

18. AN ORDINANCE AND RESOLUTION RELATING TO STORMWATER.

STAFF REPORT_____

QUESTIONS FROM COUNCIL ON STAFF REPORT_____

READING OF ORDINANCE NO. 08-24_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO STORMWATER SERVICES, RATES, FEES AND CHARGES, ADDING A NEW CHAPTER, 10.30 STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY TO TITLE 10, PUBLIC SERVICES AND UTILITIES OF THE PULLMAN CITY CODE, AND AMENDING PCC 1.18.040 AND ORDINANCE NOS. 99-22 §1, 1999; 85-19 §1, 1985; AND 81-10 §3(2), 1981 AND OTHER MATTERS PROPERLY RELATED THERETO.

READING OF RESOLUTION NO. R-98-08_____

A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE STORMWATER UTILITY BASE RATE AND APPEAL FEE PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 10.30.

DISCUSSION_____

ACTION TAKEN_____

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 12/09/08

ACTION REQUESTED:

Adopt a Storm Drainage and Surface Water Management Utility Ordinance and a Stormwater Fee Resolution.

BACKGROUND:

See attached Staff Report No. 137.

RECOMMENDATION:

Pass the attached ordinance creating a Storm Drainage and Surface Water Management Utility and adopt the attached resolution adopting a fee schedule for the Stormwater Utility Base Rate and Appeal Fee.

FISCAL IMPACT:

BARS Code Number

SUBMITTED BY:

Name Mark Workman
Title Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Staff Report
2. History of Stormwater Issues Memorandum
3. Ordinance No. 08-24
4. Lewiston Tribune Article
5. WSU Written Comments
6. City Staff Response to WSU Comments
7. Resolution No. R-98-08
8. Top 10 Customer List
9. Community Update Notice
10. FAQ handout

REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>12/4/08</u>
City Supervisor	<u>JPS</u>	<u>12/15/08</u>
City Attorney	<u>may</u>	<u>12-5-08</u>

(As to Form)



CITY OF PULLMAN

Public Works and Planning Departments

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MEMORANDUM

TO: Mayor and City Council
FROM: Mark Workman, Public Works Director *MW*
FOR: December 9, 2008 City Council Meeting

Staff Report No. 137

The City of Pullman has been dealing with stormwater for many years and, specifically, with the Phase II National Pollutant Discharge Elimination System (NPDES) since 2000. A thorough summary of the recent history of city of Pullman stormwater issues has been prepared by City Supervisor John Sherman and is attached for reference. Pullman has participated in efforts to develop an Eastern Washington Stormwater Program separate from the Western Washington Stormwater Program, to exempt bubble cities from the permit, to minimize the regulatory aspects of the permit and the Stormwater Management Manual for Eastern Washington (the stormwater technical manual). Pullman has also fully participated in the legal appeal process against the Department of Ecology and against the Puget Sound Alliance. Regretfully, through all of this our impact has been minimal and we now find ourselves soon going into year three of our coverage under the current five year NPDES municipal stormwater permit. To date, the requirements have not been too onerous and the costs have been funded through the Street Fund and with start-up grants from the state. However, with year three the requirements become greater and more expensive. The time has come for Pullman to adopt an ordinance establishing a stormwater utility and a stormwater fee to create a revenue stream to fund compliance activities required by the permit.

A stormwater utility ordinance is attached that has undergone extensive review and revision that is now offered for adoption. As was the agreement from the Council meeting on October 21st when the Council last reviewed and commented on the proposed ordinance, this stormwater ordinance establishes a stormwater fee based on impervious surface area. Language in this ordinance has been revised to better note that it was the State of Washington Department of Ecology's decision to include Pullman in the NPDES permit that is compelling the City to form a stormwater utility. At the October 21st meeting, Council had recommended that language in the ordinance that referenced fees being the responsibility of property owners, as opposed to persons whose name appeared on the utility account, be revised. However, upon consultation with City Attorney Laura McAloon, property owner references have been

left in the ordinance as before. One other comment was that city parking lots should be exempt from the stormwater fee, but in the interest of consistency with other public and private property owners, this change has not been made. Staff feels strongly that the city must be treated the same as everyone else, just like we do with the water and sanitary sewer utilities. A final comment was that airport ramps be exempt. Upon review, this also was not implemented in total, although significant public ramp area in front of the terminal and at the FBO fuel island have now been included as taxiway area, which is already exempt along with the runway. To further exempt ramp areas would ignore the fact that ramps, along with parking lots, are major contributors to stormwater quality degradation and would likely lead to burden shifting in the form of higher base fees for everyone.

The ordinance recommended for adoption represents what we think is our best effort. Concerns and questions have been addressed to the extent that we can. We also are not alone in this situation. As noted in the attached news article, the City of Lewiston recently adopted an ordinance creating a stormwater utility with a stormwater fee similar to what is proposed for Pullman. The City of Moscow was also recently included under the NPDES permit by EPA and they will soon be following in our footsteps. The one area where there is still significant consternation is with WSU as expressed in the attached comment letter received at the end of the public comment period and following the second public forum. City staff has met with WSU on several occasions and many of the suggestions made by WSU have already been implemented. City staff response to the WSU comment letter is also attached.

The fee resolution as prepared and recommended for adoption includes the tiered base fee of \$3.00, \$5.00, and \$7.00 over the next three years as has been previously discussed. This is predicated on a 20% credit for WSU in recognition that WSU is also covered by a secondary NPDES permit. If larger credits are allowed for WSU, it will result in burden shifting, again in the form of higher base rates for all. For example, a 50% credit for WSU would result in fees of \$4.00, \$5.50, and \$7.25. A complete waiver for WSU would result in fees of \$4.75, \$6.50, and \$8.50. The fee resolution also establishes an appeal fee of \$50.00 to cover the costs associated with the review and processing of requests. The appeal fee is an estimate, due to the fact that there is no history yet. Staff's intent would be to review the amount of this fee in 2011 and recommend an adjustment as appropriate. Note that a delay of 6 months is also recommended for the appeal fee to allow a reasonable time period for people to review their impervious surface measurements and resulting fees with city staff without charge as it is probable that some adjustments should properly be made based on new information.

Attached as additional information is a list of the top 10 stormwater utility customers and approximately what their yearly fees would be, based on the proposed fee resolution and before any credits are applied. Also attached is a notice of this Council meeting that was published in the Community Update and a Frequently Asked Questions handout we have been providing to the public.



CITY OF PULLMAN

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MEMORANDUM

TO: Mayor and City Council
FROM: John Sherman, City Supervisor
RE: History of Stormwater Issues
DATE: December 3, 2008

The following is a history of stormwater issues relating to the city of Pullman. As you will note from this information, there have been numerous public discussions of the stormwater issue. The City Council has also taken numerous definitive actions to address the issue.

The city of Pullman recognizes the importance of addressing stormwater issues in a fair and reasonable manner. The city currently has design standards that require erosion and sediment control plans be submitted and approved with new development and require stormwater detention and biofiltration when certain thresholds have been met. The city already addresses high risk land uses such as car washes, auto repair/maintenance shops, etc. with special requirements. The city also requires enhanced detention in one particularly sensitive sub-basin within the city (Hatley Canyon). With new construction, the city dye tests the sewer connections to verify the sanitary sewer lines are not inadvertently connected to the storm drain system. Thus, far from ignoring stormwater concerns, we have many procedures already in place.

However, when the proposed Phase II Stormwater Permit was proposed to include Pullman, we actively opposed our inclusion under the terms of the Phase II Permit. The city of Pullman, Washington State University and Schweitzer Engineering Labs, Inc. officially requested that Pullman not be included in the Phase II Program during the comment period that ended on May 19, 2006. The following statement was made within our city of Pullman letter in support of our request for not being included under the Phase II Stormwater Permit:

Pullman and the surrounding area are characterized by rolling hills, steep slopes and highly erodable soils. The relative impermeability of the soil virtually eliminates the use of infiltration for stormwater treatment, which results in close to 100% runoff. Agriculture is the primary land use in the surrounding area, and results in highly turbid runoff far outweighing contributions from the city stormwater system. Benchmarks such as the

25 NTU threshold in the Construction Stormwater General Permit are essentially impossible to meet at times, and quite frankly wouldn't matter much because the contribution from agricultural land is so much higher, both in quantity and turbidity levels.

The stormwater issue has been addressed in depth at numerous previous City Council meetings. On September 26, 2006, a public meeting was held on the stormwater issue. David Duncan, from the Water Quality Program of the Washington State Department of Ecology, stated that "...Pullman has perhaps the most difficult situation in the whole state with regards to soils." Representatives from WSU and SEL spoke at the City Council meeting and raised concerns about the proposed Phase II Regulations. At the conclusion of the stormwater discussion, the City Council voted to table motions authorizing a stormwater consultant agreement and the acceptance of a Department of Ecology stormwater grant.

At the Town Hall Meeting on December 6, 2006, the stormwater issue was discussed in depth with our 9th District State legislators. Representatives from the Washington State Department of Ecology were also present to address the stormwater issue. Later in December, our 9th District State legislators were able to meet with Director of the Department of Ecology Jay Manning and convinced him to delay the proposed December implementation of the Phase II Permit until January. However in January 2007, the Department of Ecology issued the new Phase II Permits that included Pullman.

On January 23, 2007, the City Council discussed the decision of the Department of Ecology to include Pullman in the implementation of the Phase II Stormwater Permit. The City Council discussed the option of joining an appeal of the Department of Ecology decision.

On February 6, 2007, the City Council voted to join the appeal of the Phase II Regulations. Because the Department of Ecology opted to include Pullman under the requirements of the Phase II Regulations, the City Council also voted to approve the stormwater consultant agreement and accept the Department of Ecology stormwater grant.

On February 16, 2007, the NPDES Phase II Permit became effective. The minimum measures required under this Phase II Stormwater Permit are:

- Public education and outreach
- Public involvement and participation
- Illicit discharge detection and elimination
- Controlling runoff from development
- Pollution prevention for municipal operations.

At the City Council meeting on March 6, 2007, the City Council passed a resolution authorizing the city of Pullman to join a coalition of 33 cities and counties for the purpose of appealing provisions of the Municipal Stormwater Permit. In his staff report to the City Council, Public Works Director Mark Workman wrote:

The Department of Ecology (DOE) has issued the Phase II National Pollutant Discharge Elimination System (NPDES) Permit under the provisions of the Federal Clean Water Act. The permit applies to several cities in Washington, including the city of Pullman. It is the opinion of many of the affected cities that DOE has exceeded the requirements of the Clean Water Act to the extent that significant and unwarranted financial burdens will be placed on these municipalities and the citizens residing therein, and subject the municipalities to costly legal challenges. Several Washington cities, including Pullman, committed to combine resources to appeal the permit to the Pollution Control Hearings Board and to Superior Court in Snohomish County.

On May 15, 2007, the appellants filed the proposed list of legal issues before the Pollution Control Hearings Board.

At the annual Association of Washington Cities (AWC) conference on June 14, 2007, a workshop was held on stormwater issues. The major point of the workshop discussion was that, regardless of the legal challenges to the Phase II Stormwater Permit, it is still in effect and we have a requirement to comply. The June 2007 AWC Stormwater fact sheet that was distributed at the conference stated:

The permit's requirements must be addressed in increments over the next five years and will be costly to implement for both public and private interests. Cities that have extensive stormwater programs and stormwater utilities in place may be meeting some of the requirements of the permit. Cities that have not developed stormwater programs or developed a stormwater utility will face a much greater challenge.

On June 26, 2007, the City Council requested that the options of retaining a consultant to aid in compliance and to retain a full-time stormwater program employee be brought back for consideration at a later date.

At the City Council meeting on August 17, 2007, the City Council authorized the creation of the city of Pullman stormwater manager position. The following are excerpts from the minutes of the City Council meeting:

Councilmember Bloom stated he concurred with the staffing needs for stormwater compliance, stated that the stormwater issue was an unfunded mandate and the citizens would have to find a way to pay for it, and that compliance would involve high volumes of work.

Councilmember Heath stated she agreed with Councilmember Bloom's comments that this was a complex issue and that the City should stay within the minimum standards and not go beyond that.

At the City Council meeting on October 23, 2007, a discussion took place concerning the stormwater issue. John Knutson of Otak, Inc., the city's stormwater consultant, gave a detailed presentation on stormwater regulations, the city's options, and new annual stormwater funding needs. He recommended the establishment of a stormwater utility. Public Works Director Mark Workman stated that the city was behind in the stormwater compliance process and that we needed to establish and collect fees by mid-year 2008.

On December 11, 2007, the issue of stormwater was again raised with our 9th District State Legislators. The first issue of interest to the city of Pullman in the town hall meeting was that the state should provide for reasonable and achievable stormwater standards. We requested that the legislature act to ensure that reasonable and achievable stormwater standards are applied that do not exceed federal requirements and that take into consideration the unique provisions of various geographic areas within the state.

At the City Council meeting on January 22, 2008, the stormwater issue was again addressed in depth. Four resolutions were passed by the City Council addressing various stormwater issues. The first resolution adopted a public participation policy for the development and implementation of an enhanced city stormwater management program. The second resolution provided more funding of the cost of litigating the stormwater appeal. The third resolution provided an addendum to the Otak, Inc. agreement for the purpose of performing the stormwater planning and funding project. The final resolution accepted a local stormwater grant from the Washington State Department of Ecology. Rob Buchert was formally introduced at the meeting as the city of Pullman's Stormwater Services Program Manager.

On April 17, 2008, city of Pullman representatives attended an AWC forum on stormwater that was held in the Spokane City Council Chambers.

On April 28, 2008, the city of Pullman, the Pullman Chamber of Commerce and the Pullman League of Women Voters co-sponsored a public forum on the stormwater issue. This was a very informative and well attended forum. Panelists included representatives from the city of Pullman, Otak, Inc., WSU, and the Washington State Department of Ecology.

Numerous meetings have been held to explain to various heavily impacted local businesses and organizations the impacts that the proposed stormwater utility would have upon them.

On May 22, 2008, representatives of the city met with representatives of the Washington State Department of Community, Trade and Economic Development (CTED). We emphasized that it is hard to promote economic development and affordable housing because of onerous expensive regulations under the Phase II Stormwater Requirements.

On May 2, 2008, Tammy Lewis, who was with the Palouse Economic Development Council (PEDC) and is now Executive Director of the Pullman Chamber of Commerce, sent a letter to Governor Gregoire. In the letter she stated that new stormwater fees will hit businesses particularly hard and that SEL has stated that it will reconsider any expansion plans in the area due to the fees.

At the City Council meeting on June 3, 2008, another discussion was held on the stormwater issue, the first draft of the stormwater utility ordinance was presented, and the public comment period was opened. Representatives of the city of Pullman, Otak, Inc., and the Washington State Department of Ecology participated in the discussion. It was noted that the State of Oregon did not include any of its bubble cities within the Phase II Stormwater Program. Since Washington included all of its bubble cities, this demonstrates that Washington is exceeding federal requirements.

On June 10, 2008, representatives of the city and the Chamber of Commerce met with gubernatorial candidate Dino Rossi to discuss local issues of concern. Concerns about the cost and difficulty of compliance with the Phase II Stormwater Regulations were a major topic of discussion.

On June 17, 2008, representatives of the city and the Chamber of Commerce met with Michele Vazquez, Regulatory Assistance Lead for the Eastern Region of the Governor's Office of Regulatory Assistance, and David Knight, Unit Supervisor of the Water Quality Program of the Department of Ecology Eastern Regional Office. We emphasized that stormwater regulations need to be reasonable and achievable. As it pertains to Pullman, the Phase II Requirements are neither.

On June 19, 2008, city and Chamber of Commerce representatives met with our 9th District Legislators and again emphasized our concerns about the impact of the Phase II Stormwater Regulations on Pullman.

On June 26, 2008, Mayor Glenn A. Johnson sent a strongly worded letter to Governor Chris Gregoire expressing concerns about the fiscal impact of the stormwater regulations on the business climate, SEL, WSU and others.

On July 25, 2008, the Department of Ecology responded to Mayor Johnson's letter on behalf of Governor Christine Gregoire. The letter acknowledged that "The Department of Ecology (Ecology) is aware of the challenges that some cities, such as the City of Pullman (City), are facing in the implementation of the Phase II Municipal Stormwater General Permits". After detailing the reasons for the inclusion of Pullman under the Phase II requirements, the letter stated the following with respect to business climate concerns:

A major factor in bringing new business to Washington State is our healthy environment. The Municipal Stormwater Permits are part of the effort to keep the environment healthy, and to create a climate that is sustainable and good for business.

On August 12, 2008, a conference call took place with Keith Phillips, the Executive Policy Director to the Governor on Environment Issues. The call was set up in response to the Mayor's letter. The phone conversation allowed Mayor Glenn Johnson, City Supervisor John Sherman, and Stormwater Services Program Manager Rob Buchert the opportunity to discuss stormwater issues in depth with a representative from the Governor's Office.

At the City Council meeting on August 26, 2008, the City Council passed Resolution No. R-79-08 authorizing the execution of the second amendment between the city of Pullman and a coalition of Washington cities who are challenging the stormwater regulations. The coalition is appealing the Phase II National Pollutant Discharge Elimination Permit.

At the City Council meeting on October 21, 2008, the City Council discussed stormwater issues. The draft revised stormwater utility ordinance was presented. The City Council again expressed its strong concerns about the stormwater regulations before suggesting final revisions in the draft ordinance. For example, City Councilmember Keith Bloom reflected the sentiments of many City Councilmembers when he stated at the meeting:

If I believed for a moment that this would clean up one drop of stormwater, given our geology and our geography, I'd be all over this, all right? I do not believe that by writing a bunch of words on paper and creating a bureaucracy, that we are really going to clean up the stormwater in Pullman significantly enough that what flows in from out of town and winds up flowing out the South Fork still doesn't look like chocolate milk come springtime rolling down Palouse Falls.

At the conclusion of the City Council discussion the majority of the City Council concurred with the staff recommendation that the stormwater utility rate structure should be based upon impervious area.

On November 12, 2008, a second stormwater public forum was held in the City Council Chambers. City staff and representatives from Otak, Inc. gave a panel presentation before the forum was opened up for public input.

On December 2, 2008, city staff met with WSU staff for the ninth time to discuss WSU concerns about the proposed stormwater utility rate structure.

A notice of the proposed adoption of the stormwater utility ordinance at the December 9 was published in the December issue of the *Pullman Community UPDATE*.

In summary, the city of Pullman has attempted to gain relief from the onerous provisions of the stormwater permit requirements through both legal and political channels. The city has delayed implementing a stormwater utility for as long as is

ORDINANCE NO. 08-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO STORMWATER SERVICES, RATES, FEES AND CHARGES, ADDING A NEW CHAPTER, 10.30 STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY TO TITLE 10, PUBLIC SERVICES AND UTILITIES OF THE PULLMAN CITY CODE, AND AMENDING PCC 1.18.040 AND ORDINANCE NOS. 99-22 §1, 1999; 85-19 §1, 1985; AND 81-10 §3(2), 1981 AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, The Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities to implement stormwater management programs within prescribed time frames, and the Environmental Protection Agency (EPA), pursuant of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., has promulgated a Phase II rule that extends coverage under the National Pollutant Discharge Elimination System (NPDES) to certain small municipal separate stormwater sewage systems (MS4s), and the State of Washington Department of Ecology (Ecology) chose to include the City of Pullman (the City) in said program, compelling the City to apply for coverage under the NPDES Phase II municipal stormwater general permit; and

WHEREAS, the City applied for coverage under the NPDES Phase II municipal stormwater general permit on July 26, 2006; and

WHEREAS, Ecology's decision to include the City in the NPDES Phase II municipal stormwater general permit program now requires the City to regulate activities that impact stormwater quality; to operate and maintain a stormwater system; to protect surface water quality; to educate and involve the public in stormwater matters; and to provide for the planning, design and construction of necessary stormwater capital facilities; and

WHEREAS, in Washington State, the EPA has delegated primacy for the Federal Clean Water Act to the Washington State Department of Ecology; and

WHEREAS, Chapter 90.48 of the Revised Code of Washington (RCW) - the Water Pollution Control Act of Washington - establishes that it is the public policy of the state of Washington to maintain the highest possible standards to ensure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and the

industrial development of the state, and to that end requires the use of all known available and reasonable methods to prevent and control the pollution of the surface waters of the state of Washington from discharges including those arising from stormwater runoff; and

WHEREAS, the City is required to comply with these applicable stormwater and surface water regulations under state law and implementation by the City of the stormwater pollution prevention programs required by these regulations is a necessary part of providing stormwater services and operating storm sewer systems and facilities; and

WHEREAS, The City is compelled, in order to remain in compliance with state law, to form a Storm Drainage and Surface Water Management Utility to regulate public and private activities that impact stormwater discharges, and to provide related facilities and services; assure compliance with federal and state storm drainage, surface water management, and water quality regulations; and

WHEREAS, the City is authorized to own and operate a Storm Drainage and Surface Water Management Utility, and to impose charges therefore, pursuant to RCW 35.67.010 - .020 and RCW 35.92.020; and

WHEREAS, the revenues to be generated by the charges set forth in this ordinance will be used solely for purposes of storm drainage and surface water management.

NOW, THEREFORE, the City Council of the city of Pullman do ordain as follows:

Section 1: There is hereby added a new Chapter 30 to Title 10 of the Pullman City Code entitled Storm Drainage and Surface Water Management Utility.

Section 2: There is hereby added a new section 10.30.010 to the Pullman City Code to read as follows:

10.30.010 Legislative Findings and Policy. The City Council finds, determines and declares that the streams, rivers, ponds, waterways, groundwater, and functionally related natural and manmade stormwater control facilities constitute a stormwater control facility.

The City Council finds, determines and declares that the public stormwater control facility including its administration, which provides for the collection, treatment, storage and disposal of stormwater, provides

benefits and services to all developed property within the incorporated City limits. Such benefits may include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality of the stormwater and its receiving waters. Ecology's decision to include the City in the NPDES Phase II municipal stormwater general permit program now requires the City of Pullman to implement local water quality protection activities and programs to reduce and control the potential to pollute surface waters and groundwaters by storm drainage originating on both public and private properties.

The City Council finds, determines and declares that development of lands alter both the amount of stormwater runoff and the amount of pollution contained in such runoff and that the variation in these two factors constitutes a fair way to determine the burdens imposed upon the system and the benefits of the services received by the customer from the pollution management and regulatory services and facilities provided by a utility for storm drainage and surface water management, and the customer's charges for management of such burdens and provision of such services and facilities.

The City Council finds, determines and declares that the amount of impervious surface, land use, and rainfall will determine the volume of runoff and the general level of pollution from a property, which has been well established in both engineering practice and water quality studies by the Environmental Protection Agency, the Washington Department of Ecology, the United States Geological Survey, the Natural Resources Conservation Service, and others. While the relationships established by the above studies are adequate to assign charges, the City Storm Drainage and Surface Water Management Utility may perform local studies and based upon the results of these, may adjust rates and charges in the future to more accurately reflect the burdens imposed by customer classes within the City.

The City Council finds, determines and declares that to fund the costs of storm drainage and surface water management in the City, it is appropriate to adopt service charges for stormwater users, with rates varying according to the services furnished, the burdens imposed or benefits received; and the character, use and stormwater runoff characteristics of the land.

Section 3: There is hereby added a new section 10.30.020 to the Pullman City Code to read as follows:

10.30.020 Creation of Storm Drainage and Surface Water Management Utility. Pursuant to RCW 35.67.010 - .020 and RCW 35.92.020, there is hereby created a City Storm Drainage and Surface Water Management Utility.

The Storm Drainage and Surface Water Management Utility, under the legislative policy, supervision and control of the governing body of the City, shall perform the following activities within the City:

- (1) Administer the acquisition, design, construction, maintenance and operation of the public stormwater and surface water system, including stormwater capital improvements designated in the capital improvement program;
- (2) Administer and enforce this ordinance and all regulations and procedures adopted thereto relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;
- (3) Advise the City's governing body and other City departments on matters relating to the utility;
- (4) Prepare and periodically revise, as determined by state and federal law, comprehensive stormwater management and drainage plans for adoption by the City's governing body;
- (5) Develop standards and ordinances relating to stormwater drainage and treatment to apply to new development and redevelopment;
- (6) Enforce regulations to protect and maintain water quality and quantity within the stormwater and surface water system in compliance with water quality standards established by state,

regional and/or federal agencies as now adopted or hereafter amended;

- (7) Periodically analyze the cost of services and benefits provided to, and burdens imposed by, different classes of customers, and the system and structure of fees, charges, civil penalties and other revenues of the utility, and prepare budgets for adoption by the City's governing body; and
- (8) Perform all other activities allowable by law and required to ensure compliance with state and federal stormwater and surface water quality laws.

Section 4: There is hereby added a new section 10.30.030 to the Pullman City Code to read as follows:

10.30.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Base Rate" means the stormwater user's fee for an equivalent residential unit (ERU).
- (2) "City" means the City of Pullman, Washington, a municipal corporation created and existing under the laws of the state of Washington.
- (3) "Credit" means the extent to which utility customers meeting specified criteria are billed at a reduced fee, such reduction representing a fee credit. The fee credit is provided in recognition that those utility customers who meet the specified criteria provide an in-kind service or contribution that offsets a portion of the burdens on the stormwater system imposed by the credited parcel.
- (4) "Developed Property" means real property that has been altered from its undeveloped state by the creation or addition of impervious surface areas, such as buildings, structures, pavement or other improvements.
- (5) "Duplex, Tri-plex, and Four-plex" mean buildings designed and arranged exclusively for occupancy in two (2), three (3), and four (4) separate dwelling units, respectively.

- (6) "Dwelling Unit" means a single unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (7) "Equivalent Residential Unit" or "ERU" means, and is equal to, 3,500 square feet of impervious groundcover, which approximates the average impervious surface area contained on single-family residential parcels within the City. An ERU is the unit of impervious groundcover to be used by the utility in calculating service charges for each parcel of property.
- (8) "Family" means either a "traditional" or "functional" household unit as defined in the Zoning Code in Chapter 17 of the Pullman City Code.
- (9) "Fee" or "Stormwater User's Fee" means the charge established under this ordinance for parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City.
- (10) "Finance Director" means the duly appointed Director of the City of Pullman Finance Department or his or her designee. The Finance Director may utilize the services of the Public Works Department as necessary to make decisions.
- (11) "Impervious Surface" means a surface which is covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
- (12) "Impervious Surface Area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.

- (13) "Multiple Family Dwelling Unit" means a building or portion thereof, containing five (5) or more separate dwelling units.
- (14) "National Pollutant Discharge Elimination System" or "NPDES" refers to the federal permit system under the Clean Water Act for discharges of pollutants to surface waters of the United States. Congress amended the Clean Water Act in 1987 to regulate stormwater. Under the revisions, NPDES Phase II permits are required for municipal stormwater discharges to surface waters.
- (15) "Nonresidential Parcel" means a parcel which has been developed for any purpose other than a single-family residence, duplex, tri-plex, or four-plex and includes, but is not limited to, commercial parcels, industrial parcels, parking lots, hospitals, schools, hotels, offices, churches, governmental parcels, mobile/manufactured home parks and multiple family dwelling units.
- (16) "Public Works Director" means the duly appointed Director of the City of Pullman Department of Public Works or his or her designee.
- (17) "Residential Parcel" means a parcel which has been developed as a single-family residence, a mobile/manufactured home on a separate parcel, and other parcels where the primary use is residential, including duplexes, tri-plexes, and four-plexes, but excluding all other apartment complexes.
- (18) "Single-Family Residence" means a parcel which has been developed with a residential structure designated for occupancy by one (1) family or household unit, including mobile homes and manufactured homes on a separate parcel.
- (19) "Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody.

- (20) "Stormwater Control Facility" means the streams, rivers, ponds, waterways, groundwater, and functionally related natural and manmade stormwater control facilities that combined constitute the City stormwater control facility.
- (21) "Stormwater Management Fund" or "Fund" means the fund created by this ordinance to operate, maintain, and improve the City's stormwater system.
- (22) "Storm Drainage and Surface Water Management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to stormwater.
- (23) "Stormwater and Surface Water System" or "Stormwater System" means all properties, interest, physical and intangible rights of every kind or nature owned, held or operated by the City, however acquired, insofar as they contribute to the management of storm or surface water. It shall further include without limitation, all such properties, interests and rights acquired by adverse possession or by prescription, directly or through another; in and to the drainage or storage, or both of storm or surface waters, or both; and through, under, or over lands, landforms, watercourses, streams, ponds and swamps. In each case or instance, their inclusion begins at a point where storm or surface waters first enter the stormwater control facility of the City within the City limits, and ends where storm or surface waters exit from the stormwater control facility of the City within the City limits, and in width to the full extent of inundation caused by the largest storm or flood condition.
- (24) "Storm Drainage and Surface Water Management Utility" or "Stormwater Utility" or "Utility" means the Storm Drainage and Surface Water Management Utility created by this ordinance as it may be amended from time to time.

(25) "Undeveloped Property" is property that has no improvements, generates little to no traffic, and generally exists in a natural state, thereby imposing little burden upon the system and receiving no benefit from the utility's services. This includes property previously used for agricultural crop production.

(26) "Waiver" means that determination by the Finance Director that a utility customer's property has met the criteria specified in PCC 10.30.120 of this chapter to receive a waiver from paying stormwater fees. Any waiver will require a showing that parcels that meet the specified criteria provide an in-kind service or contribution that offsets the burdens on the stormwater system imposed by the parcels subject to the waiver.

Section 5: There is hereby added a new section 10.30.040 to the Pullman City Code to read as follows:

10.30.040 Funding of Storm Drainage and Surface Water Management Utility. Funding for the Storm Drainage and Surface Water Management Utility's services and facilities may include, but not be limited to, the following:

- (1) Stormwater user's fees;
- (2) Civil penalties and damage assessments imposed for or arising from the violation of this ordinance;
- (3) Stormwater permit, development and/or inspection fees;
- (4) Revenue bonds and/or general obligation bonds; and
- (5) Other funds or income obtained from federal, state, local or private grants and/or loans.

Section 6: There is hereby added a new section 10.30.050 to the Pullman City Code to read as follows:

10.30.050 Stormwater Funds. All revenues generated by, or on behalf of the stormwater utility shall be deposited in the Storm Drainage and Surface Water Management Utility fund as established and maintained by the Finance Director. The revenue deposited into this account shall be used in accordance with state law and used only for the purposes of constructing, acquiring,

adding to, maintaining, replacing, conducting, operating, managing, regulating, and controlling the stormwater system, or to secure the payment of all or any portion of any issue of general obligation bond or revenue bond issued for such purposes, or for other legal purposes consistent with this ordinance.

Section 7: There is hereby added a new section 10.30.060 to the Pullman City Code to read as follows:

10.30.060 Operating Budget. The City Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the established costs for operations and maintenance, capital improvement projects, and debt service.

Section 8: There is hereby added a new section 10.30.070 to the Pullman City Code to read as follows:

10.30.070 Reserve Account. An operating and emergency reserve account shall be maintained with the designated funds to provide for cash flow, emergencies and capital improvement project needs.

Section 9: There is hereby added a new section 10.30.080 to the Pullman City Code to read as follows:

10.30.080 Stormwater User's Fees Established. Except with respect to those parcels that are waived from paying fees as described in PCC 10.30.120 of this chapter, the City shall charge and collect from the owner of each and every developed property in the City a stormwater user's fee, which shall be set in the manner and amount as determined from time to time by resolution of the City Council. The purpose of this fee is to fund the Storm Drainage and Surface Water Management Utility.

Prior to establishing or amending stormwater user's fees, the City shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City. The publication date of such advertisement shall meet public notice requirements of local and state laws.

Section 10: There is hereby added a new section 10.30.090 to the Pullman City Code to read as follows:

10.30.090 Equivalent Residential Unit.

(1) Establishment. The equivalent residential unit (ERU) is hereby established for purposes of calculating the stormwater user's fee.

The ERU is the approximate average square footage of impervious surface area on a single-family residential parcel.

- (2) Setting the ERU. The ERU shall be set by the City Council from time to time by ordinance. The ERU is hereby set as 3,500 square feet. This value was determined through the measurement of impervious surface on a random sampling (average) of single-family residential parcels.
- (3) Source of ERU. The impervious surface area of developed property shall be determined through property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information.
- (4) Minimum Service Charge. Unless otherwise waived, the minimum charge for a developed property shall be based on 1.0 ERU.

Section 11: There is hereby added a new section 10.30.100 to the Pullman City Code to read as follows:

10.30.100 Property Classification for Stormwater User's Fee. As authorized by RCW Chapters 35.67 and 35.92, the City Council finds that variations in land use and impervious surface results in differences in the burdens imposed upon the stormwater system and the costs to serve such parcels. City parcels shall be differentiated from one another based upon the stormwater burdens imposed and the costs of City stormwater services.

- (1) Customer Classification. For purposes of determining the stormwater user's fees, owners of all developed parcels in the City are classified into one of the following general classes:
 - (a) Residential;
 - (b) Duplex, Tri-plex and Four-plex; and
 - (c) Non-residential.

To reflect the burdens imposed upon the City stormwater system, parcels with facilities deemed to be more industrial or commercial in nature will have fees determined in the same manner as the non-residential class regardless of the land use codes assigned by the City.

- (2) Residential Fee. The stormwater fee for residential parcels shall equal the base rate. The fee for commercial mobile/manufactured home parks and condominiums shall be determined using the same methodology as used for non-residential parcels.
- (3) Duplex, Tri-plex, and Four-plex Fee. The stormwater fee for a duplex, tri-plex and four-plex shall equal one half the base rate multiplied by the number of dwelling units.
- (4) Non-residential Fee. Owners of developed non-residential parcels shall pay a stormwater fee equal to the base rate multiplied by the numerical factor obtained by dividing the estimated total impervious surface area of the parcel by one ERU. The minimum stormwater fee for developed non-residential parcels shall equal the base rate for residential parcels.

Section 12: There is hereby added a new section 10.30.110 to the Pullman City Code to read as follows:

10.30.110 Base Rate and Appeal Fee Establishment and Review.

- (1) Base Rate. The base rate for services to utility customers shall be determined from time to time by resolution of the City Council. The effective date for such rates shall be established as set forth in the appropriate resolution of the City Council.

The utility base rate schedule and fees set by resolution of the City Council shall be reviewed periodically and revised as necessary to reflect any changes in operation and capital costs and to ensure fair funding of the program.

- (2) Appeal Fee. The appeal fee shall be calculated to provide adequate revenues to cover all costs associated with the review and processing of requests for adjustment to customer charges as described in PCC 10.30.150 of this chapter. The appeal fee shall be determined from time to time by resolution of the City Council. The effective date for such fees shall be established as set

forth in the appropriate resolution of the City Council.

The appeal fee set by resolution of the City Council shall be reviewed periodically and revised as necessary to ensure fair and full recovery of costs for review and processing of appeals.

Section 13: There is hereby added a new section 10.30.120 to the Pullman City Code to read as follows:

10.30.120 Adjustments to Stormwater User's Fees.

Credits allowed under this section shall not be cumulative. Credits or waivers granted by the Finance Director will become effective the billing month or cycle following the approval of the credit or waiver. Credits or waivers are not retroactive to current or prior billings and are only in effect beginning with the next billing cycle. Credits or waivers may be in effect for multiple future billing cycles provided that ongoing qualifying criteria are met. The Finance Director will take such time as necessary to process requests for credits or waivers in an orderly fashion.

- (1) Credits for Properties Covered by Industrial or Municipal Stormwater Permits. The City Council recognizes that some parcel owners have been required or will be required to obtain coverage under a separate NPDES stormwater permit, which authorizes stormwater discharges associated with certain industrial or municipal activities. The City Council further recognizes that such permit holders are required to develop extensive stormwater management programs, which, when properly implemented, can reduce the discharge of pollutants into the public stormwater and surface water system and aid the City in controlling the overall effects of stormwater pollution. Parcels or portions of parcels that meet one of the criteria listed below, to the Finance Director's satisfaction, shall receive a reduction of 20% from the annual fee charged under PCC 10.30.110 as currently enacted or hereafter amended for that portion of the

parcels covered under an applicable NPDES stormwater permit.

(a) Any parcel that has an active and valid NPDES Industrial Stormwater Permit. A copy of the permit and the Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Finance Director.

(b) Any parcel that has an active and valid NPDES Municipal Stormwater Permit. A copy of the permit and current version of the Stormwater Management Plan (SWMP) shall be provided to the Finance Director.

The property owner is responsible for providing all documentation necessary to demonstrate compliance with the above requirements. In the event that an applicable NPDES stormwater permit addresses only a portion of the total parcel, the credit will be applied to only that affected portion. Non-residential category property owners receiving credits shall agree to allow the City to periodically inspect/review any applicable on-site stormwater facilities and/or stormwater management activities conducted by permit holders. Failure to comply with these provisions may be cause for termination of the adjustment authorized by this section.

(2) Credit for Rainwater Harvesting Systems.

(a) Per RCW 35.67.020 (3), owners of new or remodeled commercial/industrial/institutional class buildings that utilize a properly constructed and maintained permissive rainwater harvesting system shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the building upon which the system is used.

(b) Customers desiring this credit shall apply to the Finance Director and shall submit engineering design and operational information as deemed necessary by the Finance Director to make their evaluation and decision. The Finance Director will consider additional credit in excess of 10%, up to a maximum of

20%, based upon the amount of rainwater harvested. Rainwater harvesting and beneficial reuse of the runoff is found by the City Council to both reduce the burden imposed upon the system by the building by reducing runoff and to also have other beneficial water quality effects such as reduced consumption of potable water.

(3) Credits for Stormwater Best Management Practices.

(a) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to control flow (i.e. detention pond) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.

(b) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to treat stormwater quality (i.e. bio-filtration) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.

(c) Customers desiring this credit shall apply to the Finance Director and shall submit engineering design and operational information as deemed necessary by the Finance Director to make an evaluation and decision. Properties that employ stormwater best management practices that control flow and improve water quality are found by the City Council to reduce the burden imposed upon the system.

(4) Credits for Schools Participating in Stormwater and Surface Water Education. The City Council finds that many of the concerns about stormwater

quality are created by a general lack of knowledge about the relationship between human activities and the health of the environment. The City Council also finds that Public and Private schools can provide regional benefits to the City's Stormwater and Surface Water Management Program by carrying out certain types of educational and community activities related to protection and enhancement of surface water, groundwater, and stormwater quality. Kindergarten through grade 12 schools that are in compliance with all requirements for their own stormwater facilities, and that are carrying out surface water, groundwater, and stormwater quality educational and community activities in cooperation with the City may apply to the Finance Director for a credit, up to a maximum of 20%, towards their stormwater fees. The amount of an approved credit shall depend upon the nature and extent of the programs and activities being performed. Schools shall pay the full charge under PCC 10.30.110 as currently enacted or hereafter amended until such time as a credit is granted by the Finance Director.

- (5) Waiver of Utility Fees for Certain Property. The Finance Director shall waive stormwater and surface water utility fees for a parcel falling within the following special categories of property upon a showing that the parcel meets the following applicable criteria for so long as the criteria are met:
- (a) Fees shall be waived for streets, City rights-of-way, and airport runways and taxiways provided that the City transportation system continues to be an integral component of the City stormwater control facility.
 - (b) Fees shall be waived for municipal parks, public trails and bike paths so long as their owners cooperate with the utility in the provisions of educational services and water quality control efforts. Parks, trails

and bike paths have minimal intensity of impervious development and provide opportunities for natural resource education and development of an appreciation for water quality.

- (c) Fees shall be waived for all undeveloped parcels. The City Council finds that such parcels generally have no improvements built on them, generate little to no traffic, generate less runoff, and generally are in a natural state, thereby imposing no burden upon the system and receiving no benefit from the utility's services and facilities. Information that a property categorized as undeveloped is being used otherwise may result in a loss of this waiver.

Section 14: There is hereby added a new section 10.30.130 to the Pullman City Code to read as follows:

10.30.130 Property Owners to Pay Fees. The owner of each non-waived parcel within the boundaries of the City, as they now exist or as they may be hereafter amended, shall pay the stormwater user's fee and charges as provided in this chapter. Property owners seeking credits or waivers shall pay the full fee until such time that the credit or waiver is granted by the Finance Director, after which reduced fees will be applied.

Section 15: There is hereby added a new section 10.30.140 to the Pullman City Code to read as follows:

10.30.140 Billing Procedures and Penalties for Late or Non-Payment. The fees and charges as herein provided for shall be computed and billed on a monthly basis, except that, with concurrence of the City, said fees and charges for parcel owners required to obtain coverage under a separate NPDES Municipal Stormwater Permit, may be computed and billed on an annual basis with said fees and charges due on July 1 of each year. All parcels which are currently served by any City utility services and are within the City shall be assessed their monthly fees and charges each month through their utility account. Parcels not being served by any City utility service (i.e. no water meter) will have new accounts created for stormwater service as needed. If one piece of property is served by

more than one account, only one account will be charged stormwater rates for each piece of property, on a case-by-case basis. Any piece of property or parcel in use for any commercial, business, or other purpose with space that meets the definition of impervious surface shall be charged stormwater rates, regardless of use of other City utility services. The charges shall be due on or before the date of billing and shall become delinquent thereafter if not paid by the thirtieth day following the date of billing.

Collection of delinquencies, interest, penalty, and costs of collection for delinquent utility service charges provided for herein shall be charged interest on the delinquent balance at the rate of eight percent (8%) per annum, computed on a monthly basis. The Finance Director may excuse delinquencies of less than thirty (30) days.

For parcels without City water service, if payment has not been made before delinquency, as set forth above in this Section, the City may submit the delinquent amount to a collection agency per the City's standard collection procedures as determined by the Finance Director and at the Finance Director's discretion.

For parcels with City water service, if payment has not been made before delinquency, as set forth above in this Section, the city shall take the following steps to notify the user and if necessary terminate stormwater service by shutting off water service to any delinquent user:

- (1) On or about the tenth day following the date of delinquency, the finance department shall give notice reasonably calculated under all the circumstances to apprise the user that:
 - (a) the user is delinquent in payments;
 - (b) water service will be shut off if the user is still delinquent in payment of stormwater charges thirty days after the date of delinquency;
 - (c) the user has the right to protest the billing and appeal the amount due to the Finance Director;
 - (d) if the user does not request a hearing with the Finance Director, or his/her designee,

within thirty days following the date of delinquency and does not pay the delinquent amount or amounts due in full within this same period or any extensions thereof resulting pursuant to the provisions of 10.30.140(3), the stormwater service will be terminated by shutting off water service to that user.

- (2) If the user requests a hearing on the amount due, a hearing must be held, and the user given an opportunity to be heard. The Finance Director must thereafter determine the amount due and owing and inform the user.
- (3) The user shall be given ten (10) days to pay the amount determined by the Finance Director to be owing. If the amount owing has not been paid within ten days, stormwater service may be shut off by shutting off water service.
- (4) Water service shall be restored if full payment of all amounts owing plus a turn-on charge as authorized in the City Water Utility Code, Section 10A.35.040(1) is made.
- (5) If water service is to be cut off from a known rental unit where the tenant is not the person or entity responsible for paying for stormwater use or stormwater charges as shown on the records of the city finance department then, prior to termination of service for nonpayment and after the city has satisfied the procedures of this Section 10.30.140, the city shall place upon the premises at least five days prior to the scheduled cutoff of service such notice as is reasonably calculated to inform the tenant or tenants of the proposed cutoff of service.
- (6) The city of Pullman or any of its officers or employees shall not be liable for any damages that may occur because of water service being cut off pursuant to the provisions of this Chapter.
- (7) "Notice reasonably calculated under all the circumstances to apprise the user," as used in Pullman City Code Section 10.30.140(1), includes

at the minimum, written notice to the user and the owner, if the owner is not the user, and the owner has so informed the city finance department. In addition, the city shall place upon the premises at least five days prior to the scheduled cutoff of service, notice which informs the user of the proposed cutoff of service, and the opportunity to protest the proposed cutoff in a meaningful manner.

- (8) If termination of water service proves ineffective at securing the delinquent amount, then the City may pursue collection procedures in a manner consistent with delinquent parcels with no water service.

Section 16: There is hereby added a new section 10.30.150 to the Pullman City Code to read as follows:

10.30.150 Appeals of ERU Determination. If an owner of a non-residential parcel subject to this chapter, or other responsible party, believes the ERU applied to their property is incorrect or otherwise disagrees with the utility rate determination, the owner may appeal the correctness of the ERU to the Finance Director, or his/her designee, within thirty (30) calendar days of the initial mailing of the billing for the fee. Such appeals shall be in writing and shall specify the grounds of the appeal and the requested remedy and shall include a non-refundable appeal fee. The Public Works Director, or his/her designee, shall work with the Finance Director to resolve appeals. Upon resolution of the appeal, an appropriate adjustment to the ERU will be made accordingly. Decisions of the Finance Director regarding such appeals shall be final.

Section 17: There is hereby added a new section 10.30.160 to the Pullman City Code to read as follows:

10.30.160 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section 18: Pullman City Code 1.18.040 and Pullman Ordinance Nos. 99-22 §1, 1999; 85-19 §1, 1985; 81-10 §3(2), 1981 are each hereby amended to read as follows:

1.18.040 Director--Duties. The director shall have the following duties:

- (1) Supervise and direct all employees of the department;
- (2) Advise the city supervisor and the City Council on all matters within the jurisdiction of the department of public works;
- (3) Authority to delegate the responsibility to division heads to issue all permits, certificates, orders, and notifications resulting from decisions on the ordinances administered by the department;
- (4) Coordinate and supervise physical inspections made by the department;
- (5) Process all subdivision plats and make recommendations to the City Council on such plats;
- (6) Serve as the ex officio building official;
- (7) Enforce all laws and ordinances in the city relating to the construction, repair, or alteration of buildings or structures and the use of streets, parkways, alleys, or other public rights-of-way in connection therewith; and make or cause to be made all inspections needed for that purpose;
- (8) Have charge of and supervision over all public works property of the city including all streets, utilities, sidewalks, and other property of the city not specifically assigned to any other city department;
- (9) Have charge of and be responsible for the care and maintenance of the water system, the sanitary sewer system and disposal plant, the stormwater and surface water system and stormwater control facilities, the street lighting system and all streets and sidewalks and drainage thereof;
- (10) All construction, repair, or extension of any pavement, building, sewer, or lighting system, water mains, and any appurtenance thereto and all other construction, repair, or maintenance work conducted by the city shall be done under the supervision of the director unless specific direction to the contrary is made by the City Council;
- (11) The director of public works shall also have charge of and be responsible for the maintenance of all

motor vehicles, trucks, and other equipment of the city; which responsibilities, however, may be delegated to the superintendent of transportation. The director shall have charge and responsibility for the building and places in which the motor vehicles and other equipment are stored;

- (12) The director shall attend meetings of the City Council at the request of the Council, mayor, or city supervisor. He shall make such reports to the City Council through the city supervisor as may be required. He shall also make recommendations for ordinances or resolutions respecting the public works department whenever he is so requested or whenever he deems it advisable or necessary;
- (13) Such other duties as prescribed by ordinance or state law.
- (14) Administer floodplain, ~~critical areas,~~ shoreline codes and environmental laws with the assistance of the department of planning.

Section 19: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2008.

SIGNED by the Mayor in Authentication and Approval Thereof on the _____ day of _____, 2008.

Mayor

ATTEST:

Finance Director

Approved as to form:

City Attorney

Summary Published: _____

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Council OKs storm water fee

Business owners concerned fee will harm businesses

By Sandra L. Lee
October 28, 2008

A \$6-a-month storm water utility fee to be phased in at 50 percent the first year - starting immediately - was approved by the Lewiston City Council on Monday night, but not until several attempts were made to reduce it.

It was generally a 4-3 split on the council to get something smaller, perhaps \$5, phased in at 25 percent the first year. Councilor James Kleeburg even tried to pass an ordinance creating the utility but not charging anything for at least a year. He was joined by Mayor Douglas Havens and Councilor Jim Kluss, one vote short of passage.

The argument throughout the lengthy debate and a separate one on salary increases for non-union employees was the state of the economy, which has deteriorated since the budget was passed in August.

Kluss, who owns a small Main Street business, and Kleeburg, who manages a branch of a business owned by the Lewiston Tribune's retired publisher, argued the fee could be one last step to pushing someone to close.

If even a larger business gets a \$15,000 hit from the new fee, there will be one fewer employee working there, Kleeburg said.

A handful of residents stuck it out through an almost four-hour meeting to be able to comment on the fee.

Merilynn B. Scharnhorst, owner of a small mobile home park, said most of her tenants are on fixed incomes and several have older manufactured homes that can't be moved. Based on city estimates of what her park will be charged, she will have to raise their rent \$6 a month the first of the year and \$12 a month by the third year, she said.

Some don't have that much wiggle room in their budgets, she said, but neither does she because of annual increases in taxes and insurance.

It's the wrong time to pave Main Street when people can't make their food budgets, Thyra Stevenson told the council.

Resurfacing of Main Street is one of the first projects targeted for the new money.

The utility fee was phased back from the city staff's original suggestion of \$6.35 a month, which would raise about \$1.8 million a year, after four public meetings and a recommendation by a citizens advisory committee.

As approved, a base rate of \$6 per month per residence or 4,000 square feet of impervious surface on other properties, would be phased in at 50 percent or \$3 retroactive to Oct. 1. It would go to 75 percent beginning Oct. 1, 2009, and 100 percent Oct. 1, 2010.

November 21, 2008

**COMMENTS FROM WASHINGTON STATE UNIVERSITY REGARDING CITY OF PULLMAN
STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY ORDINANCE
BEARING A DRAFT DATE OF 10/31/08**

page 4 lines 1-5

1 ...The City
2 Council finds, determines and declares that the streams,
3 rivers, ponds, waterways, groundwater, and functionally
4 related natural and manmade stormwater control facilities
5 constitute a stormwater control facility.

WSU does not agree that "...streams, rivers, ponds, waterways, groundwater...constitute a stormwater control facility". Does the City have a legal citation/authority allowing the city to make that determination and declaration? What activities would be performed on the streams, rivers, ponds, and groundwater to maintain compliance with the permit?

page 5 lines 21-27

21 The City Council finds, determines and declares that
22 to fund the costs of storm drainage and surface water
23 management in the City, it is appropriate to
24 adopt service charges for stormwater users, with rates
25 varying according to the services furnished, the burdens
26 imposed or benefits received; and the character, use and
27 stormwater runoff characteristics of the land.

WSU believes that the City has not adequately justified the proposed service charge congruent with the language in the ordinance. WSU believes that the City has not given fair consideration to two critical factors which we believe constitute the need for further evaluation and justification of the rate structure.

The first factor deals with the services furnished / benefits received element of the rate structure language. The City of Pullman has used the permit requirements contained in the NPDES Stormwater Phase II Municipal Separate Storm Sewer System (MS4) Permit as the basis for establishing a Stormwater Utility and the associated stormwater utility fee to cover the cost of service delivery for compliance with the permit. WSU as well has been issued an independent NPDES Stormwater Phase II MS4 Permit issued by the State of Washington. This permit requires WSU to develop and conduct its own stormwater management program and comply with permit requirements that are similar, and in many elements identical, to the City's NPDES permit requirements. WSU has and will continue to absorb the total cost of compliance. Our current expenditures are approximately \$200,000 per year with these costs escalating to over \$500,000 per year in the next three (3) years for compliance with the permit. WSU is in compliance with the permit for the entire campus area which is approximately 25% of the service area under the City's permit. The City has not delivered any service to the WSU campus for our compliance activities. If the City plans to deliver significant service levels to the campus area for permit compliance, WSU would request a list of the specific services and associated costs for permit compliance

activities that are required by the City's NPDES permit and not performed by WSU. The City maintains that the 20% credit to the rate is fair and equitable given that WSU has an NPDES Permit. WSU strongly disagrees given the nature of the Permit, the level of compliance activities required, the cost expenditures being absorbed by WSU for this service area of the City, the liability to WSU for compliance activities in this portion of the City's service area, and the absence of any significant level of service or benefit to WSU by the City.

The second factor deals with the burden imposed element of the service charge language. WSU contends and can provide supporting information that a approximately 60%, of the stormwater generated from the drainage basins on the campus do not enter the City's stormwater system and likewise places only a limited burden for those particular basins (40% of the campus) that are connected to the City system. It should be noted that the WSU is furnishing permit compliance activities in all WSU drainage basins including those that are upstream of the connection(s) to the City system. The City in the application of the rate structure contends that WSU is placing full burden on the system for all stormwater generated from all drainage basins on the campus. WSU strongly contends that this is not a fair and equitable application of the rate structure given the limited burden that WSU places on the City's system.

WSU is of the opinion that the City has not given due consideration for the establishment of a fair and equitable rate structure that could be justified given the unique conditions of the Pullman community and the factors under which both the City and WSU was placed under their respective NPDES Permits and the conflicting service areas this created. RCW 35.92.020 provides many factors which the City can consider in the establishment and application of a rate structure. RCW 35.92.021, while it states that public bodies are subject to rates and charges for stormwater services, also states that "In setting these rates and charges, consideration may be made of in-kind services...". Additionally, RCW 90.03.525 provides a specific 70% reduction in the stormwater utility fee for WADOT for state highway rights-of-ways. The justification for this reduction, as given in the language of the section, indicates such a reduction is fair and equitable ".....because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of stormwater control facilities....". These sections and other sections in the RCW indicate that a community can and may establish a fair and equitable rate structure based on many factors other than impervious area alone. In fact many communities have established rate structures that vary significantly from the one proposed in the ordinance. The justification given by the City for the rate structure proposed is that it is what was used in other communities and was successful there. WSU questions if these other communities had the same condition of overlapping service/permit areas or even what parameters led the City to choose the format of the rate structure and the application of the rate structure. WSU is of the opinion that there are many elements in the language of these RCW sections that indicate the City could have evaluated the rate from many different factors and should reevaluate the rate being imposed on WSU on these additional factors.

21 ...Parcels or portions of parcels that
22 meet one of the criteria listed below, to the
23 Finance Director's satisfaction shall receive a
24 reduction of 20 % from the annual fee charged
25 under PCC XX.X.110 as currently enacted or
26 hereafter amended for that portion of the
27 parcel covered under an applicable NPDES
28 stormwater permit

See comment(s) above as to adequacy of the credit proposed. Additionally WSU has reviewed the rate structures in place in other communities. Our research indicates that this credit level was specifically applied to an NPDES Industrial Stormwater Permit or a Confined Animal Feeding Operation Stormwater Permit. WSU contends that these permits are not as intensive as the NPDES MS4 Stormwater Permit that WSU is subject to. Based on our analysis of other ordinances, the level of service we are providing, our overlapping service districts, indications in the RCW and other factors, WSU believes that the campus should be considered as its own service area and be exempt from the fee. Additionally, where those drainage basins that are placing a burden on the system and are connected to the system, WSU would agree to pay a fee based on the burden and the additional permit compliance activities that the City would perform, beyond what WSU would do, associated with that burden. Based on the precedent set in the RCW, the 70% reduction applied to WADOT seems to be appropriate.

In summary, WSU believes that the City has not given sufficient consideration in the development of the utility ordinance, the associated rate structure, and the application of that rate structure. WSU believes that the rate structure is not fair and equitable based on a service for fee concept. As such, WSU cannot in good faith as stewards of the taxpayers and students monies ask for increases in operating budgets from the state and/or student/user fees to pay for services that are already being paid for by WSU or services not rendered to WSU.

WSU, as a member of the community, probably has a better understanding of the challenge the City is facing. While we take exception to the several areas in the ordinance, WSU is committed to work with the City in resolving these exceptions and is further committed to working with the City to reduce costs for both the City and WSU for permit compliance where possible.

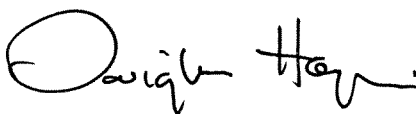
WSU appreciates the opportunity to comment on the ordinance. If you have questions or concerns about WSU's comments to Pullman's stormwater utility ordinance draft 10-31/08, please contact Mike Leonas at 335- 5527 or Dwight Hagihara at 335-3051.

Thank you again for the opportunity to comment to the draft ordinance.

Sincerely



Mike Leonas



Dwight Hagihara



MEMORANDUM

Stormwater Services Division

To: Mike Leonas
Capital Planning & Development
Washington State University

Dwight Hagihara
Environmental Health & Safety
Washington State University

From: Rob Buchert, Program Manager
Stormwater Services Division
City of Pullman

Date: December 2, 2008

RE: Response to WSU's Comments dated 11/21/08 on
Draft Stormwater Utility Ordinance

Thank you for taking the time to review and comment on the draft stormwater utility ordinance.

The following three primary concerns were identified in Washington State University's (WSU) comments:

- 1) WSU does not agree that "streams, rivers, ponds, waterways, groundwater...constitute a stormwater control facility". WSU also questions the legal authority of the City to make such a determination.
- 2) WSU believes that the City has not adequately justified the proposed service charge nor given fair consideration to the rate structure (services furnished/benefits received & burden imposed by WSU on the City's system).
- 3) WSU believes that the 20% credit currently proposed for NPDES Municipal Stormwater permit holders is inadequate.

City of Pullman's Response

WSU does not agree that "streams, rivers, ponds, waterways, groundwater...constitute a stormwater control facility". WSU also questions the legal authority of the City to make such a determination.

The NPDES Phase II Municipal Stormwater Permit (Permit) requires the City to develop a comprehensive Stormwater Management Program (SWMP) that covers the entire incorporated area of the City. The Permit requires that the City "shall reduce the discharge of pollutants to the Maximum Extent Practicable (MEP)", and that the City "shall use all known, available, and reasonable methods of prevention, control and treatment (AKART) to prevent and control pollution of waters of the State of Washington". Since there are an estimated 14 miles of natural drainage within Pullman, including ditches, streams, rivers and other waterways, it stands to reason that these areas be included in our efforts to comply with the Permit. These natural drainages convey a significant amount of stormwater runoff and make up a significant part of the system that the City must perform maintenance on and monitor for pollution. In order to adequately manage the stormwater and protect water quality, the City must have the ability to manage and (if necessary) regulate direct discharges to natural drainages. That is why, in the proposed utility ordinance, the City's definition of "stormwater control facility" includes both natural and manmade features that convey stormwater through town. Two examples include Missouri Flat Creek and the South Fork Palouse River whose channels must be cleared of trash and obstructions on an annual basis. Another more obvious example is Dry Fork Creek which has been confined in a series of culverts under Grand Avenue. Just because the Permit does not specifically include required management actions on natural waterways does not mean that the waterways are not an integral part of the City's stormwater system. It would be impossible for the City to ignore such a fact and designation of natural waterways as stormwater control facilities will allow them to be maintained most appropriately under the stormwater utility.

Also, this language is consistent with other jurisdictions' stormwater ordinances in the State that have withstood public scrutiny and legal challenge.

WSU believes that the City has not adequately justified the proposed service charge nor given fair consideration to the rate structure (services furnished/benefits received & burden imposed by WSU on the City's system).

We believe the City has pursued due diligence in arriving at the proposed utility fees and rate structure. The City has modeled the proposed stormwater utility after other examples within Washington State. The language in the proposed ordinance is commonly found in other jurisdictions and it has withstood both public and legal scrutiny. Revised Code of Washington (RCW) and Washington case law provide legal justification for creation of the utility and the ability to charge and collect fees in the manner that we are proposing.

In using impervious surface area (ISA) to determine fees, the proposed rate structure provides a "reasonable" relationship between a fee and the services received by a property owner and/or the property owners contribution to the problem (burdens addressed).

The proposed ordinance provides a reasonable credit in recognition of certain property owner's extra efforts to reduce their burdens (perhaps more than might be considered fair by a property owner who gets no credit and picks up the tab for those who do).

Property owners are still subject to the fee even if the owner's runoff does not enter the City's piped stormwater system. They still drain stormwater and pollutants from the ISA on their property, therefore contributing (burdens) to the overall problem that the City's SWMP is working to control. The City will be performing regional stormwater management activities aimed at providing safe and operational streets and drainage systems, cleaner receiving waters, good housekeeping for municipal operations and facilities, and regulatory compliance which benefits owners of all developed property within the City.

Whether a particular portion of a property owner's ISA drains into the piped stormwater system or not is a level of analysis not required in rate structures. If it was, all stormwater utilities would have had to figure it out for all their customers, and at the end of the day once they accounted for all the lost billing units (ERUs) jurisdiction-wide, everyone's rate would go up offsetting some of the expected savings that some customers thought they were going to get.

Also, if a credit or exemption was provided based on a property being unconnected to the piped stormwater system it can spawn the need to address other situations as well. For instance, perhaps the ISA on a property has to flow across a field where some stormwater runoff is absorbed before it would enter the City's constructed stormwater system. Should that property owner have to pay the same fee/acre of ISA as a property owner who's ISA is directly connected to the City stormwater system? The directly connected ISA will probably contribute a greater flow than the same amount of disconnected ISA. There are a lot of reasons that property owners may have to justify why they believe they should pay less (or nothing), and many reasons have some validity. However, as mentioned above, the rate structure does not have to address all of the possible factors affecting water quality or quantity – it only has to be reasonable and applied uniformly to customer classes. Many utilities have used ISA as the exclusive basis for calculating fees, while some others have over time incorporated additional factors that make them more exact.

Most utilities start up with a simple (less exact) yet defensible rate structure. Many will keep the simple rate structure, but some will refine the rate structure over time once they have the revenue and time to do so. Very few have the money to conduct the analysis to develop complex rate structures right out of the gate. Staff does not recommend that the City forgo bringing in the revenue needed to meet immediate NPDES compliance needs so that additional time can be taken to develop a refined rate structure. Staff is recommending that the City move forward with the utility and consider refining the rate structure as a second priority (below being in full compliance with NPDES).

WSU believes that the 20% credit currently proposed for NPDES Municipal Stormwater Permittees is inadequate.

The Washington State Department of Ecology (Ecology) has mandated that the City of Pullman implement an enhanced stormwater management program. The new program is designed to protect water quality by increasing maintenance of the City's storm drain system, implementing educational programs and regulating discharges to the system. The City will be incurring a minimum fixed cost

to implement this program and provide this service to the community. When credits are applied, the cost of the program does not diminish but is shifted to the other rate payers. Staff evaluated the various credit options and is recommending an approach that rewards property owners for existing efforts, but does not shift an undue burden onto other rate payers.

If WSU were to receive a credit in excess of the 20%, we know that, since the program cost would not change, all other rates would have to go up in order to have adequate revenue for the program. Since residential properties (many of which also may not drain into the piped stormwater system) would probably not get the adjustment, the net effect would be an overall cost shift to residential customers along with fee increases for non-residential customers not getting any credit:

- (1) Total # ERUs goes down → budget stays same → rate/ERU goes up.
- (2) Total # non-residential ERUs goes down → total residential ERUs stays the same → rate goes up → financial burden shift to residential class.

The overall revenue from residential customers goes up because: (a) they now compose a larger percentage of total ERUs; and (b) the rate has increased.

The fact that Ecology has required WSU to have its own stormwater permit with its own list of onerous tasks, does not reduce the City's burden or cost of implementing our stormwater permit. The issue of "overlapping service districts" and "duplication of effort" is not something we imposed upon WSU nor have any power to change. We would encourage and support WSU to pursue additional discussion with Ecology on this matter.

The City has a new program we now have to pay for and all community members (WSU included) are being asked to help shoulder the load. Based on the multiple concessions made to date to lower WSU's ERU count and rate, we feel the City has made every effort to accommodate WSU and cannot in good faith recommend additional credit.

Thank you for taking time to provide comment. I look forward to exploring further where we might cooperate to address our shared stormwater issues.

RESOLUTION NO. R- 98 -08

A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE STORMWATER UTILITY BASE RATE AND APPEAL FEE PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 10.30.

WHEREAS, the City Council for the city of Pullman has adopted, by Ordinance No. 08- 24 , the provisions of Pullman City Code 10.30, Storm Drainage and Surface Water Management Utility; and,

WHEREAS, pursuant to the provisions of Pullman City Code 10.30.110(1) and 10.30.110(2), the City Council is to set by resolution a base rate to reflect operation and capital costs and to ensure fair funding and an appeal fee to provide adequate revenues to cover all costs associated with the review and processing of requests for adjustment to customer charges; now therefore,

BE IT RESOLVED by the City Council for the city of Pullman that the following fee schedule is hereby adopted for the stormwater utility base rate and appeal fee required pursuant to the provisions of Pullman City Code 10.30, to-wit:

PCC SECTION	TYPE	AMOUNT	EFFECTIVE DATE
10.30.110(1)	Base Fee	\$3.00	2/1/2009
10.30.110(1)	Base Fee	\$5.00	2/1/2010
10.30.110(1)	Base Fee	\$7.00	2/1/2011
10.30.110(2)	Appeal Fee	\$50.00	8/1/2009

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the fee schedule shall become effective as noted herein, and shall remain in effect until the effective date of any subsequent revisions of the fee schedule.

ADOPTED by the City Council of the City of Pullman at the regular meeting this ____ day of _____, 2008.

DATED this ____ day of _____, 2008.

Mayor

ATTEST:

Finance Director

Approved at to form:

City Attorney

**City of Pullman - Top Stormwater Utility Customers
ERUs & Rates**

Last Updated: 12/3/08

Customer	Total ERU	Year 1 - \$3	Year 2 - \$5	Year 3 - \$7
WSU	3306	\$119,016	\$198,360	\$277,704
PSD #267	403	\$14,508	\$24,180	\$33,852
SEL	326	\$11,736	\$19,560	\$27,384
City of Pullman	254	\$9,144	\$15,240	\$21,336
Airport	220	\$7,920	\$13,200	\$18,480
Pullman Regional Hospital	92	\$3,312	\$5,520	\$7,728
Living Faith Fellowship	83	\$2,988	\$4,980	\$6,972
Shopko	75	\$2,700	\$4,500	\$6,300
Ridge Pointe H.O.A.	55	\$1,980	\$3,300	\$4,620
Safeway	54	\$1,944	\$3,240	\$4,536
Chipman & Taylor	54	\$1,944	\$3,240	\$4,536
Calvary Christian Center	45	\$1,620	\$2,700	\$3,780
Ace Hardware	38	\$1,368	\$2,280	\$3,192
Dissmores	35	\$1,260	\$2,100	\$2,940
Jess Ford	25	\$900	\$1,500	\$2,100
Port of Whitman	21	\$756	\$1,260	\$1,764

* The above figures are rounded and do not reflect actual billing amounts.

** The above figures do not include any credits applied.

Proposed stormwater ordinance adoption set for Dec. 9

The stormwater ordinance proposed by the city Stormwater Services Program will be presented for adoption at the Tuesday, Dec. 9 meeting of Pullman City Council at 7:30 p.m. The proposed ordinance can be viewed on the city Web site at www.pullman-wa.gov/DrawOnePage.aspx?PageID=1002.

For more information, please contact **Rob Buchert**, stormwater services program manager, at 338-3314 or rob.buchert@pullman-wa.gov. ■



STORMWATER SERVICES

Frequently Asked Questions:

1) What is stormwater?

Stormwater is rain and snow melt that runs off surfaces such as rooftops, paved streets, parking lots and other areas that do not allow water to infiltrate into the ground. As water runs off these surfaces, it can pick up pollution such as: oil, fertilizers, pesticides, soil, trash, and animal waste. From here, the water might flow directly into a local stream. Or, it may enter one of many of Pullman's storm drains and continue through pipes until it is released **untreated** into a local waterway. Most of Pullman's stormwater eventually makes its way into the South Fork Palouse River.

2) Why is Pullman creating a stormwater program?

The Washington Department of Ecology (Ecology) has determined that Pullman's stormwater is contributing to the impairment of the streams that run through town. As a result, the City is under state mandate to improve the quality of our stormwater and reduce the amount of pollutants to the maximum extent practicable. In February 2007 Pullman came under the NPDES Phase II Municipal Stormwater Permit for Eastern Washington (Permit). The Permit is administered by Ecology and includes a detailed list of stormwater management actions that the City needs to perform in order to remain in compliance with State law.

3) How is the new program going to be funded?

The City is forming a stormwater utility to fund and carry out the stormwater management program. The boundary, or service area, of the City stormwater utility will include the entire incorporated area of the City. The utility will collect stormwater fees from developed properties.

4) How are the utility fees going to be determined?

Utility fees will be determined based on the amount of impervious surface area (ISA) found on developed property. Impervious surface means a hard surface, which prevents or slows the entry of water into the ground and/or causes water to run off in greater quantities or at an increased rate of flow different than the natural conditions prior to development. Common impervious surfaces include

rooftops, driveways, parking lots, storage areas, paved streets, gravel roads, packed earthen materials and oiled surfaces which similarly impede the natural infiltration of stormwater.

All developed properties with impervious surfaces in Pullman were measured and fees determined based on the number of billing units or equivalent residential units (ERU) that each type of developed property has. The ERU for Pullman was determined to be 3,500 square feet of ISA. Therefore 3,500 square feet of ISA makes one billing unit.

Property classifications and their corresponding ERUs include the following:

Single Family Residential	1.0 ERU
Duplex	1.0 ERU (0.5 ERU per dwelling unit)
Three-plex	1.5 ERU (0.5 ERU per dwelling unit)
Four-plex	2.0 ERU (0.5 ERU per dwelling unit)
All other properties	ISA was measured on all commercial properties, institutions, organizations, schools & multi-family properties. ERUs were calculated for each specific property by taking the total ISA measured and dividing by 3,500.

5) How much are the fees?

The current proposal in front of the City Council is a tiered rate schedule for the remaining three years of the current Permit cycle.

Year 1 \$3/ERU/Month

Year 2 \$5/ERU/Month

Year 3 \$7/ERU/Month

The original proposal had the rate schedule at \$7/ERU/Month for all three years. However, the reduced tiered system was selected after further evaluation and in some cases arbitrary cuts to the program budget based on a recognized need to reduce the fee rather than what the program is expected to cost.

Stormwater Website: <http://www.pullman-wa.gov/DrawOnePage.aspx?PageID=1002>

For More Information Contact:

Rob Buchert
Stormwater Services Program Manager
City of Pullman
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(509) 338-3282 fax
rob.buchert@pullman-wa.gov