



**City of Missoula, Montana
City Council Committee Agenda item**

Committee: Public Safety, Health and Operations

Item: Amendments to the Missoula Valley Water Quality District Ordinance

Date: May 4, 2022

Sponsor(s): Amber Sherrill

Prepared by: Todd Seib, R.S., PhD, Water Quality Specialist

Ward(s) Affected:

<input type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input type="checkbox"/> Ward 2	<input type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
<input checked="" type="checkbox"/> All Wards	<input type="checkbox"/> N/A

Action Required:
Consider revisions to the Missoula Valley Water Quality Ordinance, Missoula Municipal Code, Chapter 13.26

Timeline and Recommended Motions:

Committee discussion: 5/11/2022

Council sets public hearing: 5/16/2022

Recommended motion: [First reading and preliminary adoption] Set a public hearing on June 6, 2022, and preliminarily adopt an ordinance generally amending Missoula Municipal Code Chapter 13.26 entitled “Missoula Valley Water Quality ordinance” to amend and update regulations necessary to protect Missoula’s sole source aquifer.

Public Hearing: 6/6/2022

Final Consideration 6/13/2022

Recommended motion: [Second and final reading] Adopt an ordinance generally amending Missoula Municipal Code Chapter 13.26 entitled “Missoula Valley Water Quality ordinance” to amend and update regulations necessary to protect Missoula’s sole source aquifer.

Deadline: N/a

Background and Alternatives Explored:
In 1993 the Missoula Valley Water Quality District (District) was formed pursuant to 7-13-4504 MCA. Since its inception, the mission of the District has been to protect and improve the quality of our surface waters and the Missoula Valley aquifer, our community’s sole source of drinking water. The Missoula Valley Water Quality Ordinance, Chapter 13.26 was enacted in 1994.

A lot has changed since the ordinance was enacted. In that time, the District has observed ongoing and new activities that may adversely impact our aquifer. At the same time, industry standards have changed, and new strategies have emerged that help prevent water contamination. Instead of waiting until a complaint is received and pollution has occurred to communicate these strategies and best management practices, we need to expand the code so it continues to be a functional tool for pollution prevention.

This revision addresses the correction of typos, reorganized/moved sections for readability, clarifies and updates references, permit language, and definitions, and better aligns the code with other municipal code enforcement processes. Proposed changes also incorporate existing polices and incorporate current industry standard protections. Specifically, we propose requiring and incorporating best management practices for industries and activities not addressed in the current code (e.g. auto-maintenance, carpet cleaning, chlorinated water discharging, food-grease disposal, fueling facility drainage, design and maintenance of aboveground storage tanks, pressure washing, road maintenance, vehicle washing, and well drilling) so we can continue to protect our water resources.

After many discussions within the District, consultants, and Pollution Prevention permittees, we developed a draft revision that was submitted to the Water Quality Advisory Council, the City of Missoula (Stormwater, Public Works, Parks, and Wastewater divisions), the City Attorney's office, the County Attorney's Office, and Missoula County Risk & Benefits, all of whom had suggestions for improving the draft that have been incorporated into the current text. Since many of the edits involved relocation, additions, and rewording by different parties, the tracked changes version is challenging to read. For this reason we also included an "simplified" version of this document. In both documents, comments in green were inserted to help understand the context of the applicable edits (green text will not be part of the final code).

On April 21st, 2022 the Water Quality District Board adopted a resolution requesting that the city council make recommended changes to the Missoula Valley Water Quality Ordinance and, contingent on the revised ordinance authorizing the mayor to adopt administrative rules, recommending the mayor adopt the Best Management Practices manual.

Because this is a City Code, the Missoula City Council is responsible for considering the recommended changes, holding a public hearing, and making a final decision.

Financial Implications:

N/A

Links to external websites:

<http://missoula.co/wqordinance>