

ORDINANCE NO. 214

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADDING A NEW SECTION TO TITLE 12 (UTILITIES), CHAPTER 12.10 (WATER QUALITY STANDARDS) OF THE UNIVERSITY PLACE MUNICIPAL CODE PROHIBITING THE INSTALLATION, DIGGING AND DRILLING OF ANY PRIVATE WELLS WITHIN AN AREA INSIDE UNIVERSITY PLACE CITY LIMITS AS FOLLOWS: THE AREA BOUNDED BY ORCHARD STREET TO THE EAST; BY 44th STREET WEST, IF EXTENDED, (AND ALSO THE CITY LIMITS AT THIS LOCATION) TO THE NORTH; BY CIRQUE DRIVE TO THE SOUTH; AND BY LEACH CREEK TO THE WEST

WHEREAS, the City of University Place desires to have a good working relationship with its neighbor municipality, the City of Tacoma; and

WHEREAS, on March 25, 1991, the City of Tacoma entered into a Consent Decree with the United States of America, on behalf of the United States Environmental Protection Agency and the State of Washington, Department of Ecology, regarding the remediation of the Tacoma Landfill, which included sites surrounding the Landfill that contained contamination therefrom; and

WHEREAS, the remediation was conducted to extract and treat a plume of contaminated groundwater, and it is anticipated that such extraction and treatment will continue for a minimum of 30 years; and

WHEREAS, part of the City of Tacoma's obligation under the Consent Decree includes maintenance of an Institutional Controls Plan to protect human health and the environment from the effects of its landfill, and

WHEREAS, both the City of Tacoma and neighboring City of Fircrest have passed ordinances prohibiting private well drilling in the specified area, and Tacoma requests that the City of University Place do likewise, and

WHEREAS, an area within the limits of the City of University Place bounded by Orchard Street to the east; by 44th Street West, if extended, (and also the city limits at this location) to the North; by Cirque Drive to the south; and by Leach Creek to the west is near enough to the Tacoma landfill to be of concern to Tacoma when implementing the Institutional Controls Plan; and

WHEREAS, the City of University Place adopted Water Pollution Regulations under Ordinance No. 41 on July 31, 1995, as well as Water Quality Standards under Title 12 of the City's Municipal Code (adopted April 20, 1998), and the City is required under the federal Clean Water Act (33 U.S.C. 1251 et seq.) to implement necessary environmental protections and is committed to protecting the health and welfare of its citizens; Now, therefore,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Addition to Municipal Code. The following section is added to University Place Municipal Code, Title 12 - Utilities, Chapter 12.10 - Water Quality Standards:

12.10.062 Private Wells Prohibited

Except for the replacement of an existing non-contaminated water well, no person shall hereafter drill or install, or cause to be drilled, a non-public domestic water supply well, as defined in WAC 173.160 (Minimum Standards for Construction and Maintenance of Wells), within the following area located within the City of University Place: The area bounded by Orchard Street to the east; by 44th Street West, if extended, (and also the city limits at this location) to the north; by Cirque Drive to the south; and by Leach Creek on the west. Any replacement well must comply with all state and local laws and regulations and must be tested for the presence of landfill contaminants as noted in Table 3 of the Tacoma Landfill Consent Decree Scope of Work.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

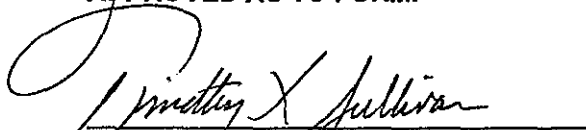
PASSED BY THE CITY COUNCIL ON January 4, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Published: 1/7/99
Effective Date: 1/12/99