

Los Angeles County Municipal Storm Water Permit**City of Industry Individual Annual Report
Attachment F – Development Planning Program**

IV. C. 1. Development Planning Program - Attach examples showing how storm water quality impacts were addressed in environmental documents for projects over the past year. An Initial Study is prepared for every project proposed within the City of Industry. Depending on the level of potential impacts the project will have on the environment, a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report (EIR) is prepared. Two EIRs have been prepared for projects in the City of Industry in the past year. The proposed NFL Stadium and the Puente Hills Intermodal Facility.

Question A (Section 3.8) of the Initial Study asks whether a project would “violate any water quality standards or waste discharge requirements” The following are examples of analysis given for the standard development plan submitted to the City for approval: In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act {CWA} was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p), which established a framework for regulating municipal and industrial storm water discharges under the NPDES Program. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) published final regulations that established storm water permit application requirements for specified categories of industries. The regulations provide that discharges of storm water to waters of the United States from construction projects that encompass five (5) or more acres of soil disturbances are effectively prohibited unless the discharge is in compliance with an NPDES Permit.

On March 8, 2000 the Standard Urban Storm Water Mitigation plan (SUSMP) for Los Angeles County was approved by the Executive Officers of the California Regional Water Quality Control Board of Los Angeles (RWQCB-LA). January 11, 2001 Ordinance No. 660 was passed adding a new chapter to the Industry Municipal Code. Specific regulations of the added Chapter (17.17) are relevant to proposed projects. The proposed projects are subject to the added chapter, as the development plan calls a parking lot meeting the criteria of the section 13.17.200 G. (development of a parking of 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff). To comply with the regulations, the proposed projects must incorporate specific design criteria. In the planning of parking lots, impervious land coverage shall be minimized, effective treatment or infiltration shall be provided for storm water before it is discharged into the storm drains, and use of operational and maintenance measures to remove heavy metals, oil and grease and polycyclic aromatic hydrocarbons shall be incorporated.

In 1992, the Ninth Circuit court remanded for further proceedings portions of EPA's existing Phase I storm water regulations related to discharges from large construction activity (NRDC v. EPA, 966 F.2d at 1292). EPA responded to the court's decision by designating under Phase II storm water discharges from construction activity disturbing less than 5 acres as sources that should be regulated to protect water quality. The Phase II Rule designates these sources as “storm water discharges associated with small construction activity,” rather than as another category under “storm water associated with industrial activity.” Phase II became final on December 8, 1999 with small construction permit applications due by March 10, 2003.

Los Angeles County Municipal Storm Water Permit

This Construction General Permit for Small Construction Activities requires all discharges where construction activity disturbs one (1) to five (5) acres or more to:

1. Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMP) that would prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters.
2. Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation.
3. Perform inspections of all BMPs.

The SWPPP emphasizes the use of appropriately selected, correctly installed and maintained pollution reduction BMPs. This approach provides the flexibility necessary to establish BMPs that can effectively address sources control of pollutants during changing construction activities. The SWPPP must be implemented at the appropriate level to protect water quality at all times throughout the life of the project. Non-storm water BMPs must be implemented year round. The SWPPP shall remain on the site while the site is under construction, commencing with the initial mobilization and ending with the termination of coverage under the permit.

The SWPPP has two major objectives: (1) to help identify sources of sediment and other pollutants that affect the quality of storm water discharges and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in the storm water as well as non-storm water discharges. The SWPPP must include BMPs that address source control and, if necessary, shall also include BMPs that address pollutant control.

Required elements of a SWPPP include: (1) site description addressing the elements and characteristics specific to the site, (2) descriptions of BMPs erosion and sediment controls, (3) BMPs for construction waste handling and disposal, (4) implementation of approved local plans, (5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements, and (6) non-storm water management.

On August 8, 2002 the City of Industry adopted Ordinance 683 which requires projects to meet the requirements of the Los Angeles County SUSMP. A SWPPP must be on-site and BMPs implemented during construction activities. A Maintenance Covenant must be provided to ensure that all current and future property owners are aware that the site contains structural and/or permanent treatment control BMPs that must be maintained and remain operational. The City receives access rights to enter the property to maintain any and all permanent, post-construction BMPs.