

**ORDINANCE NO. 2890-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, AMENDING CHAPTER 7 OF TITLE 5 OF THE MUNICIPAL CODE, PERTAINING TO STORMWATER AND URBAN RUNOFF POLLUTION CONTROL**

WHEREAS, in order to comply with the orders of the California Regional Water Quality Control Board, Los Angeles Region, the City Council of the City of Redondo Beach wishes to amend the Municipal Code as provided below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1. AMENDMENT OF CODE.** Chapter 7 of Title 5 of the Redondo Beach Municipal Code is hereby amended as follows:

"Article 1. General

5-7.101 Authorization.

The City is authorized by Article XI, Section 5 and Section 7 of the State Constitution to exercise the police power of the State by adopting regulations promoting the public health, safety and general prosperity. This chapter is enacted pursuant to authority conferred by law including but not limited to the California Health and Safety Code, Sections 5400 through 5474, the California Government Code, Sections 54725 through 54740, and 66000 through 66003, the California Code of Regulations, Title 22, the Clean Water Act, 33 U.S.C. Section 1251, et seq., and the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901, et seq.

5-7.102 Purpose and Intent.

(a) The purpose of this chapter is to ensure the future health, safety and general welfare of the citizens of the City and to improve and protect the water quality and beneficial uses of the receiving waters of the County of Los Angeles and surrounding coastal areas by:

(1) Reducing pollutants in stormwater discharges to the maximum extent practicable;

(2) Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of stormwater and urban runoff into the municipal stormwater system;

(3) Regulating nonstormwater discharges to the municipal stormwater system;

(4) Incorporating into the design of new development and redevelopment projects BMPs that will reduce to the maximum extent practicable the amount of pollutants that are generated and/or discharged into the City's storm drain system and surrounding coastal waters; and

(5) Incorporating BMPs into construction activities in a manner that will reduce the level of pollutant discharged into the storm drain system to the maximum extent practicable.

(b) The intent of this chapter is to protect and enhance the quality of watercourses, water bodies and wetlands within the City in a manner consistent with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the municipal NPDES permit.

(c) This chapter is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the storm drain system over which it has jurisdiction as required by the municipal NPDES permit. The municipal NPDES permit requires the City to institute a Stormwater Management Program. The City's program parallels the Countywide Stormwater Management Plan (CSWMP) as approved by the California Regional Water Quality Control Board (CRWQCB) and as modified by the Municipal NPDES Permit. The CSWMP is also known as the Storm Water Quality Management Plan (SQMP). The SQMP includes five major elements titled: Illicit Discharge/Illicit Connection Elimination, Development Planning, Development Construction, Public Agency Activities, and Public Information and Participation. This Chapter includes implementation strategies and requirements for each of these elements.

#### 5-7.103 Definitions.

Whenever in this chapter, the following terms are used, they shall have the meaning respectively ascribed to them in this chapter unless another meaning for the word is apparent from the context. The definitions in this chapter are included for reference purposes and are not intended to narrow the scope of the definitions set forth in Federal or State law or regulations and any term used in this chapter shall have the same meaning as that term is defined in the municipal NPDES permit, or if it is not specifically defined in the municipal NPDES permit, than as such term is defined in the Federal

Clean Water Act, as amended, and/or the regulations promulgated thereunder. Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of masculine shall also mean feminine and neuter.

"Act" refers to the Federal Water Pollution Control Act also known as the Clean Water Act as amended, 33 U.S.C. 1251, et seq.

"Area susceptible to runoff" means any surface directly exposed to precipitation or in the path of runoff caused by precipitation which path leads off the parcel on which the surface is located.

"Authorized enforcement officer" means the City Engineer or his/her designee.

"Automotive Service Facilities" means a facility that is categorized in any one of the following standard industrial classifications (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

"Best management practices (BMPs)" means any programs, activities, technology, process, siting criteria, operational methods, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges. Examples of BMPs may include install discharge treatment systems, education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge- or waste-handling and disposal, among others.

"Bypass" means the diversion of stormwater or urban runoff streams from any portion of a stormwater treatment facility. "CFR" means the Code of Federal Regulations.

"City" means the City of Redondo Beach, Los Angeles County, California.

"Commercial development" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

"Directly connected impervious area (DCIA)" means the area covered by a building, impermeable pavement, and/or other impervious surfaces, which drains into the storm drain system without first flowing across permeable land area (e.g. lawns).

"Discharge" means when used without qualification the "Discharge of a Pollutant."

"Discharge exception" means discharges authorized by the NPDES permit, which are exceptions to this chapter and excluded from the definitions of "illicit connections" and "illicit/prohibited discharges," as defined herein, including only:

Discharges composed entirely of stormwater, discharges covered under current EPA or Regional Water Quality Control Board issued NPDES permits, or other waivers, permits or approvals granted by an appropriate government agency (provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations), discharges to the stormwater drainage system from potable water line flushing, firefighting activities, landscape irrigation systems, diverted stream flows, springs, rising groundwater (excluding active dewatering), groundwater infiltration systems, discharges from potable water sources such as passive foundation drains, air conditioning condensation and other building runoff, agricultural irrigation water runoff, water from crawl space pumps, passive footing drains, lawn watering, vehicle washing at residences, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash waters when related to cleaning and maintenance by, or on behalf of, the City.

Notwithstanding the above, where the City Engineer or his/her authorized representative determines that a discharge in accordance with the preceding paragraph may cause a pollutant or pollutants to be discharged to the stormwater drainage system, or may otherwise contribute to a violation of water quality standards protected by the NPDES permit, then upon the giving of thirty (30) days written notice by the City Engineer to the owner or operator of the property or facility, the discharge exception shall not apply to the subject discharge.

"Discharge of a Pollutant" means: any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source" or, any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

"Discretionary project" means a project which requires the exercise of judgement or deliberation when the public agency or public body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.

"Enforcing attorney" means the City Attorney or District Attorney acting as counsel to the City or his/her appointee. For purposes of criminal prosecution, only the District Attorney and/or City Attorney shall act as the enforcing attorney.

"Engineer" means the City Engineer and persons directed by them and under their instruction and supervision who are assigned to investigate compliance and detect violations of this chapter.

"Environmentally Sensitive Areas" means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area identified by a Permittee as environmentally sensitive.

"EPA" means the Environmental Protection Agency of the United States.

"Good housekeeping practices" means common practices related to the storage, use or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

"Grease" means and includes waxes, fats, oils and other nonvolatile materials as determined by appropriate procedures set forth in 40 CFR Part 136.

"Greater than nine (9) unit home subdivision" means any subdivision being developed for ten (10) or more single- or multiple-family dwelling units.

"Hearing officer" means the City Engineer or his/her designee, who shall preside at the administrative hearings authorized by these chapter and issue final decisions on the matters raised therein.

"Hillside" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty- five percent or greater and where grading contemplates cut or fill slopes.

"Illicit connection" means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections.

Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

"Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. The term illicit discharge includes all non storm-water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Part 1, "Discharge Prohibitions" of the Municipal NPDES permit, and discharges authorized by the Regional Board Executive Officer.

"Industrial user" means any source of industrial wastewater as defined in this section, or wastewater, which is subject to regulations under Section 307(b) and (c) of the Act. The term includes but is not limited to users who are identified under the Divisions A, B, C, D, E, and I, in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as amended and/or by the County Sanitation Districts of Los Angeles.

"Infiltration" means the downward entry of water into the surface of the soil.

"Material" means any substance including, but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and other fluid or solid containing chemicals.

"Municipal NPDES permit" means the "waste discharge requirements for municipal stormwater and urban runoff discharges within the County of Los Angeles" (Order No. 01-182), dated December 13, 2001, issued by the California Regional Water Quality Control Board-Los Angeles Region, and any successor permit to that permit.

"Municipal separate stormwater system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned by a State, city, county, town or other public body, that is designed or used for collecting or conveying storm water, which is not a combined sewer, and which is not part of a publicly owned treatment works, and which discharges to Waters of the United States.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program."

"New development" means all public and private residential (whether single family, multi-unit or PUD), industrial, commercial, retail, or other non-residential construction

projects, where the project requires any one or more of the following activities: grading, filling, trenching, or disturbance of earth, paving or re-surfacing with any medium, landscaping, construction of foundations, erection of steel, wood or other framing, installation of siding or masonry of any type, stripping, sanding, stuccoing or exterior preparation, repair and painting, interior drywall installation, plastering, installation of plumbing, electrical, finished carpentry, complete flooring or interior wall covering, whether paint or otherwise.

"Non-stormwater discharge" means any discharge to a stormwater system that is not composed entirely of stormwater.

"NPDES permit" means any waste discharge requirements issued by the Regional Board or the State Water Resources Control Board as an NPDES permit pursuant to Water Code Section 13370 (other than the municipal NPDES permit).

"100,000 Square Foot Commercial Development" means any commercial development that creates at least 100,000 square feet of impermeable area, including parking areas.

"Parking Lot" means land area or facility for the temporary parking or storage of motor vehicles used personally, for business or for commerce with an improved lot size of 5,000 square feet or more, or with 25 or more parking spaces potentially exposed to rainwater.

"Planning priority projects" means any: (1) 100,000 square foot or greater commercial developments (on March 10, 2003 and thereafter the size of commercial development that is considered a Priority Project shall be lowered from 100,000 square feet to 43,560 square feet), (2) automotive repair facilities, (3) retail gasoline outlets, (4) restaurants, (5) 10 or more unit homes (including single family homes, multifamily homes, condominiums, and apartments, (6) locations within or adjacent to or directly discharging to an environmentally sensitive area, (7) parking lots, (8) Redevelopment projects in subject categories that meet Redevelopment thresholds

"Planning priority project characteristics" means any project that has the following as any part of the project: (1) vehicle or equipment fueling areas; (2) vehicle or equipment maintenance areas, including washing and repairs; (3) commercial or industrial waste handling or storage, excluding typical office or household wastes; (4) outdoor handling or storage of hazardous materials or waste; (5) outdoor work areas for activities such as, but not limited to, welding, cutting, metal fabrication, assembly, application of paints, coating or finishing; pre-cast concrete fabrication, etc.; (6) 100,000 square foot or greater industrial development; (7) outdoor animal care confinement (kennels, stables, etc.) or slaughter; (8) outdoor food handling or processing; (9) outdoor horticulture activities.

"Pollutants" means those "pollutants" defined in CWA §502(6) (33 U.S.C. §1362(6)), and incorporated by reference into California Water Code §13373.

"Pretreatment facility" means any works or devices that are used for the treatment of wastewater, prior to discharge into a public sewer.

"Private property" means any real property location, irrespective of ownership, which is not open to the general public.

"Prohibited discharge" means any discharge from public or private property to the stormwater drainage system that is not composed entirely of stormwater, or which otherwise contains any pollutant, with the exception of discharges permitted from point or nonpoint sources by (i) the NPDES permit, (ii) a State General Permit or other Regional Water Quality Control Board or State Water Resources Control Board issued NPDES permit, (iii) a permit issued pursuant to the provisions of this chapter, and/or (iv) the discharge exception. Prohibited discharge shall also include any discharge, whether direct or indirect, to groundwater or any river, stream, creek, wash, harbor, bay, or the Pacific Ocean.

"Redevelopment" means, on an already existing developed site, the creation or addition of at least 5,000 square feet of impervious surfaces. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/ or exterior construction or remodeling; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Regional Board" means the California Regional Water Quality Control Board - Los Angeles Region.

"Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (SIC code 5812).

"Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils (SIC code 7538).

"Source Control BMP" means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to

prevent storm water pollution by reducing the potential for contamination at the source of pollution.

"Standard industrial classification (SIC)" means a system of classifying a business based on the type of its activity as identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as amended.

"Storm Event" means a rainfall event that produces more than 0.1 inch of precipitation, which is separated from the previous storm event by at least 72 hours of dry weather.

"Stormwater drainage system" means any local or regional street gutter, channel, conduits, storm drain, constructed drain, natural or artificial drains and watercourses, lined diversion structure, wash area, inlet, outlet or other facility together with appurtenances, pumping stations and equipment, which is part of or tributary to the City's stormwater runoff system in the County-wide stormwater runoff system owned or operated by the County of Los Angeles.

"Stormwater runoff" means that part of precipitation (rainfall) which travels via flow across a surface to the storm drain system or receiving waters from impervious, semipervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

"Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

"Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Treatment Control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

"Unpolluted water" means water to which no pollutant has been added either intentionally or accidentally.

"Urban runoff" means surface water flow produced by non-stormwater resulting from residential, commercial, and industrial activities involving the use of potable and nonpotable water.

#### 5-7.104 Inspection.

The Engineer, or his representative, shall be authorized at any reasonable time to enter the premises of any property discharging to the MS4 to determine compliance with the provisions of this chapter, such inspection may include but not be limited to: sampling, monitoring, review, photographing, videotaping and inspecting treatment facilities and discharge location.

#### 5-7.105 Storm drain impact fees.

(a) Every applicant for a permit pursuant to Section 9-1.02 of this Code for development construction shall pay a storm drain impact fee.

(b) The proceeds of the storm drain impact fee shall be applied to offset the City's costs of enforcing the order as a result of development construction, and the amount of the storm drain impact fee shall not exceed the City's reasonable costs therefor.

(c) The amount of the storm drain impact fee shall be established by resolution of the City Council, as amended from time to time, in accordance with the provisions of this section, as amended from time to time.

(d) The City Engineer shall administer and collect the storm drain impact fee.

(e) Permits issued pursuant to Section 9-1.02 for development construction shall not be issued until payment of the storm drain impact fee.

## Article 2. Stormwater Management Program

#### 5-7.201 Illicit discharge/illicit connection element.

The illicit discharge/illicit connection element addresses stormwater quality impacts of the inadvertent or deliberate disposal of pollutants in a manner that results in contamination of stormwater runoff. This element's implementation includes the following components:

- (a) Identification of prohibited and exempt activities;
- (b) Elimination of illicit discharges to the MS4;
- (c) Elimination of illicit connections to the MS4;
- (d) Development of a public reporting system;
- (e) Specification of special permitted activities;

**(f) Identification of good housekeeping BMPs**

**5-7.202 Prohibited activities.**

**(a) Illicit Discharges and Connections.** It is prohibited to commence, establish, use, maintain, or continue any illicit connections to the municipal separate stormwater system or any illicit discharges to the municipal separate stormwater system. This prohibition against illicit connections is expressly retroactive and applies to connections made in the past.

**(b) Littering.** It is prohibited to throw, deposit, place, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any public or private plot of land in the City, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

**(c) Disposal of Landscape Debris.** It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the municipal separate stormwater system.

**(d) Non-Stormwater Discharges.** The following non- stormwater discharges into the municipal stormwater system are prohibited unless in compliance with a separate NPDES permit or pursuant to a discharge exemption by the Regional Board, the Regional Board's Executive Officer, or the State Water Resources Control Board:

(1) The discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or other type of automotive service facilities are cleaned;

(2) The discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;

(3) To the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;

(4) Discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;

(5) Discharges of chlorinated/brominated swimming pool water and filter backwash to the MS4;

(6) Discharges of untreated runoff from the washing of toxic materials from paved or unpaved areas to the MS4; provided, however, that non-industrial and noncommercial activities which incidentally generate urban runoff, such as the hosing of sidewalks, and the noncommercial hand-washing of cars, shall be excluded from this prohibition;

(7) To the maximum extent practicable, discharges to the MS4 from washing impervious surfaces in industrial/commercial areas which results in a discharge of untreated runoff to the MS4, unless specifically required by State's, or the City's, or Los Angeles County's health and safety codes, or permitted under a separate NPDES permit;

(8) Discharges from the concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment into the MS4;

(9) Discharges to the municipal stormwater system of any pesticide, fungicide, or herbicide, banned by the USEPA or the California Department of Pesticide Regulation; and

(10) The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the municipal separate stormwater system.

(e) Discharges in Violation of the Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of the municipal NPDES permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

5-7.203 Exempted discharges, conditionally exempted discharges, or designated discharges.

Discharges from those activities specifically identified in, or pursuant to the Municipal NPDES permit as being exempted discharge shall not be considered a violation of this chapter, provided that any applicable BMPs developed pursuant to the Municipal NPDES permit are implemented to minimize any adverse impacts from such identified sources.

(c) **Storage of Materials, Machinery, and Equipment.** Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to stormwater, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the municipal separate stormwater system.

(d) **Removal and Disposal of Debris from Industrial/Commercial Motor Vehicle Parking Lots.** Industrial/commercial motor vehicle parking lots with more than twenty-five (25) parking spaces that are located in areas potentially exposed to stormwater shall be swept regularly or other equally effective measures shall be utilized to remove debris from such parking lots.

(e) **Food Wastes.** Food wastes generated by nonresidential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the municipal separate stormwater system.

(f) **Best Management Practices.** Best management practices shall be used in areas exposed to stormwater for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials that have potential adverse impacts on water quality.

#### 5-7.209 Development planning element.

The development planning element addresses stormwater quality impacts during the planning of projects that are subject to a planning and permitting review/process by the City. Affected projects include new development as well as redevelopment undertaken by both public and private enterprises.

#### 5-7.210 Priority and exempt projects.

A project is subject to the development planning element if it is a planning priority project, project with planning priority project characteristics or a single family hillside home. If a project does not meet the above criteria it is deemed to be exempt and is not subject to this element requirements.

Applicability of this element is based on the ultimate scope of a project. Phases within a project shall be planned and design in accordance with this element as if the entire project was construction at the same time.

#### 5-7.211 Urban stormwater mitigation plans.

A Urban Stormwater Mitigation Plan (USMP) shall be prepared for all projects subject to the requirements of this element. The USMP shall be submitted along with the project application to the City Planning Department. The USMP shall be reviewed and

approved by the City during the planning approval process and all requirements of the USMP shall be incorporated into the final design of the project. Planning Priority Project shall incorporate all provision of the appropriate Standard Urban Stormwater Mitigation Plan (SUSMP) as approved by the California Regional Water Quality Control Board by Board Resolution No. R-00-02 on January 26, 2000 and as modified by State Resources Control Board, Order WQ 2000-11 and the Municipal NPDES Permit unless it is determined that the Standard Plan is either inappropriate or inadequate. Projects with Planning Priority Project Characteristics and projects where it is determined that the SUSMP is either inappropriate or inadequate shall prepare a Site Specific Urban Stormwater Mitigation Plan (SSUSMP). The SSUSMP shall be prepared to incorporate BMPs that are appropriate and will reduce the impacts of the project on stormwater quality to the greatest extent practicable.

#### 5-7.212 Post-construction (permanent) best management practices (BMPs).

BMPs selected and incorporated in the SSUSMP or SUSMP are permanent and will remain in effect after the project is construction and is place into use. Guidelines for selecting BMPs for incorporation into a project shall be developed by the City and provided to developer at the public counter.

#### 5-7.213 BMPs maintenance.

The responsibility of maintaining BMPs incorporated into the project shall be born by the property owner. The SSUSMP or SUSMP shall include guidance on the proper maintenance of each BMP. Constructive and timely notice shall be provided to all future owners of this maintenance responsibility. Single family hillside homes shall incorporate BMP's as specified in the Municipal NPDES Permit.

#### 5-7.214 Waiver.

A waiver of impracticability maybe granted in the event the City Engineer determines that a BMP is not feasible. Recognized situations of impracticability include: extreme limitations of space for treatment on a redevelopment project; unfavorable or unstable soil conditions at a site to attempt infiltration; and risk of ground water contamination because a known unconfined aquifer lies beneath the land surface or an existing or potential underground source of drinking water is less than 10 feet from the soil surface. All other justification for impracticability must be separately petitioned to the Regional Board for consideration. Any waiver granted by the City maybe revoked by the Regional Board for cause and with proper notice. If a waiver is granted the developer shall pay to the City's stormwater mitigation fund the savings in costs.

#### 5-7.215 Development construction element.

**5-7.204 Illicit discharge elimination.**

The City Engineer will establish procedures to be implemented by City field staff to identify, report, contain, investigate and eliminate illicit discharges to the MS4.

**5-7.205 Illicit connection elimination.**

The City Engineer will conduct inspections and investigation to identify, track and eliminate illicit connections to the MS4.

**5-7.206 Public reporting.**

The City Engineer will establish a system to assist the general public in reporting illicit discharges and illicit connections to the MS4. The system will also include a process for investigating and eliminating all reported incidents.

**5-7.207 Requirements for industrial/ commercial activities.**

Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be granted by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit. Each discharger identified in an individual NPDES Permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the authorized enforcement officer prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.

**5-7.208 Requirements for existing properties -- Good housekeeping provisions.**

Owners and occupants of property within the City shall comply with the following requirements:

(a) **Septic Waste.** No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where discharge to City streets or storm drain system may or does occur.

(b) **Use of Water.** Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extent practicable. Sweeping and collection of debris is encouraged for trash disposal.

The development construction element addresses stormwater quality impact of projects during construction. This includes all projects undertaken by both public and private enterprises.

5-7.216 General permit, priority, non-priority, and exempt projects.

Construction projects are divided into four categories. The basic criteria that define each category are: potential for stormwater impact; area of soil disturbed; proximity to environmentally sensitive area; and topographic conditions.

A general permit project is construction activity that will disturb five (5) acres or more of soil. On March 10, 2003 and thereafter the area threshold which designates a construction activity as a General Permit project will be lowered from five acres to one acre. This type of project is subject to the General Construction Activities Stormwater Permit (GCASP). The property owner or authorized representative shall provide proof to the City that they will file a Notice of Intent with the Regional Board prior to issuance of any construction relate permit. The owner shall submit a Waste Discharge Identification (WDID) Number for proof of filing.

A priority project is construction activity either: located in or adjacent to an environmentally sensitive area; disturbs two (2) or more acres of soil (on March 10, 2003 and thereafter the area threshold shall be lowered from two (2) acres to one (1) acre; or located in a hillside area where soil disturbance will occur during the rainy season.

An exempt project is construction activity that poses minimum risk to stormwater quality. Specific types of construction activities that are deemed to be in category are:

Routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility

Emergency construction activities required to immediately protect public health and safety;

Interior remodeling with no outside exposure of construction materials or construction waste to stormwater;

Mechanical and plumbing permit work;

Electrical permit work; and

Sign permit work.

A Non-Priority project is construction activity that is neither a General Permit project, a Priority project, nor an Exempt project.

#### 5-7.217 Minimum stormwater quality protection.

All construction project except Exempt projects are required to implement BMPs necessary to retain sediments, construction related materials, wastes, spills, or residuals onsite to the maximum extent practicable.

#### 5-7.218 Local storm water pollution prevention plan (LSWPPP).

All Priority projects shall prepare a LSWPPP. The LSWPPP prepared as required by the GCASP may be submitted in lieu of the LSWPPP. This plan shall identify BMPs that will be used during the construction of the project to reduce the impacts to stormwater quality relating to material and waste management. A copy of this plan shall be submitted to the City prior to issuance of any construction relate permit and kept on the project site at all times after start of construction.

#### 5-7.219 Wet weather erosion control plan (WWECP).

The owner of a Priority project, that will have disturbed soil during the rainy season (November 1 – April 15), shall prepare a WWECP. This plan shall identify BMPs that are to be installed to mitigate the impacts to stormwater quality from erosion and sediments. A copy this plan shall be submitted to the City prior to issuance of any construction relate permit and kept on the project site at all times starting on October 1.

#### 5-7.220 Certificate of compliance.

The Owner or authorized representative shall certify in writing that all stormwater pollution protective measures required by this Program shall be implemented and properly maintained during the entire construction period prior to issuance of any Engineering or Building permit.

#### 5-7.221 BMP selection.

The City Engineer shall maintain a list of specific BMPs appropriate for construction activities. The Owner shall select from this list BMPs that will effectively reduce stormwater impacts causes by sediments, erosion control, general site management, and materials and waste management. The City Engineer shall have full power and authorize to decide if a BMP is appropriate in mitigating a specific stormwater impact.

#### 5-7.222 Inspection.

The Owner shall conduct self-inspection of the BMPs to insure that they are maintained in a manner that insures maximum effective operation. During the rainy season Owner shall maintain written documentation of these BMPs inspections. This documentation shall show that inspections occurred before every predicted rainfall event, after every rainfall event that produced runoff and at 24-hour intervals during extended rainfall events (excepting weekends or holidays when there is no ongoing site activity on those days).

#### 5-7.223 City maintenance and construction activities element.

This element addresses stormwater quality impact of the City's facilities management, operations, and emergency response activities. This element includes procedures for the following City functions:

- (a) Sanitary Sewer System Operations;
- (b) Public Construction Activities Management;
- (c) Vehicle Maintenance/Material Storage Facilities;
- (d) Landscape and Recreation Facilities Management;
- (e) Storm Drain Operation and Management;
- (f) Street, Roads and Alleys Management;
- (g) Parking Facilities Management;
- (h) Emergency Response

#### 5-7.224 Sanitary sewer system operations.

Procedures shall be developed such that, to the maximum extent practicable, sewage system overflow and leaks are prevented from entering the MS4, blockages, exfiltration and overflows are identified, repaired and remediated, and public health authorities are notified of threats to public health.

#### 5-7.225 Public construction activities management.

Procedures shall be developed such that, to the maximum extent practicable, City construction activities are managed in full compliance with all elements of the Planning and Construction Programs of the article.

#### 5-7.226 Vehicle maintenance/material storage facilities management.

Procedures shall be developed such that, to the maximum extent practicable, sources of pollutants from vehicle maintenance/material storage facilities that may affect the quality of stormwater discharges from these facility are identified and evaluated and BMPs which will reduce or prevent pollutants from entering stormwater discharges are identified and implemented.

#### 5-7.227 Landscape and recreation facilities management.

Procedures shall be developed such that, to the maximum extent practicable, the discharge of pesticides, herbicides and fertilizers to the MS4 is minimized, disposal of landscape waste to the MS4 is prevented, and trash, debris and other pollutants does not enter City recreational water bodies.

#### 5-7.228 Storm drain operation and management.

Procedures shall be developed such that, to the maximum extent practicable, City owned catch basins are inspected and/or cleaned as specified in the Part 4, Section F.5 in the Municipal NPDES Permit, trash and debris is removed from open channels at a minimum of annually, prohibited non-stormwater discharges observed during the course of normal daily activities are reported, investigated and cleaned up or eliminated, and maintenance activities are performed to minimize the amount of pollutants discharged to receiving waters.

#### 5-7.229 Streets, roads and alleys maintenance.

Procedures shall be developed such that, to the maximum extent practicable, curbed street are swept to reduce the discharge of pollutants associated with activities occurring in street and road right of ways, and maintenance activities are performed to minimize the amount of pollutants discharge into the receiving waters. Frequency of street sweeping shall comply with the requirements Part 4 Section F.6 of the Municipal NPDES Permit.

#### 5-7.230 Parking facilities management.

Procedures shall be developed such that, to the maximum extent practicable, all City owned parking lots are maintained to reduce the amount of debris and other pollutant that come in contact with stormwater. Parking lots shall be cleaned as specified in Part 4 Section F.7 of the Municipal NPDES Permit.

#### 5-7.231 Emergency response

Procedures shall be developed such that, to the maximum extent practicable, emergency responses are performed recognizing that public health and safety are the highest priority and appropriate BMPs are incorporated to the extent possible.

#### 5-7.232 Public information and participation element

This element addresses stormwater quality impact of the general public, schools and business communities.

5-7.233 Educational strategy.

The City will develop and implement a comprehensive educational strategy the will target both the general public, schools and business communities that will increase the knowledge of the target audiences regarding the impacts of stormwater pollution on receiving water and provide potential solutions that reduce the impacts.

5-7.234 Interagency cooperation.

The City will work cooperatively and in concert with the County of Los Angeles and other City's in the education of the target audiences.

Article 3. Enforcement

5-7.301 Enforcement.

(a) Violations Deemed a Public Nuisance.

(1) Any condition caused or permitted to exist in violation of any of the provisions of this chapter is hereby determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, may be summarily abated or restored by any authorized enforcement officer, and/or civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

(2) The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs;

(3) If any violation of this chapter constitutes a seasonal and recurrent nuisance, the City Engineer shall so declare. The failure of any person to take appropriate annual precautions to prevent stormwater pollution after written notice of a determination under this subsection shall constitute a public nuisance and a violation of this chapter.

(b) Concealment. Causing, permitting, aiding, abetting or concealing a violation of any provisions of this chapter shall constitute a violation of such provision.

(c) Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court shall grant, as appropriate, any or all of the following remedies: (1) A temporary and/or permanent injunction;

(1) Any condition caused or permitted to exist in violation of any of the provisions of this chapter is hereby determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, may be summarily abated or restored by any authorized enforcement officer, and/or civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

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(2) Assessment of the violator for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

(3) Costs incurred in removing, correcting or terminating the adverse effects resulting from violation;

(4) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

(d) Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the authorized enforcement officer has the authority to utilize the following administrative remedies: Notice to Clean. Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the municipal storm drain system or a nonstormwater discharge to the storm drain system, he/she may give notice, either verbal or written to the owner or occupant of the adjacent property to remove such oil,

earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice. Cease and Desist Orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (1) comply with the requirement, (2) comply with a time schedule for compliance, and (3) take appropriate remedial or preventive action to prevent the violation from recurring.

(e) Penalties. Violation of this chapter shall be punishable as a misdemeanor, punishable as set forth in Section 1-2.01 of this Code. Each day that a violation continues shall constitute a separate offense.

(f) Permit Revocation. To the extent the City makes a provision of this chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

Remedies. Remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

5-7.302 No taking.

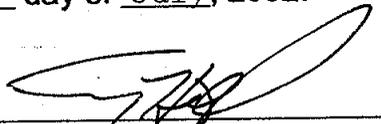
The provisions of this chapter shall not be construed or operate to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional taking without compensation."

SECTION 2. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records and proceedings of the City Council at which the same is passed and adopted. This ordinance shall be published by one insertion in the Easy Reader-Redondo Beach Hometown News, the official newspaper of said City, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 16 day of July, 2002.

  
\_\_\_\_\_  
Gregory C. Hill, Mayor

ATTEST:

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )       SS  
CITY OF REDONDO BEACH       )

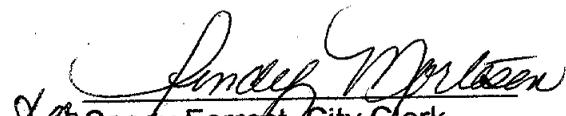
I, Sandy Forrest, City Clerk of Redondo Beach, California, do hereby certify that the foregoing Ordinance No. 2890-02 was duly introduced at a regular meeting of the City Council held on the 2nd day of July, 2002, and was duly approved and adopted at a regular meeting of said City Council held on the 16 day of July, 2002, by the following roll call vote:

AYES:            Bisignano, Gin, Schmalz, Parsons

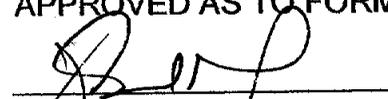
NOES:           None

ABSENT:         None

ABSTAIN:       None

  
\_\_\_\_\_  
Sandy Forrest, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney