

Maywood, California, Code of Ordinances >> Title 6 - SANITATION AND HEALTH >> Chapter 9 - STORM WATER AND URBAN RUNOFF POLLUTION >>

**Chapter 9 - STORM WATER AND URBAN RUNOFF POLLUTION** Sections:

- 6-9.01 - Purpose and intent.
- 6-9.02 - Definitions.
- 6-9.03 - Construction and application.
- 6-9.04 - Prohibited activities.
- 6-9.05 - Exempted discharges, conditionally exempted discharges, or designated discharges.
- 6-9.06 - Good housekeeping provisions.
- 6-9.07 - Requirements for industrial, commercial and construction activities.
- 6-9.08 - Enforcement.
- 6-9.09 - No taking.

**6-9.01- Purpose and intent.**

- (a) Purpose. The purpose of this chapter is to ensure the future health, safety and general welfare of the citizens of the City and the water quality of the receiving waters of the County of Los Angeles and surrounding coastal areas by:
- (1) Reducing pollutants in storm water discharges to the maximum extent practicable;
  - (2) Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of storm water and urban runoff into the Municipal Storm Water System; and
  - (3) Regulating non-storm water discharges to the Municipal Storm Water System.
- (b) Intent. 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) Additional intent. This chapter is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the Municipal Storm Water System over which it has jurisdiction as required by the Municipal NPDES Permit, and thereby fully and timely comply with the terms of the Municipal NPDES Permit while the CSWMP and the WMAP are being developed by the permittees under the Municipal NPDES Permit, and in contemplation of the subsequent amendment of this chapter or adoption by the City of additional provisions of this chapter to implement the subsequently adopted CSWMP and WMAP, or other programs developed under the Municipal NPDES Permit.

*{§ 1. Ord. 96-433, eff. January 22, 1997}*

**6-9.02- Definitions.**

Except as specifically provided herein, 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, then as such term is defined in the federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. The following words and phrases shall have the following meanings when used in this chapter:

- (a) "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.
- (b) "Authorized enforcement officer" means the Chief Administrative Officer of the City of Maywood or his or her designee.
- (c) "Best management practices (BMPs)" means activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges. Examples of BMPs may include public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge-handling or waste-handling and disposal, among others.
- (d) "City" means the City of Maywood.
- (e)

"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.

- (f) "Illicit connection" means any man-made conveyance that is connected to the storm drain system without a permit, excluding gutters, roof-drains and other similar connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.
- (g) "Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all non-storm water discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with the Municipal NPDES Permit.
- (h) "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 any fluid or solid containing chemicals.
- (i) "Municipal NPDES Permit" means the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles" (Order No. 96-054), dated July 15, 1996, issued by the California Regional Water Quality Control Board-Los Angeles Region, and any successor permit to that permit.
- (j) "Municipal separate storm water system" or "MS4" means streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by the City and used for the purpose of collecting, storing, transporting, or disposing of storm water.
- (k) "Non-storm water discharge" means any discharge to a Municipal Storm Water System that is not composed entirely of storm water.
- (l) "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 Sections 13370 (other than the Municipal NPDES Permit).
- (m) "Pollutant" means any of those pollutants defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Examples of pollutants include, but are not limited to the following:
  - (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
  - (2) Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
  - (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
  - (4) Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
  - (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);
  - (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

The term "pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term "pollutant" also shall not include any substance identified in this definition, if through compliance with the best management practices available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the best management practices available.

The term "pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term "pollutant" also shall not include any substance identified in this definition, if through compliance with the best management practices available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the best management practices available.

- (n) "Regional Board" means the California Regional Water Quality Control Board-Los Angeles Region.
- (o) "Storm water runoff" means that part of precipitation (rainfall) which travels via flow across a surface to the storm drain system or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.
- (p) "Urban runoff" means surface water flow produced by non-storm water resulting from residential, commercial, and industrial activities involving the use of potable and nonpotable water.

*(§ 1. Ord. 96-433, eff. January 22, 1997)*

### **6-9.03- Construction and application.**

This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and the Municipal NPDES Permit, and any amendment, revision or reissuance thereof.

*(§ 1. Ord. 96-433, eff. January 22, 1997)*

### **6-9.04- Prohibited activities.**

- (a) Illicit discharges and connections. It is prohibited to commence, establish, use, maintain, or continue any illicit connection to the Municipal Separate Storm Water System or any illicit discharge to the Municipal Separate Storm Water System. This prohibition against illicit connections applies to the use, maintenance, or continuation of any illicit connection, whether that connection was established prior to, or after, the effective date of the ordinance which adopted this section.
- (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 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 paragraph 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 Storm Water System.
- (d) Non-storm water discharges. The following non-storm water discharges into the Municipal Storm Water 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 commercial or municipal swimming pool 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 non-commercial activities which incidentally generate urban runoff, such as the hosing of sidewalks, and the non-commercial hand-washing of cars, shall be excluded from the prohibitions of this chapter;
  - (7) To the maximum extent practicable, discharges to the MS4 from washing impervious surfaces in industrial or commercial areas which results in a discharge of untreated runoff to the MS4, unless specifically required by the State's, the City's, or Los Angeles County's health and safety codes, or permitted under a separate NPDES permit;
  - (8) Discharges from the washing out of concrete trucks into the MS4;
  - (9) Discharges to the Municipal Storm Water System of any pesticide, fungicide, or herbicide that has been or is hereafter banned by the United States Environmental Protection Agency 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 Storm Water 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.

*{§ 1, Ord. 96-433, eff. January 22, 1997}*

#### **6-9.05- Exempted discharges, conditionally exempted discharges, or designated discharges.**

Discharges from those activities specifically identified in, or pursuant to, Part 2, Section II. C of the Municipal NPDES Permit as being exempted discharges, conditionally exempted discharges, or designated discharges shall not violate 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.

*{§ 1, Ord. 96-433, eff. January 22, 1997}*

#### **6-9.06- 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 drains 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.
- (c) Storage of materials, machinery, and equipment. Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the Municipal Separate Storm Water System.
- (d) Removal and disposal of debris from industrial or 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 storm water 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 non-residential 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 Storm Water System.
- (f) Best management practices. Best management practices shall be used in areas exposed to storm water for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.

*{§ 1, Ord. 96-433, eff. January 22, 1997}*

#### **6-9.07- Requirements for industrial, commercial and construction activities.**

Each industrial discharger, discharger associated with construction activity, or other discharger described in any general storm water permit addressing such discharges, 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 Chief Administrative Officer, or his or her designee, prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.

*{§ 1, Ord. 96-433, eff. January 22, 1997}*

#### **6-9.08- 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. In addition, a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought 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 for the recovery of nuisance abatement costs.

- (3) If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Chief Administrative Officer shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after being afforded written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this chapter.
- (b) Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- (c) Civil actions. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, as appropriate, any or all of the following remedies:
  - (1) A temporary or permanent injunction or both a temporary and a permanent injunction.
  - (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 chapter.
  - (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 pursuant to applicable law.
- (d) Civil compliance expenses. It is the intent of the City that any costs and expenses to comply with the NPDES permit, a CSWMP, a WMAP, or any amendments thereto or programs adopted pursuant thereto, shall be borne by the applicant and/or user and not by the City of Maywood. In submitting any application or plan, the applicant shall either deposit sufficient funds to cover the City's processing costs or a detailed explanation as to the timing and method of reimbursement.
- (e) Administrative enforcement powers. In addition to the other enforcement powers and remedies established by this chapter, any authorized enforcement officer has the authority utilize the following administrative remedies:
  - (1) 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 to whom the order is directed shall: (a) comply with the requirement, (b) comply with a time schedule for compliance, and (c) take appropriate remedial or preventive action to prevent the violation from recurring.
  - (2) 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 non-storm water discharge to the Storm Drain System, he or she may give notice 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 remedial activities as described in the notice.
- (f) Penalties. Violation of this chapter is a misdemeanor punishable in accordance with the provisions of Section 1-2.01 of the Maywood Municipal Code. Each day that a violation continues shall constitute a separate offense.
- (g) Permit revocation. To the extent the City makes a provision of this chapter or any identified BMP a condition of approval of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.
- (h) Remedies. Remedies under 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.

*(§ 1, Ord. 96-433, eff. January 22, 1997)*

### **6-9.09- 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.

*(§ 1, Ord. 96-433, eff. January 22, 1997)*

Maywood, California, Code of Ordinances >> Title 6 - SANITATION AND HEALTH >> Chapter 10 - URBAN STORM WATER MITIGATION, MANAGEMENT AND DISCHARGE >>

**Chapter 10 - URBAN STORM WATER MITIGATION, MANAGEMENT AND DISCHARGE** Sections:

- 6-10.01 - Definitions.
- 6-10.02 - Responsibility for administration.
- 6-10.03 - Construction and application.
- 6-10.04 - Elimination of pollutants in storm water.
- 6-10.05 - Prohibited activities.
- 6-10.06 - Requirements for existing properties.
- 6-10.07 - Enforcement.
- 6-10.08 - Urban storm water mitigation plan required.
- 6-10.09 - Content of urban storm water mitigation plan.
- 6-10.10 - Project specific issues to be addressed by the USWMP.
- 6-10.11 - Review of the urban storm water mitigation plan by City.
- 6-10.12 - Filing of the urban storm water mitigation plan.
- 6-10.13 - Waiver.
- 6-10.14 - Public education.
- 6-10.15 - Inspection.
- 6-10.16 - Disclaimer of liability.
- 6-10.17 - Taking.

**6-10.01- Definitions.**

When used in this chapter, the following words and phrases shall have the following meanings:

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

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251.

"Adverse impact" means a detrimental effect on water quality or beneficial uses caused by a discharge of a pollutant or pollutants.

"Area susceptible to runoff" means any surface exposed to precipitation or in the path of runoff caused by precipitation which leads directly to neighboring properties or to the street.

"Authorized enforcement officer" means the City Manager, including any person designated by the City Manager.

"Automotive repair shops" means and includes the following retail businesses which are identified with a Standard Industrial Code (SIC):

- (1) Motor vehicle supplies and new parts as identified by SIC 5013 except if the business has no outside storage of any recycled oil or hazardous materials;
- (2) Tires and tubes as identified by SIC 5014, except if the business does not engage in any outside repair;
- (3) Gasoline service stations as identified by SIC 5541, except if the business does not engage in outside repair work;
- (4) Top, body and upholstery repair shops and paint shops;
- (5) Automotive exhaust repair shops;
- (6) Tire retreading and repair shops;
- (7) Automotive glass replacement shops;
- (8) Automotive transmission shops;

- (9) General automotive repair;
- (10) Automotive repair shops, not elsewhere classified.

"Basin plan" means a water quality plan for a specific watershed area or areas adopted by the Regional Water Quality Control Board.

"Beneficial uses" means existing or potential uses of receiving waters as defined in a basin plan.

"Best management practices (BMP's)" means schedule of activities, prohibition of practices, general good housekeeping practices, pollution practices, maintenance procedures and other management practices which prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMP's also include treatment requirements, operating procedures, design specifications and practices to control site runoff, spillage or leaks, sludge or waste disposal, or draining from raw material storage.

"Board" means the City Council of the City of Maywood.

"Code of Federal Regulations (CFR)" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government of the United States.

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

"County" means the Department of Public Works of the County of Los Angeles.

"Department" means the Department of Public Works of the City of Maywood.

"Discharge" means any release, spill, leak, pumping, flow, escape, dumping, or disposal of any gas, liquid, semi-solid, or solid, or solid substance that is a pollutant or which, constitutes a non-storm water discharge which may adversely affect the beneficial uses of the receiving waters.

"Hazardous material" means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code or any substantial designated pursuant to 40 CFR 302. This also includes any unlisted hazardous substance that is a solid waste, as defined in 40 CFR 261.4(b), or is a hazardous substance under Section 101(14) of the act. If it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

"Hazardous waste" means a hazardous material that is to be discharged, discarded, recycled, and/or reprocessed.

"Illicit connection" means any device through or by which illicit discharges are made into the City's storm drain system, including, but not limited to, floor drains, pipes, or any fabricated or natural conduits.

"Illicit discharge" means any discharge of any substance or material to the City's storm drain system that is not composed entirely of storm water runoff, except for the following:

- (1) Any discharge regulated under an NPDES permit issued to the discharger and administered by the State of California under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or requirements;
- (2) Discharges from the following activities, when properly managed; water line flushing, and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation waters, diverted stream flows, rising ground water, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, residential air conditioning condensation, springs, dechlorinated swimming pool discharges, flows from riparian habitats and wetlands, and fire fighting activities;
- (3) Other discharges permitted by law.

"MS4" means municipal separate storm sewer system.

"New development" means any land disturbing activity, structural development, including the construction or installation of a building or structure, creation of impervious surfaces, and land division.

"NPDES" means the National Pollutant Discharge Elimination System.

"Peak storm runoff rate" means the storm water accumulated and discharged from a property during an average ten (10) minute period in a twenty-five (25) year storm.

"Pollutant" means and includes, but is not limited to, dredged soil; solid waste; incinerator residue; animal wastes; sewage; gray water; garbage; sewage sludge; chemical wastes; biological materials; radioactive materials; wrecked or discarded equipment; rock; sand; cellar dirt; industrial, municipal and agricultural waste discharge; and fertilizers; pesticides; herbicides and fungicides.

"Redevelopment" means any improvement on an already 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 routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. Where redevelopment results in an increase of less than fifty (50%) percent of the impervious surfaces of a previous existing development, and the existing development is not subject to these SUSMP's, the design standards apply only to the addition, and not to the entire development.

"Receiving waters" means all surface water bodies within the county that are identified by the regional board in a basin plan.

"Regional Board" means Regional Water Quality Control Board—Los Angeles.

"Restaurants" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods for immediate consumption.

"Runoff" means any storm water or non-storm water discharge from any property and/or drainage area that reaches the storm drain system and/or receiving waters.

"Standard Industrial Code (SIC)" means a numbering system developed by the U. S. Government, Office of Management and Budget, for the classification of establishments by the type of activity in which they are engaged.

"State Board" means State Water Resources Control Board.

"Storm drain system" means and includes, but is not limited to: those facilities within the City by which storm water may be conveyed to the waters of the United States, including flood control channels, any roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, man-made channels or storm drains which are not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR Section 122.2.

"Structural BMP" means any permanent facility constructed to control, treat, store, divert, neutralize, dispose of, and/or monitor runoff in order to reduce or measure pollution.

"Storm water runoff" means the flow of rainfall run-off or melted snow.

"Subdivision of ten (10) lots or more" means a division of land occurring on one (1) or more parcels which results in the creation of ten (10) or more contiguous parcels which could be developed.

"Urban Storm Water Mitigation Plan (USWMP)" means a plan that evaluates the issues of a site development including run on, runoff, vehicle maintenance, land disturbances, erosion, sediment control, and revegetation and establishes BMP's to control or reduce the discharge of pollutants from the site, both during and after construction.

"U.S. EPA" means United States Environmental Protection Agency.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

### **6-10.02- Responsibility for administration.**

The Office of the City Manager shall administer this chapter.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

### **6-10.03- Construction and application.**

This chapter shall be constructed to assure consistency with the requirements of the Federal Clean Water Act and any amendments or supplements thereto, applicable implementing regulations, and existing or future NPDES Permits and any amendment, revision or reissuance thereof.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

**6-10.04- Elimination of pollutants in storm water.**

- (a) *Polluting activities.* Any person engaged in activities which will or may result in pollutants entering the City's MS4, (e.g., ownership and use of facilities which may be a source of pollutants such as parking lots, all automobile service related shops, restaurants, stores fronting streets, etc.) shall eliminate pollutants to the maximum extent practicable.
- (b) *Sidewalk maintenance.* The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the City in front of which there is a paved sidewalk, shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for disposal of the refuse.
- (c) *Parking lots and similar structures.* Persons owning or operating a parking lot, private street or road or similar road structure shall clean these structures as frequently and thoroughly as practicable in a manner that eliminates the discharge of pollutants to the City storm drain system to the maximum extent practicable.
- (d) *Construction activities—New developments.* The City may adopt regulations establishing controls on the volume and rate of storm water runoff from the construction activities and developments, as may be appropriate to minimize the discharge and transport of pollutants. The City Manager or his/her designee may require any developer or construction contractor performing work in the City to provide a storm water pollution prevention plan prior to beginning such work. Construction activity does not include routine maintenance for the maintain of the original line and grade, hydraulic capacity or original purpose of a facility, or emergency construction activities required to protect the public health and safety.
- (e) *Compliance with best management practices.* Where BMPs, guidelines or requirements have been adopted by any Federal, State, regional and/or local regulation for any activity, operation or facility which may cause or contribute to storm water pollution or illicit discharges to the storm water system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with the guidelines or requirements as may be identified by the City Manager.

(§ 4. Ord. 01-474, eff. February 15, 2001)

**6-10.05- Prohibited activities.**

- (a) *Illicit discharges and connections.* No person shall cause or permit illicit discharges to be made into the City's storm drain system, nor shall any person establish, use or maintain an illicit connection to the City's storm drain system.
- (b) *Littering.* No person shall throw, deposit, place, leave, maintain or 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 accumulation, 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 become a pollutant, except in containers, recycling bags or other lawfully established waste disposal facilities. It shall be illegal to dump, discard, abandon or otherwise deposit any refuse where the natural flow of storm water might carry the same to any such flood water channel or structure, or in any fountain, pond, lake, stream or any other body of water in a park or elsewhere in the City.
- (c) *Blowing debris.* No person shall use or operate any mechanical device to blow leaves, dirt or other debris into or upon any street, alley, sidewalk, parkway, or other public right-of-way.
- (d) *Disposal of landscape debris.* No person shall intentionally dispose of leaves, dirt or other landscape debris into or upon any street, alley, sidewalk, parkway, storm drain, or other public right-of-way.
- (e) *Industrial activities.* No person shall conduct any industrial activity in the City without obtaining all permits required by State or Federal law, including an NPDES General Industrial Activity Storm Water Permit, when required. Each industrial discharger associated with construction activity, or other discharger described in any general storm water permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Control Board, Los Angeles Region, shall provide notice of intent, comply with, and undertake all other activities required by any general storm water permit applicable to such discharges. Persons conducting industrial activities within the City shall refer to the most recent edition of the Industrial/Commercial Best Management Practices Handbook, produced and published by the Storm Water Quality Task Force, for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from industrial activities. Each discharger identified in an individual NPDES Permit relating to storm water discharges shall comply with and undertake activities required by such permit.
- (f) *Discharge in violation of permit.* Any discharge that would result in, or contribute to a violation of NPDES Permit No. CA5614001, available for viewing at the City of Maywood, City Hall, City Clerk's office, and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for such discharge shall be the responsibility of

the person(s) causing or responsible for the discharge and such person(s) shall indemnify and hold harmless the City in any administrative proceeding, judgement, or enforcement action relating to such discharge.

- (g) Discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or other types of automotive service facilities are cleaned is prohibited.
- (h) Discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, pet grooming and other such mobile commercial and industrial operation is prohibited.
- (i) 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 prohibited.
- (j) Discharges of untreated runoff to the MS4 from storage area of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials is prohibited.
- (k) Discharge of commercial/municipal swimming pool filter backwash to the MS4 is prohibited.
- (l) Discharge of untreated runoff from washing of toxic materials from paved or unpaved areas to the MS4 is prohibited.
- (m) Washing of impervious surfaces in industrial or commercial areas which results in a discharge of untreated runoff to the MS4. This is prohibited or shall be controlled to the maximum extent practicable, unless specifically required by State or local health and safety codes.
- (n) Discharge from washing concrete trucks to the MS4 is prohibited.
- (o) Industrial or commercial motor vehicle parking lots, with more than twenty-five (25) parking spaces, that are located in areas potentially exposed to storm water shall be swept or other equally effective measures taken, to remove debris on a regular basis.
- (p) The placement of machinery/equipment that is to be repaired or maintained shall be such that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.
- (q) Illicit discharges and illicit connections to the MS4 are prohibited. Illicit connections shall be removed.
- (r) In order to control spills, dumping or disposals of materials, to the MS4 the following are prohibited:
  - (1) Littering;
  - (2) The disposal of leaves, dirt, and other landscape material into a storm drain;
  - (3) The discharge to the MS4 of any pesticide, fungicide, or herbicide;
  - (4) Improper disposal of food wastes;
  - (5) The disposal of hazardous wastes into trash containers used for municipal trash disposal so as to cause a discharge to the MS4;
  - (6) In areas exposed to storm water, the removal of and unlawful disposal of all fuels, chemicals, fuel and chemical wastes, garbage, batteries, and other materials which have potential adverse effects on water quality.

(§ 4, Ord. 01-474, eff. February 15, 2001)

#### 6-10.06- Requirements for existing properties.

Any owner or occupant of property within the City shall comply with the following requirements:

- (a) *Use of water.* Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. In addition, washing down of paved surfaces is prohibited unless necessary for health or safety purposes as determined by the City Manager, and if not in violation of any other provision of this Code. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extent practicable.
- (b) *Storage of materials, machinery and equipment.*
  - (1) Objects, such as motor vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.
  - (2) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.
- (c) *Gray water.* The discharge of gray water to the street or storm drain is prohibited.  
(§ 4, Ord. 01-474, eff. February 15, 2001)

#### 6-10.07- Enforcement.

- (a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the officer may, upon consent or upon obtaining an inspection warrant, enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter.

- (b) Routine or area inspections shall be based upon such reasonable selection process as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, discharges of non-storm water into the City's storm drain system, discharges which are not pursuant to an NPDES permit or similar factors.
- (c) For the first failure to comply with any provision of this chapter, the City Manager, or his or her designee, shall issue to the person believed to be the violator, a written notice, which includes the following:
  - (1) A statement specifying the violation committed;
  - (2) A specified time period within which the affected person shall correct the failure or file a written notice disputing the notice of violation;
  - (3) A statement of the penalty for continued noncompliance.
- (d) Each subsequent failure to comply with any provision of this chapter following written notice issued pursuant to subsection (c) of this section, shall constitute an infraction punishable as provided in Section 1-2.04 of the Maywood Municipal Code. Each day during which a person fails to comply with the provisions of this chapter following written notice shall constitute a separate offense.
- (e) A violation of any provision of this chapter is declared a public nuisance, and the City Attorney is authorized to abate such violation by means of a civil action.
- (f) The penalties and remedies established by this section shall become accumulative.  
(§ 4, Ord. 01-474, eff. February 15, 2001)

#### **6-10.08- Urban storm water mitigation plan required.**

Projects submitted to the City of Maywood for approval by the Planning Department or the Building and Safety Department for new construction or redevelopment of a property in the City of Maywood in the following classifications shall prepare an USWMP prior to the issuance of grading or building permits for the project.

- (a) Automotive repair shops;
- (b) Subdivision into ten (10) or more residential lots;
- (c) Commercial development that create 100,000 square feet of impervious coverage, including parking lots and roof areas;
- (d) Restaurants;
- (e) Retail gasoline outlets;
- (f) Parking lots.  
(§ 4, Ord. 01-474, eff. February 15, 2001)

#### **6-10.09- Content of urban storm water mitigation plan.**

The USWMP required by this section shall be prepared by a Registered Civil Engineer, Licensed Architect, Landscape Architect or any other professional knowledgeable about storm water management issues and shall evaluate and propose BMP's to address each source of pollutants identified by the project evaluation. As a minimum the designer shall address the BMP's listed in the Commercial Site Visit Program, for the proposed use of the site, as approved by the Regional Water Quality Control Board—Los Angeles by Resolution 98-08 on April 13, 1998. All USWMP's shall contain the following elements:

- (a) *Peak storm water runoff rate.* Peak runoff rate shall not exceed predevelopment levels.
- (b) *Provide storm drain system stenciling and signage.* All storm drain inlets from a project shall be clearly labeled to indicate that no dumping is permitted, drains to ocean. Labels shall be maintained at least every three (3) years.
- (c) *Conserve natural areas.* The development of properties shall preserve natural areas or pervious areas to the maximum extent practical. The pervious areas shall be used for treatment of runoff, as a recharge area, or as passive or active open space.
- (d) *Proper design of trash storage areas.* Trash enclosure areas shall not be designed in the path of drainage nor shall roof drainage downspouts discharge to the trash enclosure.
- (e) *Vehicle/equipment wash area.* If the project includes vehicle/equipment wash areas the design shall include roof to prevent rainwater from entering the area along with berms to prevent site drainage from entering the wash area. The wash area shall be connected to the sanitary sewer.
- (f) *Proof of ongoing maintenance.* The plan shall incorporate record keeping standards to document maintenance of structural BMP's to assure ongoing operation of the systems. Records shall be maintained for three (3) years. The records shall be available for inspection upon request by the City Engineer or the designated agent.  
(§ 4, Ord. 01-474, eff. February 15, 2001)

**6-10.10- Project specific issues to be addressed by the USWMP.**

In addition to the six (6) items listed in Section 11.12.542 BGMC, the following projects must also consider issue unique to the occupancy:

- (a) *Automotive repair shops.*
  - (1) *Properly designed fueling areas.* Fueling facilities for a new automotive repair project shall be constructed in compliance with the Service Station Managers Association Guidelines.
  - (2) *Proper design of outside material storage areas.* Areas used for storage of vehicles under repair or for storage of spare parts shall be designed to minimize, to the greatest extent practicable, the exposure of stored parts or vehicles to rainfall.
  - (3) *Proper design of repair/maintenance bays.* Repair/maintenance bays shall be designed to allow for collection of all fluid spills and floor wash down runoff and provide for the proper discharge of these fluid to the sanitary sewer system. Automotive fluids and greases shall not be discharged to areas exposed to rainfall.
  - (4) *Properly designed loading and unloading areas.* Loading and unloading of materials and vehicles shall be handled to limit the discharge of pollutants to the storm drain system. Spill prevention and cleanup materials shall be maintained on site and staff shall be trained in its proper use.
- (b) *Residential subdivisions of ten (10) or more lots.*
  - (1) *Mitigate storm water runoff.* The project shall use, to the greatest extent practicable, pervious surfaces for drainage structures, walkways, parking areas and recreation facilities. The project shall also evaluate the feasibility of reducing impervious surfaces, to the greatest extent practical, by reducing street widths, reducing sidewalk areas, and limiting impervious site improvements.
- (c) *100,000 square foot commercial developments.*
  - (1) *Mitigate storm water runoff.* The project shall use, to the greatest extent practicable, pervious surfaces for drainage structures, walkways, parking areas and recreation facilities. The project shall also evaluate the feasibility of incorporating infiltration and treatment BMP's into the project design.
  - (2) *Proper design of outside material storage areas.* Areas used for storage of raw materials or for storage of finished products or merchandise shall be designed to minimize, to the greatest extent practicable, the exposure of stored materials to rainfall.
  - (3) *Proper design of repair/maintenance bays.* Repair/maintenance bays shall be designed to allow for collection of all fluid spills and floor wash down runoff and provide for the proper discharge of these fluid to the sanitary sewer system. Automotive fluids and greases shall not be discharged to areas exposed to rainfall.
  - (4) *Properly designed loading and unloading areas.* Loading and unloading of materials and equipment shall be handled to limit the discharge of pollutants to the storm drain system. Spill prevention and cleanup materials shall be maintained on site and staff shall be trained in its proper use.
- (d) *Restaurants (SIC 5812).*
  - (1) *Properly designed equipment/accessory wash areas.* Projects in this SIC shall be designed with an area for the washing of floor mats and other large equipment that is connected to the sanitary sewer system. The area shall be roofed to prevent the entrance of rainwater or shall be designed to activate a valve to transfer the discharge from the storm drain to the sanitary sewer when mats or equipment are being washed. The operator may, upon submission of substantial proof, eliminate the wash area if no floor mats or equipment will be washed outside.
  - (2) *Proper design of outside storage areas.* Projects shall be designed to limit, to the greatest extent practicable, the exposure to rainfall or rainwater runoff for materials stored outside of the building. This provision shall apply to, but is not limited to, the storage of fryer fat stored for recycling, cardboard or paper storage intended for recycling, and waste food products stored for recycling.
- (e) *Retail gasoline outlets.*
  - (1) *Properly designed fueling areas.* Fueling facilities for a new retail gasoline outlets project shall be constructed in compliance with the Service Station Managers Association Guidelines.
  - (2) *Proper design of outside material storage areas.* Areas used for storage of products or merchandise shall be designed to minimize, to the greatest extent practicable, the exposure of stored materials to rainfall.
  - (3) *Proper design of repair/maintenance bays.* Repair/maintenance bays shall be designed to allow for collection of all fluid spills and floor wash down runoff and provide for the proper

discharge of these fluid to the sanitary sewer system. Automotive fluids and greases shall not be discharged to areas exposed to rainfall.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

#### **6-10.11- Review of the urban storm water mitigation plan by City.**

The City shall review the USWMP to assure that all elements of the plan have been addressed and that the applicant has identified the BMP's necessary to protect the MS4. The Director or his designee shall identify any deficiencies in the plan and return it to the applicant for modification. When the plan is found to comply with the provisions of this section the grading or building permits may be issued for the project. If, during construction, the plan is found to be deficient by the City or any other interested party the applicant shall amend the plan to address the deficiency.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

#### **6-10.12- Filing of the urban storm water mitigation plan.**

Upon acceptance of the USWMP by the City the applicant shall file a signed original of the plan with the County Recorder. The document shall contain sufficient legal description to identify the property covered and shall be binding on the applicant and all successors in interest to the property. The form shall be provided by the City and shall only be amended or removed from title with the consent of the City.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

#### **6-10.13- Waiver.**

If after evaluating the issues related to a project the designer determines that all BMP's are impractical for their project a waiver may be granted. The waiver for impracticability shall only be granted when all other structural or treatment BMP's have been considered and rejected as infeasible. The following situations will be recognized as grounds for an impracticability waiver:

- (a) Extreme limitations of space for treatment on a redevelopment project.
- (b) Unfavorable or unstable soils conditions at a site to attempt infiltration.
- (c) Risk of ground water contamination because a known unconfined aquifer lies beneath the site or an existing or potential underground source of drinking water is less than ten (10) feet from the soil surface.

The Regional Water Quality Control Board—Los Angeles must approve any justification not identified above, upon application by the City before a waiver for impracticability may be approved by the City. A waiver granted by the City may be revoked by the Regional Board's Executive Officer for cause with proper notice upon petition. Any waivers granted for impracticability shall be filed as required by Section 6-10.12.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

#### **6-10.14- Public education.**

Storm Water and Urban Runoff Pollution Educational Program. The City Engineer, along with other City departments, shall conduct an informational program to educate the public about the dangers of runoff pollution and the means of controlling such pollution. The program shall educate residents and business persons that operate within the City about the contents of this chapter. The Public Education Program may be conducted in conjunction with the countywide NPDES educational effort.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

#### **6-10.15- Inspection.**

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever any officer authorized by the City Manager to enforce this chapter has reasonable cause to believe that there exists in any building or upon any premises a condition which constitutes a violation of the provisions of this chapter, the officer may, in a manner prescribed by law, enter such building or premises at all reasonable times to inspect the same or perform any duty necessary to enforce this chapter.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

#### **6-10.16- Disclaimer of liability.**

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herewith are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the City, or any officer, employee, or agents thereof, and for damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*

#### **6-10.17- Taking.**

The provisions of this chapter shall not operate to deprive any property owner of any constitutionally protected right. If a property owner claims that the application of this chapter to a specific project would deprive the property owner of a constitutionally protected right, then such property owner shall make application to the City and the City may allow additional land uses, but only to the extent necessary to avoid depriving the property owner of a proven constitutionally protected right. In any such application the burden shall be on the property owner to demonstrate that strict application of this chapter would cause the deprivation of a constitutionally protected right. Such additional land uses shall be consistent with and carry out the purposes of this chapter as set forth herein, and shall not be inconsistent with any other Federal, State, or local laws, including, but not limited to the City's General Plan.

*(§ 4, Ord. 01-474, eff. February 15, 2001)*