

RETURN TO:

Public Works Department  
CITY OF CENTRALIA  
1100 N Tower Avenue  
Centralia, WA 98531

Phone: 360-330-7512  
Fax: 360-330-7516

AGREEMENT TO MAINTAIN STORMWATER FACILITIES  
AND  
TO IMPLEMENT A POLLUTION SOURCE CONTROL PLAN

TYPE OF DOCUMENT: Agreement to Maintain Stormwater Facilities

GRANTOR(S): \_\_\_\_\_

GRANTEE: City of Centralia, a Municipal Corporation

LEGAL DESCRIPTION: Exhibit A of this document

ABBREVIATED LEGAL DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ASSESSOR TAX PARCEL I.D. NUMBERS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME OF PROJECT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ADDRESS OF PROJECT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF CENTRALIA, a municipal corporation (hereinafter referred to as "City"), and \_\_\_\_\_, (hereinafter referred to as "Owner").

WHEREAS, this agreement contains specific provisions with respect to maintenance of stormwater facilities and use of pollution source control best management practices (BMPs). The authority to require maintenance and pollution source control is provided in the Washington State Department of Ecology Stormwater Management Manual for Western Washington (2019 edition), Phase II NPDES Permit and the City Stormwater Management Plan (SWMP), and Chapter 15.35 of the Centralia Municipal Code.

WHEREAS, Owner owns the following-described real property situated in Lewis County, State of Washington, as set forth in Exhibit A, which is attached hereto and made a part hereof: and

WHEREAS, Owner has constructed improvements including, but not limited to, buildings, pavement, and stormwater facilities on the above-described real property, now, therefore,

For and in consideration of the mutual benefits to be derived therefrom, it is mutually agreed as follows:

A. City and Owner enter into the agreement in order to further the goals of City to ensure the protection and enhancement of City water resources. The responsibilities of each party to the agreement are identified below:

1. Owner shall:

- a. Implement the stormwater facility maintenance program included herein as Exhibit B.
- b. Implement the pollution source control program included herein as Exhibit C.
- c. Maintain a record (in the form of a logbook) of steps taken to implement the programs referenced in "a" and "b" above. The logbook shall be available to inspection by the City staff at Owner's business address \_\_\_\_\_. The logbook shall catalog the action taken, who took it, when it was done, how it was done, and any problems encountered or follow-up actions recommended. Maintenance items ("problems") listed in Exhibit 1 shall be inspected on a monthly or more frequent basis, as necessary. Owner shall photocopy the individual checklists in Exhibit "1" and use them to complete its monthly inspections. These completed checklists would then in combination, comprise the monthly logbook.
- d. Submit an annual report to City regarding implementation of the programs referenced in "a" and "b" above. The report must be submitted on or before May 15 of each calendar year and shall contain, at a minimum, the following:
  - 1) Name, address, and telephone number of the business, the person, or the firm responsible for plan implementation, and the person completing the report.
  - 2) Time period covered by the report.
  - 3) A chronological summary of activities conducted to implement the programs referenced in "a" and "b". A photocopy of the applicable sections of the logbook, with any additional explanation needed, shall normally suffice. For any activities conducted by paid parties not affiliated with Owner, include a copy of the invoice for services.
  - 4) An outline of planned activities for the next year.
- e. Implement the actions in the report by September 15<sup>th</sup> of each year.

2. City shall:

- a. Provide technical assistance to Owner in support of its operation and maintenance activities conducted pursuant to its maintenance and source control programs. Said assistance shall be provided upon request and as City time and resources permit, at no charge to Owner.

- b. Review the annual report and conduct a minimum of one (1) site visit per year to discuss performance and problems with Owner.
- c. Review this agreement with Owner and modify if conditions warrant at least once every three (3) years.

B. Remedies:

1. If City determines that maintenance or repair work is required to be done to the stormwater facility existing on Owner's property, the Director of the Department of Public Works or his/her designee shall give the owner of the property within which the drainage facility is located, and the person or agent in control of said property, notice of the specific maintenance and/or repair required. The Director shall set a reasonable time in which such work is to be completed by the persons who were given notice. If the above required maintenance and/or repair is not completed within the time set by the Director, written notice will be sent to the persons who were given notice stating City's intention to perform such maintenance and bill Owner for all incurred expenses.
2. If at any time City determines that the existing system creates any eminent threat to public health or welfare, the Director may take immediate measures to remedy said threat. No notice to the persons listed in B.1 above shall be required under such circumstances.
3. The persons listed in B.1 above shall assume all responsibility for the cost of any maintenance and for repairs to the stormwater facility. Such responsibility shall include reimbursement to City within thirty (30) days of the receipt of the invoice for any such work performed. Overdue payments will require payment of interest at the current legal rate for liquidated judgments. If legal action ensues, any costs or fees incurred by City will be borne by the parties responsible for said reimbursements.
4. In the event Owner of the property fails to pay City within thirty (30) days from the date that the costs were incurred, City shall have the right to file a lien against the real property for all charges and expenses incurred. A lien specifying the expenses incurred and giving a legal description of the premises sought to be charged shall be filed with the County Auditor within ninety (90) days from the date of completion of the work. The same may at any time thereafter be collected in the manner provided for foreclosure of mechanic's liens under the laws of the State of Washington.

C. Intent:

1. This agreement is intended to protect the value and desirability of the real property described above and to benefit all the citizens of the City. It shall run with the land and be binding on all parties having or acquiring from Owner or their successors, any right, title or interest in the property or any part thereof, as well as their title, or interest in the property or any part thereof, as well as their heirs, successors and assigns. They shall inure to the benefit of each present or future successor in interest of said property or any part thereof, or interest therein, and to the benefit of all citizens of City.

IN WITNESS WHEREOF the parties have executed the agreement the day and year above written.

By: \_\_\_\_\_  
Signature

STATE OF WASHINGTON        )  
                                  ) SS  
COUNTY OF LEWIS            )

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
is the Person who appeared before me, and said person acknowledged that (he/she) signed this instrument,  
on oath stated that (he/she) is/are authorized to execute the instrument and acknowledged it as the  
\_\_\_\_\_ of \_\_\_\_\_  
to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Name  
NOTARY PUBLIC in and for the State of Washington,  
My Commission Expires: \_\_\_\_\_

CITY OF CENTRALIA

By: \_\_\_\_\_  
Rob Hill, City Manager

By: \_\_\_\_\_  
City Clerk

STATE OF WASHINGTON        )  
                                  )SS  
COUNTY OF LEWIS            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington duly commissioned and sworn, personally appeared \_\_\_\_\_, and \_\_\_\_\_, representing themselves as City Manager and City Clerk, respectively, of the City of Centralia, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

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Notary Signature

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Print Name \_\_\_\_\_  
NOTARY PUBLIC in and for the State of Washington,  
residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_  
City Attorney

STORMWATER MAINTENANCE AGREEMENT  
EXHIBIT A  
Legal Description

STORMWATER MAINTENANCE AGREEMENT  
EXHIBIT B  
MAINTENANCE PROGRAM

STORMWATER MAINTENANCE AGREEMENT  
EXHIBIT C

POLLUTION SOURCE CONTROL PROGRAM

**What Are Pollution Source Controls, and Why Are They Needed?**

Pollution source controls are actions taken by a person, business, or owner to reduce the amount of pollution reaching surface and ground waters. Controls also called “best management practice” (BMP’s), include:

- Altering the activity (e.g., substitute non-toxic products recycle used oil reroute floor drains to sanitary sewer from storm sewers)
- Enclosing or covering the activity (e.g., building a roof)
- Segregating the activity (e.g., diverting runoff away from an area that is contaminated)
- Routing runoff from the activity to a treatment alternative (e.g., to a wastewater treatment facility, sanitary sewer, or stormwater treatment area)

Pollution source controls are needed because of the contamination found in runoff from commercial areas and the effect of this contamination on aquatic life and human health. Research on urban runoff in the Puget Sound area and elsewhere has found oil and grease, nutrients, organic substances, toxic metals, bacteria, viruses, and sediments at unacceptable levels. Effects of contaminated runoff include closure of shellfish harvesting areas and swimming areas, mortality of young fish and other aquatic organisms, tumors on fish, and impairment of fish reproduction.

Sources and types of pollutants encountered with activities that may occur within the City can be found in Volume IV Appendix A of the Washington State Department of Ecology 2019 *Stormwater Management Manual for Western Washington*.

**MANUFACTURING**

**Description**

Manufacturing businesses include food products: industrial machinery and equipment, trucks and trailers, and railroad; metal products; paper and pulp; printing; wood treatment; and other miscellaneous manufacturing businesses.

**Materials Used and Wastes Generated**

The primary concern is rainfall directly on exposed pollutant sources or stormwater runoff coming in contact with exposed pollutant sources. Potential pollutant locations include material storage, loading and handling areas; air emission locations; fuel islands; and pulp processing equipment.

Potential pollutant sources include acids; ammonia; activated carbon; bleach; blood; bone meal; brewing residuals; caustic soda; chlorine; cook oven tar; detergents; eggs; feathers; feed; ferric chloride; food products; fats and oils; solvents; paints; chemicals; metals; lubricants; waste oil; slag; ash, particulate emissions; log yards; pulp; alcohol; vinyl lacquer; dyes; acetates; waste ink; ink sludge; creosote; coal tar; copper napthenate; and chromate copper arsenate.

Potential pollutants include BOD; TSS; Oil and Grease; pH, ammonia nitrogen; pentachlorophenol; total Kjeldahl nitrogen; copper; manganese; fecal coliform; pesticides; heavy metals; COD; nitrates; nitrites; and phosphorous. See the Ecology Manual for further information specific to the proposed land use.

## **TRANSPORTATION AND COMMUNICATION**

### **Description**

Transportation and communication businesses include warehouses and mini-warehouses.

### **Materials Used and Wastes Generated**

The primary concern is rainfall directly on exposed pollutant sources or stormwater runoff coming in contact with exposed pollutant sources. Potential pollutant locations include loading and unloading areas; outside storage of materials and equipment; and fueling and maintenance areas.

Potential pollutant sources include chemicals; metals; and fuels.

Potential pollutants include TSS and Oil and Grease. See the Ecology Manual for further information specific to the proposed land use.

## **RETAIL**

### **Description**

Retail businesses include gas stations; restaurants and fast food; general merchandise; vehicle and equipment dealers; nurseries and building materials; chemicals and petroleum; foods and beverages; and other miscellaneous businesses.

### **Materials Used and Wastes Generated**

The primary concern is rainfall directly on exposed pollutant sources or stormwater runoff coming in contact with exposed pollutant sources. Potential pollutant locations include fuel transfer areas, material loading, storage and handling areas; high-use parking

lots; garbage dumpsters; cooking vent filters; fuel or chemical storage areas; and vehicle/equipment maintenance areas.

Potential pollutant sources include hazardous materials; biological materials, chemicals, oils; grease, detergents, metals, pesticides; herbicides; solvents; paints; benzene; phenol; chloroform; lead; and zinc.

Potential pollutants include TSS, Oil and Grease, metals, phosphorous. See the Ecology Manual for further information specific to the proposed land use.

## **PROFESSIONAL SERVICES**

### **Description**

Professional service businesses include animal care services; commercial car and truck washes; equipment repair, laundries and other cleaning services; golf and country clubs, professional services, vehicles maintenance and repair, multifamily residences; commercials businesses; and other miscellaneous services.

### **Materials Used and Wastes Generated**

The primary concern is rainfall directly on exposed pollutant sources or stormwater runoff coming in contact with exposed pollutant sources. Potential pollutant locations include outside animal boarding areas; fuel transfer areas; vehicle wash areas; high-use parking lots; and garbage dumpsters.

Potential pollutant sources include animal wastes; Oils and Grease; hazardous materials; detergents; solvents; fertilizers; herbicides; pesticides; paints; inks; photographic chemicals; metals; dangerous or hazardous wastes; waste oil; antifreeze, radiator flush; acids; and battery wastes.

Potential pollutants include TSS, BOD, COD, Oil and Grease, fecal coliform, nutrients; pH; and metals. See the Ecology Manual for further information specific to the proposed land use.

## **REQUIRED ACTIONS**

The following actions at a minimum shall be taken to ensure that pollution generated on site shall be minimized:

1. Implement pollution control / reduction BMP's in accordance with the approved Stormwater Site Plan. The Stormwater Site Plan shall be prepared in accordance with the 2019 Washington State Department of Ecology Stormwater Management Manual for Western Washington and the City's *Design and Development Guidelines*.

2. Parking lots shall be swept when necessary to remove debris and, at a minimum, twice a year. Use of newer model high-velocity vacuum sweepers is recommended as they are more effective in removing the more harmful smaller particles from paved surfaces.
3. Sediment removed from ponds/catch basins shall be disposed of in a proper manner contact the City for instruction prior to completing this task.
4. No activities shall be conducted onsite that are likely to result in short-term high-concentration discharge of pollution to the stormwater system. Such activities may include, but are not limited to, vehicle washing, vehicle maintenance, and cleaning of equipment used in the periodic maintenance of buildings and paved surfaces.
5. Employees shall receive basic instruction regarding the control of pollution from commercial operations. Contact the Centralia Public Works at (360) 330-7512.
6. Professional service offices with high volume customer contacts have potential to influence individuals' water quality practices. Owners are encouraged to have informational brochures provided by the City (see Item 5 above) available in waiting rooms.
7. Warning signs (e.g., "Dump No Waste-Drains to Stream") shall be painted or embossed on or adjacent to all storm drain inlets. They shall be repainted as needed.