

CHAPTER 52: STORM WATER RUNOFF

Section

General Provisions

- 52.01 Purpose and intent
- 52.02 Definitions
- 52.03 Illicit discharges and connections
- 52.04 Illicit disposal
- 52.05 Construction sites requiring a building permit and/or a grading plan
- 52.06 Industrial site activity
- 52.07 Nuisance; abatement
- 52.08 Reimbursement to city of expenses
- 52.09 Fees

Administration and Enforcement

- 52.20 Responsibility for administration
- 52.21 Notification
- 52.22 Littering
- 52.23 Use of discontinued or banned chemicals
- 52.24 Pollutant source reduction
- 52.25 Inspection and enforcement

- 52.99 Penalty

GENERAL PROVISIONS

§ 52.01 PURPOSE AND INTENT.

The purpose of this chapter is to protect the health, safety and general welfare of the citizens of the city, and to reduce the quantity of pollutants being discharged to the waters of the United States by:

(A) Eliminating non-stormwater discharges to the municipal storm drain system.

(B) Eliminating pollutants in stormwater and urban runoff to the maximum extent practicable.

(C) Eliminating the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity, unless permitted under a separate NPDES permit.

(D) Prohibiting illicit discharges and illicit connections to the MS4 and requiring removal of illicit connections.

(E) Controlling spills, dumping, or disposal of materials to the MS4.

(F) Protecting and enhancing the quality of the waters of the United States in a manner consistent with the provisions of the Clean Water Act. ('64 Code, § 11B-1) (Ord. 851, passed 6-8-95; Am. Ord. 915, passed 1-12-01)

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

40 CFR. Title 40 of the Code of Federal Regulation.

AUTHORIZED ENFORCEMENT OFFICER. The Director of Public Works of the city, including any person designated by the Director to enforce the provisions of this chapter.

AUTOMOTIVE REPAIR SHOP. A facility that is categorized in any one of the following Standard Industrial Classification Codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.

BEST MANAGEMENT PRACTICES (BMPS).

Any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs shall include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity; and those measures identified by the City Engineer and/or the Public Works Director.

CEQA. The California Environmental Quality Act, Cal. Pub. Res. Code §§ 21000 et seq., and the regulations thereunder.

CITY. The City of Santa Fe Springs.

CLEAN WATER ACT or CWA. The Federal Water Pollution Control Act, amended in 1977 as the Clean Water Act (Title 33 U.S.C. 1251 et seq.), and amended in 1987 to establish new controls on industrial and municipal stormwater discharges, and any and all subsequent amendments thereto.

CODE. The Municipal Code of the City of Santa Fe Springs.

CONSTRUCTION ACTIVITY. Clearing, grading or excavation that results in soil disturbance. **CONSTRUCTION ACTIVITY** does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility; nor does it include emergency construction activities required to immediately protect public health and safety.

CONTROL. To minimize, reduce or eliminate (by technological, legal, contractual or other means) the discharge of pollutants from an activity or activities.

DECHLORINATED/DEBROMINATED SWIMMING POOL DISCHARGES. Swimming pool discharges which have no measurable chlorine or bromine and do not contain any detergents, wastes or additional chemicals not typically found in swimming pool water. The term **SWIMMING POOL DISCHARGES** does not include swimming pool filter backwash.

DIRECTOR. The City of Santa Fe Springs Director of Public Works, or his or her designee.

DISCHARGE. Any release, spill, leak, disposal, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or discarding of any liquid, semi-solid or solid substance, or combination thereof.

DISTURBED AREA. That area altered as a result of clearing, grading, and/or excavation of earth.

ENVIRONMENTALLY SENSITIVE AREA (ESA). 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 (Cal. Pub. Res. Code § 30107.5). Areas subject to stormwater 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.

HAZARDOUS SUBSTANCE. Any hazardous substance as that term is defined under Cal. Health and Safety Code §§ 25281(g), 25501(o) and 25501.1, and pursuant to Title 42, § 9601(14) of the United States Code; any **HAZARDOUS WASTE** as defined under Title 42, § 6903(5) of the United States Code, and under Cal. Health and Safety Code § 25550(p); any **HAZARDOUS MATERIAL** as defined under Cal. Health and Safety Code § 25501(n); any chemical the Governor of California has identified as one known to cause cancer or reproductive toxicity, pursuant to Cal. Health and Safety Code, § 25249.8; and any crude oil or refined or unrefined petroleum product, or any fraction or derivative thereof, and any asbestos or asbestos-containing material. The term **HAZARDOUS SUBSTANCE** includes any amendments to the above-referenced statutes and regulations.

HAZARDOUS WASTE. A hazardous substance or hazardous material that is to be discharged, discarded, recycled or processed.

HILLSIDE PROPERTY. Property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater.

ILLICIT CONNECTION. Any direct or indirect physical connection to the municipal storm drain system that has not been permitted by the city, the county, or the Los Angeles Regional Water Quality Control Board.

ILLICIT DISCHARGE. 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-stormwater discharges except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit, discharges that are listed within this chapter as exempt and discharges authorized by the Regional Board Executive Officer.

ILLICIT DISPOSAL. Any disposal of materials or wastes, either intentional or unintentional, that can pollute storm water or urban runoff.

IMPERVIOUS SURFACE. Any surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development. This includes, but is not limited to: parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from the use of paving or compacted gravel.

INDUSTRIAL ACTIVITY. As defined in 40 CFR 122.26(b)(14), which refers to 11 categories of activities required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with industrial activity as required by 40 CFR 122.26(c). See Phase I Facilities therein.

INDUSTRIAL OR COMMERCIAL FACILITY. Any facility involved or used in either the production, manufacture, storage, transportation, distribution, exchange or sale of goods or commodities; and any facility involved or used in providing professional and nonprofessional services. This includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Profit motive and ownership (federal, state, municipal, private) of the facility are not factors in this definition.

MAXIMUM EXTENT PRACTICABLE (MEP). The standard for implementation of storm water management programs to reduce pollutants in storm water. *MEP* refers to storm water management programs taken as a whole: the maximum extent possible, taking into account equitable consideration and competing facts. This includes, but is not limited to: the gravity of the problem, public health risk, societal concerns, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost and technical feasibility. Section 402(p)(3)(B)(iii) of the Clean Water Act (33 USC 1251 et seq.) declares that municipal permits, ". . . shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

MS4. A "Municipal Separate Storm Sewer System" as used and referred to in the Clean Water Act, and the regulations thereunder.

MUNICIPAL NPDES PERMIT. An area-wide NPDES permit issued to a government agency or agencies permitting the discharge of storm water from an MS4.

MUNICIPAL SEPARATE STORM SEWER (MS4). See **STORM DRAIN SYSTEM**.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. A permit issued by the USEPA, SWRCB or CRWQCB pursuant to the Clean Water Act (33 USC 1251 et seq.) that authorizes, and requires the reduction of pollutants in, discharges to United States waters.

NEW DEVELOPMENT PROJECT. A development project involving land disturbing activities, structural development (including the construction or installation of a new building or structure) and the creation of impervious surfaces resulting in one or more of the following new developments:

(1) Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments);

(2) A 100,000 or more square feet of impervious surface area industrial/commercial development (one acre or more starting on March 10, 2003);

(3) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);

(4) Retail gasoline outlets;

(5) Restaurants (SIC 5812);

(6) Parking lots with 5,000 square feet or more of surface area or with 25 or more parking spaces;

(7) Redevelopment projects in subject categories that meet Redevelopment thresholds as defined in this section;

(8) Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds as set forth in the city's Municipal NPDES Permit; and

(9) Those projects that require the implementation of a site-specific plan to mitigate post-development stormwater for new development not requiring a SUSMP but which may potentially have adverse impacts on post-development stormwater quality, where the following project characteristics exist:

(a) Vehicle or equipment fueling areas;

(b) Vehicle or equipment maintenance areas, including washing and repair;

(c) Commercial or industrial waste handling or storage;

(d) Outdoor handling or storage of hazardous materials;

(e) Outdoor manufacturing areas;

(f) Outdoor food handling or processing;

(g) Outdoor animal care, confinement, or slaughter; or

(h) Outdoor horticulture activities.

NON-STORMWATER DISCHARGE/RUNOFF. Any discharge to a municipal storm drain system that is not composed entirely of stormwater.

NPDES. See **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.**

NPDES CONSTRUCTION PERMIT. A permit issued by the Regional Water Quality Control Board to owners/developers for construction activity on sites five or more acres in size, to prevent sediment and other pollutants from entering the storm drain system.

NPDES INDUSTRIAL PERMIT. A permit issued by the Regional Water Control Board to owners/operators of specific categories of industrial facilities identified in federal regulations, to discharge stormwater into the storm drain system.

NUISANCE. Anything that meets all of the following requirements:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property;

(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and

(3) Occurs during, or as a result of, the treatment or disposal of wastes.

PERSON. Any natural person, firm, association, club, organization, corporation, partnership, sole proprietorship, business trust, company or other entity recognized by law as the subject of rights or duties.

POLLUTANT. Those pollutants defined in § 502(6) of the Federal Clean Water Act (33 USC 1362(6)), or incorporated into the Cal. Water Code § 13373. The term shall not include uncontaminated stormwater, potable water, or reclaimed water generated by a lawfully permitted water treatment facility. The term shall also not include any substance identified in this definition, if through compliance with the Best Management Practices available, the discharge of such substance has been 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 elimination of the discharge to the maximum extent practicable through compliance with the Best Management Practices available. Examples of pollutants include, but are not limited to, the following:

(1) Artificial materials, chips or pieces of man-made materials (such as floatable plastics, paper, cartons, or pieces of metal);

(2) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);

(3) Household waste (such as trash, paper, plastics, lawn clippings and yard wastes, animal fecal materials, excessive pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment);

(4) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium) and nonmetals (such as phosphorus and arsenic);

(5) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oil, solvents, coolants, and grease);

(6) Excessive eroded soils, sediment and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;

(7) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables and show facilities);

(8) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity; or excessive levels of fecal coliform, fecal streptococcus, or enterococcus;

(9) Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants, glues or limes; excessive pesticides, fertilizers or herbicides; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup washwater or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents; and super chlorinated water generated by potable water line flushing);

POTABLE WATER SOURCES. Flows from drinking water distribution systems, including flows from: system failures, pressure releases, system maintenance, well development and testing, fire hydrant flow testing and flushing; dewatering of pipes, reservoirs, vaults and wells.

PREMISES. Any building, structure, fixture or improvement on land and any lot, parcel of land, or portion of land, whether improved or unimproved.

PROPER DISPOSAL. The act of disposing of material(s) in a lawful manner to ensure protection of water quality and beneficial uses of receiving waters.

RECEIVING WATERS. All service water bodies within the permit area.

REDEVELOPMENT. A land disturbing activity that results in the creation, addition, or replacement of at least 5,000 square feet or more of impervious surfaces on an already developed site. **REDEVELOPMENT** includes, but is not limited to, the expansion of a building footprint or addition or replacement of a structure; replacement of impervious surface 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. Existing single-family structures are exempt from the redevelopment requirements.

REGIONAL BOARD. The California Regional Water Quality Control Board, Los Angeles Region.

RESTAURANT. A stand-alone facility that sells prepared foods and drinks for immediate consumption, including stationary lunch counters and refreshments stands, selling prepared foods and drinks for immediate consumption.

RETAIL GASOLINE OUTLET. Any retail facility engaged in selling gasoline and lubricating oils.

RUNOFF. Any runoff, including stormwater and dry weather flows, that reaches a receiving water body or subsurface. During dry weather, it is typically comprised of many base flow components, either uncontaminated or contaminated with pollutants.

SOURCE CONTROL BMPS. Operational practices that prevent pollution by reducing potential pollutants at the source.

STATE BOARD. The State Water Resources Control Board.

STORM DRAIN SYSTEM. Streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by any permittee and used for the purpose of collecting, storing, transporting or disposing of storm water.

STORMWATER. Water originating in atmospheric moisture (rainfall or snowmelt) and falling onto land, water or other surfaces.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan required by and for which contents are specified in the state's General Permit for Storm Water Discharges Associated with Industrial Activities, and the General Permit for Storm Water Discharges Associated with Construction Activities. Its purpose is to help identify the sources of pollution that affect the quality of stormwater discharges from a site, and to describe and ensure the implementation of practices to reduce pollutants in stormwater discharges.

STORMWATER RUNOFF. Surface runoff and drainage associated with rain or other precipitation events.

USEPA. The United States Environmental Protection Agency.

WATERSHED MANAGEMENT AREA PLAN. A plan for implementation of permit requirements based on the Countywide Storm Water Management Plan ("SWMP"), but further addressing specific issues involving pollutants of concern and Best Management Practices unique to the specific Watershed Management Area. (Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02)

§ 52.03 ILLICIT DISCHARGES AND CONNECTIONS.

(A) Except as otherwise permitted herein, all non-stormwater discharges to the municipal storm drain system are prohibited.

(B) No person shall cause, facilitate, or permit any illicit discharge to the municipal storm drain system.

(C) No person shall cause, facilitate or permit any discharge of washwaters to the municipal storm drain system in the performance of any maintenance or cleaning of a gas station, auto or truck repair garage or other similar auto or truck service facility.

(D) No person shall cause, facilitate or permit any discharge of untreated wastewater to the municipal storm drain system from any mobile auto washing, steam cleaning, mobile carpet cleaning, or other similar mobile commercial and/or industrial operation.

(E) All persons shall use Best Management Practices (BMPs) to avoid, to the maximum extent practicable, any discharge to the municipal storm drain system, from property owned or operated by the person, where there has been an unmitigated release or a threat of release of leaking oils or other petroleum fluids, including but not limited to: used oils, transmission oils, waste oils, cutting oils, kerosene, diesel, gasoline or antifreeze, from any machinery and/or equipment, including motor vehicles located in or on industrial sites or facilities within the city.

(F) No person shall discharge, cause, facilitate or permit to be discharged any chlorinated/brominated swimming pool water or filter backwash to the municipal storm drain system.

(G) No person shall use, store, maintain or discharge or cause, facilitate or permit to be discharged, any hazardous or toxic substance in an area that creates a release or a threat of a release of such hazardous or toxic substances into the municipal storm drain system.

(H) No person shall discharge, or cause, facilitate or permit to be discharged into the municipal storm drain system any untreated wastewater from the washing or cleaning of concrete trucks.

(I) No person shall discharge, or cause, facilitate or permit to be discharged any leaves, dirt or other landscape debris, or construction debris into the municipal storm drain system.

(J) No person shall discharge, or cause, facilitate or permit to be discharged any pesticide, fungicide or herbicide presently banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation into the municipal storm drain system.

(K) No person shall discharge, or cause, facilitate or permit to be discharged nonstormwater or stormwater from property it owns, operates, or maintains, that causes or contributes to a violation of a Water Quality Standard or a Water Quality Objective, as established by state or federal law.

(L) No person shall discharge or cause, facilitate or permit to be discharged nonstormwater or stormwater, from property it owns, operates or maintains, that causes or contributes to a condition of nuisance.

(M) All owners or operators of industrial and/or commercial property shall use BMPs in the use, maintenance, repair and operation of all machinery and equipment utilized on such property, in order to minimize and eliminate the discharge of pollutants to the municipal storm drain system.

(N) All owners and operators of industrial and/or commercial motor vehicle parking lots containing more than 25 parking spaces shall conduct regular sweeping and other similar measures to minimize the discharge of pollutants and other debris in the municipal storm drain system.

(O) Except as otherwise permitted under federal, state or local law, no owner or operator of an industrial or commercial premise within the city shall discharge or cause, facilitate or permit to be discharged any non-stormwater runoff into the municipal storm drain system.

(P) The discharge of any food or food processing wastes is prohibited.

(Q) The discharge of any fuel and chemical wastes, animal wastes, garbage, batteries and other materials that have potential adverse impacts on water quality is prohibited.

(R) No person shall construct, utilize, maintain, operate or permit the existence of any illicit connection on any premises owned or operated by such person. Any illicit connection constructed, utilized, maintained, operated or permitted to be operated on any premises owned or operated by any person, shall be terminated and removed and/or otherwise sealed in a manner approved by the Director.

(S) Exempted discharges. The following non-stormwater discharges are not considered illicit discharges, and are not prohibited by this chapter:

- (1) Natural springs and rising groundwater;
- (2) Flows from riparian habitats or wetlands;
- (3) Stream diversions, permitted by the State Board;
- (4) Uncontaminated groundwater infiltration [as defined by 40 CFR 35.2005(20)];
- (5) Flows from emergency firefighting activities;
- (6) Reclaimed and potable landscape irrigation runoff;
- (7) Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
- (8) Drains for foundations, footings, and crawl spaces;
- (9) Air conditioning condensate;
- (10) Dechlorinated/debrominated swimming pool discharges;
- (11) Dewatering of lakes and decorative fountains;
- (12) Non-commercial car washing by residents or by non-profit organizations;
- (13) Sidewalk rinsing.

(T) Any person who violates the terms of this section shall immediately commence all appropriate response action to investigate, assess, remove and/or remediate any pollutants discharged as a result of the

violation, and shall reimburse the city or other appropriate governmental agency, for all costs incurred in investigating, assessing, monitoring and/or removing, cleaning up, treating or remediating any pollutants resulting from the violation, including all reasonable attorneys' fees and environmental and related consulting fees incurred in connection therewith.

(U) In order to control the spilling, dumping or disposal of materials into the MS4, the following are prohibited:

- (1) Littering;
- (2) The disposal of leaves, dirt or other landscape debris into a storm drain;
- (3) The discharge to the MS4 of any pesticide, fungicide or herbicide banned by the ISOPIA or the California Department of Pesticide Regulation; and
- (4) The disposal of hazardous wastes into trash containers used for municipal trash disposal so as not to cause a discharge to the MS4.
(Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02) Penalty, see § 52.99

§ 52.04 ILLICIT DISPOSAL.

No person or company shall spill, dump, dispose or place any material, other than storm water runoff, into any storm drain system, unless specifically permitted.

Penalty, see § 52.99

§ 52.05 CONSTRUCTION SITES REQUIRING A BUILDING PERMIT AND/OR A GRADING PLAN.

(A) Any person or company engaging in construction activity that requires an NPDES construction permit must demonstrate possession of such permit before grading and/or building permits can be issued. The NPDES permit shall be retained on site and shall be shown to city officers or inspectors at their request.

(B) The following Best Management Practices shall apply to all construction sites:

(1) Runoff sediment and construction waste from construction sites and parking areas shall not leave the site to enter the storm drain system.

(2) Any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary by the Building Official or his designated representative, a sediment barrier or erosion control measure shall be installed.

(3) Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street or adjoining properties. Soil stock piles shall be covered if required by the erosion control plan until the soil is either used or removed.

(4) No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site is allowed to leave the site.

(5) All construction sites are inspected to detect and prevent erosion or runoff of waste building materials from leaving the site and entering the storm drainage system.

(6) Notification is presented to the construction site superintendent with information on construction site BMP's and attendant fines.

(7) Erosion control plans are required for all grading projects in accordance with the Los Angeles County Building Code.
('64 Code, § 11B-5) (Ord. 851, passed 6-8-95)
Penalty, see § 52.99

§ 52.06 INDUSTRIAL SITE ACTIVITY.

All persons or companies engaged in industrial activity in the city shall acquire an NPDES industrial permit before discharging any non-storm water run-off

into the storm drain system. The NPDES permit shall be retained on site and shall be shown to city officers or inspectors at their request.

Penalty, see § 52.99

§ 52.07 NUISANCE; ABATEMENT.

(A) In addition to the penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, is declared and deemed a nuisance, may be summarily abated and/or restored by any authorized enforcement officer and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by city.

(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. If the invoice is not paid within 60 days, a lien shall be placed upon and against the property. If the lien is not satisfied within three months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

(C) If any violation of this subchapter constitutes a seasonal recurrent nuisance, the Director of Public Works shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

('64 Code, § 11B-7(b)) (Ord. 851, passed 6-8-95)

§ 52.08 REIMBURSEMENT TO CITY OF EXPENSES.

In any administrative or civil proceeding under this chapter in which the city prevails, the city shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, cost of suit and reasonable attorney fees.

('64 Code, § 11B-7(b)) (Ord. 851, passed 6-8-95)

§ 52.09 FEES.

Fees to be charged for plan checking, monitoring and any other activities carried out by the city under this chapter shall be set by the City Council by resolution or minute action.

('64 Code, § 11B-9) (Ord. 851, passed 6-8-95)

ADMINISTRATION AND ENFORCEMENT**§ 52.20 RESPONSIBILITY FOR ADMINISTRATION.**

The responsibility for the administration, oversight and implementation of this chapter is delegated to the Director, and his or her authorized agent, deputy or representative.

(Ord. 915, passed 1-12-01)

§ 52.21 NOTIFICATION.

(A) *Immediate notification.* Any person who intentionally, negligently or otherwise violates any provision of this chapter resulting in a discharge of a pollutant or pollutants to the municipal storm drain system shall immediately:

(1) Notify the Director, or his or her designee, by telephone or in person; and

(2) Identify:

(a) The location of the discharge;

(b) The date and time of the discharge;

(c) The type, concentration and volume of pollutant discharged; and

(d) Any corrective action taken.

(B) *Written notification.* Written notification of such discharge information shall thereafter be

provided to the Director, or his or her designee, within 48 hours of the discharge.

(C) *Written report.* Within ten calendar days after any such discharge of a pollutant or pollutants, all persons violating this chapter shall file a detailed written report with the Director. This report should describe:

(1) The cause of the discharge;

(2) The date and time of the discharge;

(3) The type, concentration and volume of pollutant discharged;

(4) The location of the discharge;

(5) Any specific information necessary in connection with the location to fully explain the potential impacts from the discharge; and

(6) Any corrective action or other measures taken in connection with the discharge, including any measures taken to prevent similar discharges in the future. Submission of this written report shall not be deemed a waiver or release of any person for liability, fines or other obligations imposed under this chapter, or otherwise in this code, or under state or federal law.

(Ord. 915, passed 1-12-01) Penalty, see § 52.99

§ 52.22 LITTERING.

(A) No person shall discharge (or cause or permit to be discharged) any refuse, hazardous or infectious waste into the municipal storm drain system. This includes: discharges into any street, alley, alleyway, sidewalk, inlet, catch basin, or drainage structure or facility that are part of this system; and discharges onto any public or private property. The following exceptions apply:

(1) The discarding, depositing, disposal or placement of such waste material into containers, barrels and/or bins used for its proper containment and transportation; and

(2) The disposal of such waste at properly licensed and permitted solid and/or hazardous waste facilities.

(B) Any person violating § 52.22(A) shall:

(1) Immediately cause the proper collection and abatement of such waste materials, and

(2) Remedy and cleanup any premises and/or any portion of the municipal storm drain system directly or indirectly affected by such discharge.

(C) Any and all costs and expenses incurred by the city in assessing and abating a violation of this section may be assessed against all violating persons. This includes all administrative expenses, legal fees and other costs incurred by the city in assessing and abating the discharge; and in enforcing the terms of this section, including litigation fees and costs. (Ord. 915, passed 1-12-01) Penalty, see § 52.99

§ 52.23 USE OF DISCONTINUED OR BANNED CHEMICALS.

No person shall use or apply on any public or private property within the city any pesticide, herbicide or fungicide, the manufacture of which has been prohibited by the United States Environmental Protection Agency and/or the California Department of Pesticide Regulation. (Ord. 915, passed 1-12-01) Penalty, see § 52.99

§ 52.24 POLLUTANT SOURCE REDUCTION.

(A) *Treatment systems.* All persons who own, operate or maintain stormwater clarifiers, separators, sediment ponds and other stormwater treatment systems shall at all times maintain such systems in good working order and repair. This maintenance requirement shall be understood to include any maintenance activities necessary to prevent the breeding of vectors. Such systems shall be constructed and installed in a manner so as to at all times permit easy and safe access for proper maintenance, repair and inspection.

(B) *New development, redevelopment and construction.*

(1) *Copies of documents.* All persons engaged in construction activity within the city requiring a state construction activity stormwater permit shall have at the construction site available for review (1) a copy of the notice of intent for the state construction activities stormwater permit; (2) the waste discharge identification number issued by the State Water Resources Control Board; and (3) copies of the stormwater pollution prevention plan and stormwater monitoring plan as required by the permit.

(2) All persons engaged in construction activity within the city shall implement Best Management Practices to avoid, to the maximum extent practicable, the discharge of pollutants to the MS4, in accordance with the city's grading manual, as developed and updated by the City Engineer, and, when applicable, in accordance with a grading plan approved by the Director for such project.

(3) All applicants for construction projects equal to or greater than one acre and less than five acres shall prepare and submit a Local Stormwater Pollution Prevention Plan to the Director for review and approval prior to the issuance of any permits.

(4) Projects involving a single family hillside home shall be required to do the following:

(a) Conserve natural areas;

(b) Protect slopes and channels;

(c) Provide storm drain system stenciling and signage; and

(d) Divert roof runoff and surface flow to vegetated areas before discharge unless the diversion would result in slope instability; and direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

(5) *Urban runoff mitigation plan.*

(a) All applicants for New Development and Redevelopment projects shall submit an Urban Runoff Mitigation Plan with their project

applications to the city. The Urban Runoff Mitigation Plan shall be submitted to the Director for review and approval and shall comply with all requirements of the city's Municipal NPDES Permit, including any applicable standard urban stormwater mitigation plan (SUSMP) or other similar plan, developed as a part of or pursuant to the city's Municipal NPDES Permit. Copies of the city's current Municipal NPDES Permit and any applicable SUSMP or other similar plan, are on file with the City Clerk and the Director for review.

(b) The Urban Runoff Mitigation Plan shall be designed to reduce projected runoff for the project through incorporation of design elements or principles, in accordance with the requirements set forth in the city's municipal NPDES permit and any applicable SUSMP or other similar plan. Applicants shall refer to the most recent edition of the Construction Best Management Practices Handbook, produced and published by the Stormwater Quality Task Force, for specific guidance on selecting Best Management Practices for reducing pollutants in stormwater runoff from urbanized areas. Urban runoff mitigation plans may include the development of a regional approach as a means of complying with Best Management Practices and any applicable numerical design standard or requirement, where such a regional approach is to be approved by both the Director and the Regional Board.

(6) *Numerical design criteria.* Post-construction Treatment Control BMPs for projects must incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff:

(a) *Volumetric treatment control BMP.*

1. The 85th percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or

2. The volume of annual runoff based on unit based on unit basin storage water quality volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook Industrial/Commercial (1993); or

3. The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a stormwater conveyance system; or

4. The volume of runoff produced from a historical record based reference 24-hour rainfall criterion for treatment (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

(b) *Flow based treatment control BMP.*

1. The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

2. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for Los Angeles County; or

3. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

(7) *Applicability of numerical design criteria.* The numeric design criteria listed above shall apply to the following categories of projects required to design and implement postconstruction treatment controls to mitigate stormwater pollution:

(a) Single-family hillside residential developments of one acre or more of surface area;

(b) Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more;

(c) A 100,000 square feet or more impervious surface area industrial/commercial development;

(d) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [5,000 square feet or more of surface area];

(e) Retail gasoline outlets [5,000 square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of 100 or more vehicles]. Subsurface Treatment Control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;

(f) Restaurants (SIC 5812) [5,000 square feet or more of surface area];

(g) Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;

(h) Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above; and

(i) Redevelopment projects in subject categories that meet Redevelopment thresholds.

(8) *City review and plan approval.*

(a) Prior to the issuance of a permit for a New Development or Redevelopment project, the city shall evaluate the proposed project using the applicable SUSMP and the guidelines and BMP list approved by the Regional Board, and erosion and grading requirements of the City Building Official or Director to determine (i) its potential to generate the flow of pollutants into the municipal storm drain system both during and after construction; and (ii) how well the Urban Runoff Mitigation Plan for the proposed project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the city may impose conditions upon the issuance of the building permit, in addition to any required by the state construction activities stormwater permit for the

project, in order to minimize the flow of pollutants into the municipal storm drain system.

(b) No grading permit for developments requiring coverage under the state general construction permit shall be issued unless the applicant can show that a notice of intent to comply with the state construction activities storm waste permit has been filed and that a stormwater pollution prevention plan has been prepared for the project.

(c) If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty days of approval of an Urban Runoff Mitigation Plan, the Urban Runoff Mitigation Plan for that project shall expire. The Director may extend the time by written extension for action by the applicant for a period not to exceed 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the Urban Runoff Mitigation Plan, the applicant shall resubmit all necessary forms and other data and pay a new plan review fee.

(d) Stormwater runoff containing sediment, construction waste or other pollutants from the construction site and parking areas shall be reduced to the maximum extent practicable. The following Best Management Practices shall apply to all construction projects within the city, and shall be required from the time of demolition of existing structures or commencement of construction until receipt of a Certificate of Occupancy:

1. Sediment, construction waste, and other pollutants from construction activities shall be retained on the construction site to the maximum extent practicable;

2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site;

3. All excavated soil shall be located on the site in a manner that minimizes the amount of sediments running onto the street, drainage

facilities or adjacent properties. Soil piles shall be covered with plastic or similar material until the soil is either used or removed from the site;

4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction or other vehicles is permitted to run off the construction site, or to otherwise enter the municipal storm drain system.

(e) As a condition to granting a construction permit, the city may set reasonable limits on the clearing of natural vegetation from construction sites, in order to reduce the potential for soil erosion. These limits may include, but are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

(f) The Director may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control, stormwater pollution prevention or other plans consistent with countywide development construction guidance provisions and the goals of this chapter.

(9) *Development construction requirements.* Runoff from construction activity at all construction sites shall meet the following minimum requirements:

(a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;

(b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;

(c) Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and

(d) Erosion from slopes and channels shall be controlled by implementing an

effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

(10) *Transfer of properties subject to requirement for maintenance of structural and treatment control BMPs.*

(a) The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing structural or treatment control BMP, or (b) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the city and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of inspection.

(b) For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what stormwater management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

(c) If structural or treatment control BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

(Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02) Penalty, see § 52.99

§ 52.25 INSPECTION AND ENFORCEMENT.

(A) *Inspections.* The City Manager or the Director (or any designee thereof) may enter upon and inspect any private premises for the purposes of verifying compliance with the terms and conditions of this chapter. Such inspections may include, but are not limited to:

(1) Identifying products produced, processes conducted; chemicals and materials used, stored or maintained on the subject premises;

(2) Identifying points of discharge for all waste water, non-stormwater, processed water systems and pollutants;

(3) Investigating the natural slope of the premises, including drainage patterns and man-made conveyance systems;

(4) Establishing locations of all points of discharge from the premises, whether by surface runoff or through a storm drain system;

(5) Locating any illicit connection or illicit discharge;

(6) Identifying all vehicles, trucks, trailers, tanks or other mobile equipment;

(7) Reviewing all records (of the owner or occupant of public or private property) relating to chemicals or processes presently or previously stored or occurring on the property. This includes: materials and/or chemical inventories, facilities maps of schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, stormwater pollution prevention plans; and any and all records relating to illicit connections, illicit discharges, or any other source (or potential source) of contribution of pollutants to the municipal storm drain system;

(8) To determine the potential for contribution of pollutants to the municipal storm drain system, inspecting, sampling and testing: any area runoff, soils area (including groundwater testing), process discharge materials with any waste storage

area (including any container contents), and/or treatment system discharges;

(9) Inspecting the integrity of all storm drain and sanitary sewer systems, and any connection to other pipelines on the property. This includes: the use of dye and smoke tests, video surveys, photographs or videotapes, the taking of measurements, drawings or any other records reasonably necessary to document conditions as they exist on the premises;

(10) The institution and maintenance of monitoring devices for the purpose of measuring any discharge, or potential source of discharge, to the municipal storm drain system;

(11) Evaluating compliance with this chapter or the Clean Water Act.

(B) *Enforcement.*

(1) Any violation of this chapter is a misdemeanor and shall be punishable by either a fine of up to \$1,000 or six months in the county jail, or both.

(2) At the discretion of the prosecuting attorney, any person, who may otherwise be charged with a misdemeanor as a result of a violation of this chapter, may also be charged with an infraction punishable by a fine of not more than:

(a) \$100 for the first violation,

(b) \$200 for the second violation, and

(c) \$250 for each additional violation thereafter.

(3) As a part of any sentence or other penalty imposed, or the award of any damage, the court may also order that restitution be paid to the city or any injured person. In the case of a violator who is a minor, the minor's parent, lawfully designated guardian or custodian shall pay such restitution. Restitution may include the amount of any reward.

(4) An imminent danger shall include, but is not limited to, exigent circumstances created by the

discharge of pollutants, where such discharge presents a significant and immediate threat to public health or safety, or to the environment. In the event any violation of this chapter constitutes an imminent danger, the City Manager or Director of Public Works (or any authorized agent thereof) may:

(a) Enter upon the premises from which the violation emanates,

(b) Abate the violation and danger created, and

(c) Restore any premises affected by the alleged violation, without notice to or consent from the owner or occupant of the premises.

(5) Violations of this chapter may further be deemed to be a public nuisance, which may be abated by administrative, civil or criminal action, in accordance with the terms and provisions of this code and state law.

(6) All costs and fees incurred by the city as a result of any violation of this chapter that constitutes a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject premises from which the nuisance emanated and a personal obligation against the owner, in accordance with Cal. Gov't Code §§ 38773.1 and 38773.5. The owner of record of the premises subject to any lien shall receive notice of the lien prior to recording, as required by Cal. Gov't Code § 38773.1. The City Attorney is authorized to collect nuisance abatement costs or to enforce a nuisance lien (in an action brought for money judgment, or by delivery to the County Assessor of a special assessment against the premises), in accordance with the conditions and requirements of Cal. Gov't Code § 38773.5.

(7) Any person acting in violation of this chapter may also be acting in violation of the Clean Water Act or the California Porter-Cologne Act (California Water Code §§ 13000 et seq.), the regulations thereunder, and other laws and regulations, and may be subject to damages, fines and penalties, including civil liability under such other laws. The City Attorney is authorized to file a citizen's

suit pursuant to the Clean Water Act, seeking penalties, damages, and orders compelling compliance and appropriate relief.

(8) The City Attorney is authorized to file in a court of competent jurisdiction a civil action, seeking an injunction against any violation or threatened or continuing violation of this chapter. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the city for:

(a) All costs of inspection, investigation, monitoring, treatment, abatement, removal or remediation undertaken by, or at the expense of the city; and

(b) All legal expenses and fees and any and all costs incurred relating to the restoration or remediation of the environment.

(9) Each separate discharge in violation of this chapter, and each day a violation of this chapter exists without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation.

(10) The city may utilize any and all other remedies as otherwise provided by law. (Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02)

§ 52.99 PENALTY.

The violation of any provision of this chapter, or failure to comply with any of the requirements of this chapter, shall constitute a misdemeanor and shall be punished by imprisonment and/or by a fine for the length of time and the amount allowed pursuant to California law; except that, notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the authorized enforcement officer, be charged and prosecuted as an infraction. ('64 Code, § 11B-7(a)) (Ord. 851, passed 6-8-95)

Cross reference:

Additional penalties, see § 52.25(B)