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La Puente, CA Code of Ordinances

Title 4 HEALTH AND SANITATION

Chapter 4.16 STORMWATER AND URBAN RUNOFF  
POLLUTION PREVENTION\*

## Chapter 4.16 STORMWATER AND URBAN RUNOFF POLLUTION PREVENTION\*

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### **4.16.010 Title.**

This chapter shall be known as the City of La Puente Storm Water and Urban Runoff Pollution Prevention Chapter.

(Ord. 809 § 1, 2003)

#### **4.16.020 Purpose and intent.**

The purpose of this chapter is to protect and improve water quality of receiving waters by:

- (a) Reducing illicit discharges to the municipal storm water system to the maximum extent practicable.
- (b) Eliminating illicit connections to the municipal storm water system.
- (c) Eliminating spillage, dumping, and disposal of pollutant materials into the municipal storm water system.
- (d) Reducing pollutant loads in storm water and urban runoff from land uses and activities identified in the municipal NPDES permit.

(Ord. 809 § 1, 2003)

#### **4.16.030 Definitions.**

For the purpose of the provisions of this chapter concerning water quality hereinafter set forth, the following words and phrases shall be construed to have the meanings set forth, unless it is apparent from the context that a different meaning is intended:

"Best management practice" or "BMP" means any program, technology, process, siting criteria, operating method, measure, or device which controls, prevents, removes, or reduces pollutants in storm water and non-storm water runoff.

"Commercial facility" means restaurants, automotive service facilities, automotive dealerships and retail gasoline station outlets or any other definition provided in the municipal NPDES permit or Storm Water Quality Management Plan.

"Clean Water Act," means the Federal Water Pollution Control Act as amended, 33 U.S.C. Section 1251, et seq.

"Executive officer" means Executive Officer of the California Regional Water Quality Control Board, Los Angeles.

"Illicit connection" means any device through or by which an illicit discharge is conveyed into the municipal storm water system without a permit, including but not limited to floor drains, pipes or any fabricated or natural conduits, excluding roof drains which convey

only storm water.

"Illicit discharge" means the entry of any material other than storm water unless such discharge is exempted under the municipal NPDES permit, is allowed under a separate NPDES permit, including but not limited to a point source permit, a General Industrial Activity Storm Water permit, or a General Construction Activity Storm Water permit, or is allowed by the executive officer.

"Industrial activity" means any of the ten classifications of industrial facilities specified in 40 C.F.R. § 122.26 (b)(14), defined by Standard Industrial Classification (SIC) and which is required to obtain a NPDES permit, not including construction activities.

"Maximum extent practicable" means, within the context of BMP selection, choosing effective BMPs, and rejecting applicable BMPs only; (1) where effective BMPs will serve the same purpose, (2) the BMPs would not be technically feasible, or (3) the cost would be prohibitive.

"Municipal NPDES permit" means California Regional Water Quality Control Board, Los Angeles Region, Order No. 01-182, NPDES Permit No. CAS004001, waste discharge requirements for municipal storm water and urban runoff discharges within the County of Los Angeles, and the incorporated cities therein, except the City of Long Beach, and any amendment thereto or re-issuance thereof.

"Municipal Separate Storm Sewer System" (referred to herein as "MS4"), means those facilities within the city by which storm water discharge is conveyed to waters of the United States, including but not limited to flood control channels, roads with drainage systems, alleys, streets, catch basins, grates, inlets, curbs, gutters, ditches, storm drains, canals, pipes, and fabricated and natural channels.

"Non-storm water discharge" means any fluid discharge to the storm drain system and/or receiving waters that is not composed entirely of storm water but may not necessarily be an illicit discharge.

"NPDES" or "National Pollutant Discharge Elimination System" means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq., that authorizes discharges to waters of the United States.

"Owner" as applied to a building or real property, means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or real property.

"Person" means, within the context of this chapter, any natural person, firm, association, organization, partnership, business trust, corporation, or company.

"Pollutant" means the same as it is defined in California Water Code § 13373 and includes but is not limited to garbage, debris, lawn clippings, leaves, fecal waste, biological waste, sediment, sludge, manure, fertilizers, pesticides, oil, grease, gasoline, paints, solvents, cleaners, and any fluid or solid containing toxic or non-toxic chemicals, metals, including batteries.

"Receiving waters" means rivers, lakes, oceans, or other bodies of water that receive runoff.

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to 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 appointed members of the California Regional Water Quality Control Board, Los Angeles Region.

"Runoff" means the portion of rainfall or irrigation water or other water activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

"State board" means the State Water Resources Control Board of the California Environmental Protection Agency (hereinafter "SWRCB").

"Storm water runoff" means any surface water flow produced by rain or snow melt.

"Storm Water Quality Management Program" means the Los Angeles Countywide Stormwater Quality Management Program, which includes descriptions of programs, collectively developed by the permittees in accordance with provisions of the NPDES permit, to comply with applicable federal and state law, as the same is amended from time to time.

(Ord. 809 § 1, 2003)

#### **4.16.040 Illicit discharges, dumping, and non-storm water discharges.**

- (a) No person shall cause or allow an illicit discharge to enter the municipal storm water system.
- (b) No person shall place, dump, dispose, litter, accumulate, maintain, discharge, or cause to enter into the MS4 any pollutant or any foreign object such as batteries, tires, waste receptacles, yard debris, refuse, rubbish, food waste, chemicals, animal waste or oil cans, which are also considered illicit discharges.
- (c) Any person causing an illicit discharge to the MS4 may be required to pay for the cost of clean-up and remediation.
- (d) Any owner of any private property from which a non-storm water discharge is observed may be required to pay for the cost of collecting and analyzing the discharge to determine if it is an illicit discharge.
- (e) The following non-storm water discharges are not considered illicit discharges:

(1) Discharges determined by the executive officer not to be significant sources of pollution, including but are not limited to: natural springs and rising ground water; flows from riparian habitats or wetlands; stream diversions, permitted by the State Board; and uncontaminated ground water infiltration (as defined by 40 C.F.R. 35.2005(20)); reclaimed and potable landscape irrigation runoff; potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices); drains for foundations, footings, and crawl spaces; air conditioning condensate; dechlorinated/debrominated swimming pool discharges; dewatering of lakes and decorative fountains; non-commercial car washing by residents or by non-profit organizations; and sidewalk rinsing.

(2) Discharges specifically allowed under a separate NPDES permit, including but not limited to, a General Industrial Storm Water Activity permit or General Construction Storm Water Activity permit.

(Ord. 809 § 1, 2003)

#### **4.16.050 Illicit connections.**

- (a) No person shall maintain or intentionally use a connection that operates to convey an illicit discharge to the municipal storm water system.

(b) Upon discovery of an illicit connection, the person owning or operating such connection shall either remove it or render it incapable of conveying an illicit discharge.

(c) If any person fails to eliminate an illicit connection after being called upon by the city to do so, the city manager or his or her designee(s), shall impose appropriate measures to remove or disable the illicit connection and may recover the costs from the owner of such illicit connection.

(Ord. 809 § 1, 2003)

#### **4.16.060 Reduction of pollutants in runoff.**

No person shall cause or threaten to cause the discharge of pollutants to the MS4 by exposing such pollutants to storm water runoff.

(Ord. 809 § 1, 2003)

#### **4.16.070 Control of pollutants from commercial facilities.**

Subject commercial facilities shall implement BMPs prescribed by the regional board or its executive officer, through programs or actions made pursuant to the municipal NPDES permit, as called for more particularly in the city's Storm Water Quality Management Program, or any revisions made thereto.

(Ord. 809 § 1, 2003)

#### **4.16.080 Control of pollutants from industrial activities.**

(a) It shall be a violation of this chapter for any industry in the city that is subject to waste discharge requirements specified in the SWRCB Water Quality Order No. 97-03DWQ, Permit No. CAS00001, any revision or a re-issuance thereof, to operate without a General Industrial Activities Storm Water NPDES permit.

(b) Industries that require a General Industrial Activities Storm Water NPDES permit shall retain on-site the following documents: (1) a copy of the notice of intent for general permit to discharge storm water associated with industrial activity; (2) a waste discharge identification number issued by the SWRCB; and/or (3) a storm water pollution prevention plan and monitoring program plan.

(c) Any industry in the city requiring a General Industrial Activities Storm Water NPDES permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the

documents described in subsection (b) of this section.

(Ord. 809 § 1, 2003)

**4.16.090 Control of pollutants from other industrial facilities.**

Industrial facilities not subject to the General Industrial Activities Storm Water NPDES permit but are subject to pollution control requirements under the municipal NPDES permit, shall implement BMPs prescribed by the regional board or its executive officer, through programs or actions made pursuant to the municipal NPDES permit.

(Ord. 809 § 1, 2003)

**4.16.100 Control of pollutants from state permitted construction activities.**

(a) No person shall be granted a grading permit or shall commence or continue any construction activity that is subject to an General Construction Activity Storm Water NPDES permit without showing proof of having applied for such permit.

(b) Any person engaged in a construction activity requiring an NPDES General Construction Activity Storm Water NPDES permit construction permit shall retain at the construction site the following documents: (1) a copy of the notice of intent to comply with terms of the general permit to discharge water associated with construction activity; (2) a waste discharge identification number issued by the SWRCB; (3) a storm water pollution prevention plan and monitoring program plan for the construction activity requiring the construction permit; and (4) records of all inspections, compliance and non-compliance reports, evidence of self-inspection and good housekeeping practices.

(c) Any person engaged in a construction activity in the city requiring a NPDES General Construction Storm Water Activity permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the documents specified in subsection (b) of this section and shall retain said documents for at least three years after completion of construction.

(Ord. 809 § 1, 2003)

**4.16.110 Control of pollutants from other construction activities.**

Any person engaged in a construction activity that is not subject to

the General Construction Storm Water Activity NPDES permit but is subject to the municipal NPDES permit, shall comply with all requirements specified in the Storm Water Management Quality Program, including any revisions made thereto.

(Ord. 809 § 1, 2003)

#### **4.16.120 Control of pollutants from new developments/redevelopment projects.**

(a) Prior to the construction of a new development or redevelopment project, the subject project shall be evaluated for its potential to discharge pollutants to the MS4, based on its intended land use and other considerations. Such evaluation shall be conducted in accordance with development planning requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit, as specified in the city's Storm Water Quality Management Program including any revisions made thereto.

(b) Once a new development or redevelopment project has been evaluated for its potential to discharge pollutants to the MS4, the city shall require appropriate BMPs to be installed during construction for implementation following project completion. The prescription of such BMPs shall be in keeping with development planning requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit, as specified in the city's Storm Water Quality Management Program, including any revisions made thereto.

(Ord. 809 § 1, 2003)

#### **4.16.130 Enforcement.**

(a) The following violations shall be deemed to be a public nuisance:

(1) Any condition caused or permitted to exist in violation of this chapter;

(2) Any of the provisions of this chapter;

(3) Any failure to comply with a certification or verification provided by a person or the person's successor interest; or

(4) Any failure to properly operate and maintain any BMP on a property as called for in the municipal NPDES permit and as more specifically required in the city's Storm Water Quality Management Program and which shall also be construed to be a threat to the public health and safety and may be abated or restored by any authorized

enforcement officer in accordance with procedures set forth in Chapter 3.20 in this code, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the city attorney.

(b) 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.

(c) If any violation of this chapter constitutes a seasonal and recurrent nuisance, the city manager or his or her designee(s) shall so declare. The failure of any person to take appropriate annual precautions to prevent runoff pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this chapter.

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

(e) In addition to any other remedies provided in this section, any violation of this section may be enforced by a 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 and/or 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 subsection;

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

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

(f) In addition to the other enforcement powers and remedies established by this chapter, any authorized enforcement officer has the authority to impose 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, practice, or operation likely to cause such discharge, and direct that those persons not complying to: (1) comply with the requirements; (2) comply with a time schedule for compliance; and (3) take appropriate remedial or

preventive action to prevent the violation from persisting or recurring.

(2) Notice to Clean. Whenever an authorized enforcement officer finds any material, including oil, earth, dirt, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, or waste in or upon the sidewalk abutting or adjoining any parcel of land or upon any parcel of land or grounds, which may result in the transport of pollutants or illicit discharges to the MS4, he or she may give notice to the owner or occupant of the adjacent property to remove such materials. The recipient of such notice shall undertake the activities as described in the notice.

(3) Penalties. Any person who violates any provision of this chapter or fails to comply with any of the requirements of this chapter shall be guilty of a misdemeanor, which shall be punishable as provided in § 1.08.110 of this code; provided, however, that the city attorney may determine that such violation should be prosecuted as an infraction. Each and every day, or any part thereof, during which any such violation is committed, continued or allowed, shall constitute a separate offense.

(4) 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.

(5) 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.

(Ord. 798 § 7, 2000; Ord. 741 § 1 (part), 1996)

(6) 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.

(Ord. 809 § 1, 2003; Ord. 741 § 1 (part), 1996)

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