water; footing drains; lawn watering; individual residential car washing; **charity car washing (with no chemicals, soaps, detergents, steam or heated water)**; dechlorinated swimming pool **and hot tub discharges (heated water must be cooled for at least 12 hours prior to discharge)**; **uncontaminated** foundation drains; **uncontaminated** air conditioning condensate; **uncontaminated** water from crawl space pumps; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; springs; flows from riparian habitats and wetlands; and street, **pavement and building washwater (with no chemicals, soaps, detergents, steam or heated water)**.

(b) Discharges associated with dye testing, provided verbal notification is made to the Director prior to the start of the test.

(c) Discharges from fire fighting or other emergency actions by a public utility, the City, or any other governmental agency necessary to protect public health and safety.

(3) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of Oregon under the authority of the Federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided the written approval has been granted by the City of Albany for any discharge to the stormwater system. (Ord. 5727 § 1, 2010; Ord. 5498 § 1, 2001).

12.45.030 Permit required.

A post-construction stormwater quality permit shall be obtained **prior to work commencing** for all new development and/or redevelopment projects **that create or replace 5,000 square feet or more of impervious surface area on a parcel(s) equal to or greater than one acre**, including all phases of the development. (Ord. 5841 § 3, 2014).

12.45.040 Permit exemptions.

(1) A development may be exempted from the requirement of AMC [12.45.030](#) when one or more of the following conditions exist:

~~(a) The development is for the construction of not more than three single-family or duplex dwelling(s) on an existing lot(s) of record.~~

~~(b)~~ (a) The development creates and/or replaces less than **5,000 8,100** square feet of impervious surface, cumulatively.

~~(e)~~(b) The Director has determined that physical characteristics of the site (including current development) make effective on-site construction of the facilities impractical; and that an off-site post-construction stormwater quality fee has been paid per AMC [12.45.100](#).

~~(d)~~ (c) The Director has determined that the site topography or soils makes it impractical or ineffective to construct the facilities on site or within planned improvements in the public right-of-way; and that an off-site post-construction stormwater quality fee has been paid per AMC [12.45.100](#).

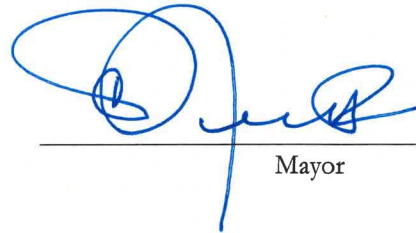
~~(e)~~ (d) The proposed development activity is being constructed under a valid land use approval where the application for said development activity was submitted prior to ~~January 1, 2015~~ February 28, 2024. (Ord. 5841 § 3, 2014).

Section 3: This Ordinance shall be effective on February 28, 2024.

Passed by the Council: May 24, 2023

Approved by the Mayor: May 24, 2023

Effective Date: February 28, 2024



Mayor

ATTEST:



Alison Reese
City Clerk