

ORDINANCE NO. 763

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF A SIX MONTH MORATORIUM ON BOTH THE ACCEPTANCE OF APPLICATIONS FOR SEWER SERVICE CONNECTIONS AND THE ISSUANCE OF SEWER SERVICE PERMITS UNDER THE GIG HARBOR MUNICIPAL CODE, AS REQUIRED BY RCW 36.70A.390.

WHEREAS, on May 27, 1997, the City Council imposed a six month moratorium on the acceptance of applications for sewer service connections and the issuance of sewer service permits as provided in Ordinance No. 759; and

WHEREAS, RCW 36.70A.390 requires that the City Council hold a public hearing on the moratorium within sixty days of its adoption, and that immediately thereafter, the City Council adopt findings of fact to justify the continued imposition of the moratorium; and

WHEREAS, on July 14, 1997, the City Council held a public hearing on the sewer connection moratorium during which time it heard testimony from the public and City staff;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Gig Harbor, Washington as follows:

Section 1 -- Findings of Fact. As required by RCW 36.70A.390, the City Council hereby adopts the following findings of fact to support the continued imposition of the City's six month moratorium on the acceptance of applications for sewer service connections and the issuance of sewer service permits as provided in Ordinance No. 759:

A. On June 27, 1988, the City of Gig Harbor ("City") obtained a National Pollution Discharge Elimination System ("NPDES") permit from the Department of Ecology ("Ecology") to operate the City's wastewater treatment plant ("WWTP") in conformance with the federal Clean Water Act.

B. The 1988 NPDES permit imposes various limitations on the operation of the WWTP including a limitation on the amount of flow that can be discharged from the WWTP to an average of 700,000 gallons per day.

C. In 1991, the City began planning to upgrade and expand the WWTP to handle flows averaging 1.6 million gallons per day. A facility plan was prepared and submitted to Ecology in November 1992, and an amended facility plan was submitted in February 1993. After extensive review and comment, Ecology approved the facility plan in September 1993.

D. On April 15, 1993, prior to expiration of the 1988 NPDES permit, the City submitted an application to Ecology to renew its NPDES permit. On July 19, 1993, at the request of the City, Ecology administratively extended the duration of the 1988 NPDES permit until Ecology made a decision on the City's renewal application.

E. The expansion and upgrade of the WWTP was substantially completed in June 1996, increasing the capability of the WWTP to handle effluent flows up to an average of 1.6 million gallons per day.

F. On September 19, 1996, the City submitted a second application to Ecology to renew its 1988 NPDES permit and increase the allowable discharge consistent with the capacity of the upgraded WWTP and the approved facility plan. A draft NPDES permit was prepared by Ecology, and a public hearing on the draft permit was held by Ecology at City Hall on July 8, 1997.

G. Until Ecology issues the renewal NPDES permit, the WWTP continues to operate under the terms of the 1988 NPDES permit, including the 700,000 gallon per day flow limitation.

H. Due to the growth of the City, in recent months the WWTP has approached, and on occasion exceeded, the 700,000 gallon per day limitation. Under the terms of its current NPDES permit, the City cannot allow additional sewage to enter its sewer system. Any increase in flow would constitute a violation of its NPDES permit and the Clean Water Act.

I. The moratorium is necessary because the City cannot legally authorize new sewer connections until Ecology issues the City a new NPDES permit that increases the amount of flow that can be discharged from the WWTP.

Section 2 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 3 - Effective Date. This ordinance shall take effect and be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor, this 28th day of July, 1997.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:

CITY ATTORNEY, CAROL A. MORRIS

FILED WITH THE CITY CLERK: 7/10/97

PASSED BY THE CITY COUNCIL: 7/28/97

DATE PUBLISHED: 8/6/97

DATE EFFECTIVE: 8/11/97

SUMMARY OF ORDINANCE NO. 763

City of Gig Harbor, Washington

On the 28th day of July, 1997, the City Council of the City of Gig Harbor, passed Ordinance No. 763. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF A SIX MONTH MORATORIUM ON BOTH THE ACCEPTANCE OF APPLICATIONS FOR SEWER SERVICE CONNECTIONS AND THE ISSUANCE OF SEWER SERVICE PERMITS UNDER THE GIG HARBOR MUNICIPAL CODE, AS REQUIRED BY RCW 36.70A.390.

The full text of this Ordinance will be mailed upon request.

DATED this 29th day of July, 1997.

CITY CLERK, MOLLY M. TOWSLEE