

Industry Municipal Code[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[Title 13 WATER AND SEWERS](#)**Chapter 13.16 STORMWATER AND URBAN RUNOFF POLLUTION CONTROL**

Note

* Prior ordinance history: Ords. 609, 638, 690-U and 691.

13.16.010 Definitions.

For the purposes of this chapter, the following words and phrases will have the meanings set forth in this section. Words and phrases not defined in this section or elsewhere in this chapter will have the meanings set forth in the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and the Porter Cologne Water Quality Control Act, as they may be amended from time to time, and if not defined in such laws, then the applicable definitions in the municipal NPDES permit or this code will apply.

“Automotive service facility” means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes: 5013, 5014, 5541, 5511, 7532—7534, or 7536—7539.

“Best management practice (BMP)” means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water.

“Biofiltration” means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. The term “biofiltration” as used in this chapter is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

“Bioretention” means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum two-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. A bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the municipal NPDES permit as biofiltration.

“Bioswale” means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.

“Clean Water Act” means the Federal Water Pollution Control Act (33 U.S.C. Section 1251 and following) as amended.

“Construction general permit” means NPDES General Permit for Stormwater Discharges associated with Construction and Land Disturbance Activities, NPDES No. CAS000002, SWRCB Order No. 2009-0009-DWQ, as amended by SWRCB Order 2010-0014-DWQ, as amended by SWRCB Order No. 2012-0006-DWQ and any amendments or successor permit to that permit.

“Control” means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities.

“Development” means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other nonresidential projects, including public agency projects; or mass grading for future construction.

“Directly adjacent” means situated within two hundred feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

“Discharge” when used without qualification means the discharge of a pollutant.

“Disturbed area” means an area that is altered as a result of clearing, grading, or excavation.

“Enforcement officer” means any person authorized to enforce the provisions of this chapter.

“General construction activities storm water permit (GCASP)” means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

“General industrial activities storm water permit (GIASP)” means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

“Hazardous material(s)” means any material(s) defined as hazardous by Division 20, Chapter [6.95](#) of the California [Health and Safety Code](#).

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

“Hydromodification” means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources.

“Illicit connection” means any human-made conveyance that is connected to the MS4 without a permit, through or by which an illicit discharge may be discharged. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

“Illicit discharge” means any discharge into the MS4 or from the MS4 into a receiving water that is prohibited under local, state or federal law. This includes any non-stormwater discharge, except authorized non-stormwater discharges in accordance with the municipal NPDES permit; conditionally exempt non-stormwater discharges in accordance with the municipal NPDES permit; and non-stormwater discharges resulting from natural flows specifically identified in the municipal NPDES permit.

“Impervious surface” means any man-made or modified 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. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops.

“Industrial/commercial facility” means any facility involved used for the production, manufacture, storage, transportation, distribution, exchange or sale of goods or commodities, and any facility used in providing professional and nonprofessional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility’s owners or operators are not factors in this definition.

“Inspection” means the entry and conducting of an on-site review of structures and devices on a property, at reasonable times, to determine compliance with chapter or other applicable legal requirements.

“Low impact development (LID)” means building and landscape features designed to retain or filter stormwater runoff.

“Municipal NPDES permit” means the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach” (Order No. R4-2012-0175), NPDES Permit No. CAS004001, effective December 28, 2012, issued by the California Regional Water Quality Control Board—Los Angeles Region, and any amendments or successor permit to that permit.

“Municipal separate storm sewer system” or “MS4” means a conveyance or system of conveyances including municipal streets, alleys, catch basins, curbs, gutters, ditches, man-made channels, storm drains, conduits, or other facilities owned, operated, or maintained by the city and used for the purpose of collecting, storing, transporting or disposing of storm water, which are not part of a publicly owned treatment works, and which discharges directly or indirectly (through another agency’s MS4) to waters of the United States.

“National pollutant discharge elimination system (NPDES)” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the Clean Water Act.

“Natural drainage system” means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage

system.

“New development” means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

“Non-stormwater discharge” means any discharge to a municipal storm drain system that is not composed entirely of stormwater.

“Parking lot” means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of five thousand square feet or more of surface area, or with twenty-five or more parking spaces.

“Pollutant” means any “pollutant” defined in Section 502(6) of the Clean Water Act or incorporated into the California [Water Code](#) Section 13373.

“Rainfall harvest and use” means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses.

“Redevelopment” means land-disturbing activity that results in the creation, addition, or replacement of five thousand square feet or more of impervious surface area on an already developed site for all project categories except single-family projects. For existing single-family dwelling and accessory structures, redevelopment is the creation, addition, or replacement of ten thousand square feet or more of impervious surface area. 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 California Regional Water Quality Control Board, Los Angeles Region.

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

“Retail gasoline outlet” means any facility engaged in selling gasoline and lubricating oils.

“Routine maintenance” includes projects conducted to:

- A. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
- B. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
- C. Carry out road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
- D. Update existing lines and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
- E. Repair leaks.
- F. Conduct landscaping activities without changing existing or natural grades.

Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards and regulations.

“Significant ecological area (SEA)” means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan.

“Stormwater” or “storm water” means any surface flow, runoff, or drainage associated with rain storm events or snow melt, as defined in 40 CFR Section 122.26(b)(13).

“State Board” means the California State Water Resources Control Board.

“USEPA” means the United States Environmental Protection Agency. (Ord. 792 § 2, 2015)

13.16.020 Purpose and intent.

The purpose of this chapter is to implement the Clean Water Act, the Porter-Cologne Water Quality Control Act, and the city’s municipal NPDES permit by:

- A. Reducing pollutants in stormwater discharges to the maximum extent practicable;
- B. Eliminating illicit connections and illicit discharges, thereby reducing the level of pollutants in stormwater and urban runoff into the city's municipal separate storm sewer system (MS4);
- C. Regulating non-stormwater discharges to the MS4; and
- D. Incorporating best management practices and other mitigation measures and design features regarding stormwater runoff in new development and redevelopment projects located in the city. (Ord. 792 § 2, 2015)

13.16.030 Construction and application.

This chapter will be construed to assure consistency with the requirements of the Clean Water Act and the Porter Cologne Water Quality Control Act, and their implementing regulations, and the municipal NPDES permit. (Ord. 792 § 2, 2015)

13.16.040 Illicit discharges prohibited.

No person may cause, allow or facilitate an illicit discharge; or cause, permit, or allow any agent, employee, or independent contractor, to cause, allow, or facilitate an illicit discharge. (Ord. 792 § 2, 2015)

13.16.050 Illicit connections prohibited.

No person may construct, use, maintain, operate or utilize an illicit connection; or cause, permit, or allow any agent, employee, independent contractor or other person, to construct, maintain, operate, or utilize an illicit connection. (Ord. 792 § 2, 2015)

13.16.060 Spills, dumping and disposal prohibited.

A. No person may dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury or dispose into the environment any solid waste or liquid waste, including any pollutant, in or upon any part of the MS4, or upon any public or private premises in the city, or to cause or permit any solid waste or liquid waste or other pollutant to come to be located upon, in, on or under any premises in the city, except in an authorized or permitted solid waste container or at an authorized or permitted solid waste facility or publicly owned or privately owned treatment works.

B. No person may intentionally dispose of leaves, grass, or other clippings, dirt or any other landscape debris into any part of the MS4.

C. No person may intentionally dispose of any pesticide, fungicide, or herbicide banned by, or not registered with the USEPA or the California Department of Pesticide Regulation, or a successor, into any part of the MS4.

D. No person may dispose of any hazardous material into any public litter container or any other trash receptacle accessible to the public.

E. No person may pour oil or grease, or the residue of oil or grease onto any parking lot, or any part of the MS4.

F. No person may place any washout water or other liquid in any container intended for the disposal of solid waste.

G. No person may wash restaurant or automotive service facility floor mats in any place where the wash or rinse water may flow into any part of the MS4. (Ord. 792 § 2, 2015)

13.16.070 Requirements for new development and redevelopment projects.

A. Compliance with Municipal NPDES Permit. The following new development and redevelopment projects are required to comply with the municipal NPDES permit:

1. All development projects equal to one acre or greater of disturbed area and adding more than ten thousand square feet of impervious surface area.
2. Industrial parks with ten thousand square feet or more of impervious surface area.

3. Commercial malls with ten thousand square feet or more of impervious surface area.
4. Retail gasoline outlets with five thousand square feet or more of impervious surface area.
5. Restaurants (SIC 5812) with five thousand square feet or more of impervious surface area.
6. Parking lots with five thousand square feet or more of impervious area or with twenty-five or more parking spaces.
7. Single-family hillside homes (residential developments or redevelopments).
8. Street and road construction of ten thousand square feet or more of impervious surface area must be consistent with the city's Green Street Policy. This street and road construction consistency requirement applies to stand alone streets, roads, and highway projects, and also applies to streets within larger projects.
9. Automotive service facilities with five thousand square feet or more of impervious surface area.
10. Projects located in or directly adjacent to, or discharging directly to a significant ecological area (SEA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create two thousand five hundred square feet or more of impervious surface area.
11. The following redevelopment projects:
 - a. Land-disturbing activities which create, add, or replace five thousand square feet or more of impervious surface area on an already developed site excluding single-family dwellings and accessory structures.
 - b. Land-disturbing activities which create, add, or replace ten thousand square feet or more of impervious surface area on existing single-family dwellings and accessory structures.
 - c. Where redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, the entire project must be mitigated.
 - d. Where redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- B. Exceptions to Compliance with Municipal NPDES Permit. The following do not constitute new development or redevelopment for purposes of compliance with the municipal NPDES permit:
 1. Routine maintenance activities;
 2. Discretionary permit projects or phased project applications, which have been deemed complete by July 11, 2015; and
 3. Discretionary permit projects without a valid vesting tentative map but which have received an extension of previously granted approvals by July 11, 2015.
- C. Incorporation of Municipal NPDES Planning and Land Development Program Requirements into Project Plans. New development and redevelopment projects subject to the planning and land development requirements under the municipal NPDES permit must incorporate required BMPs into plans submitted to the city as follows:
 1. In General. Projects must control pollutants, pollutant loads, and runoff volume from the project site by minimizing the impervious surface area and controlling runoff through infiltration, bioretention, or rainfall harvest and use. Projects must incorporate BMPs in accordance with the requirements of the municipal NPDES permit.
 2. Stormwater Mitigation. Project applicants must prepare a stormwater mitigation plan that includes those BMPs necessary to control stormwater pollution from the completed project. The structural or treatment control BMPs (including, as applicable, post-construction treatment control BMPs) in the stormwater mitigation plan must meet the design standards set forth in the municipal NPDES permit.
 3. Single-Family Homes. To the extent that the city may lawfully impose conditions, mitigation measures or other requirements on the development or construction of a single-family home in a hillside area, a single-family hillside home development or redevelopment project must implement mitigation measures to:
 - a. Conserve natural areas;
 - b. Protect slopes and channels;

- c. Provide storm drain inlet stenciling and signage;
 - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - e. Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
4. Project Performance Criteria.
- a. Project applicants must incorporate required BMPs into the plans submitted to the city.
 - b. Such BMPs must also be implemented to retain on-site the Stormwater Quality Design Volume (SWQDv) defined as the runoff from the following:
 - i. The three-quarter-inch, twenty-four-hour rain event; or
 - ii. The 85th percentile, twenty-four-hour rain event, as determined from the Los Angeles County 85th percentile precipitation isohyetal map, whichever is greater.
 - c. Exemptions. The following projects are exempt from the project performance criteria of the municipal NPDES permit:
 - i. Single-family hillside home development projects are exempt from the project performance criteria of the municipal NPDES permit unless they create, add, or replace ten thousand square feet or more of impervious surface area.
 - ii. Street and road construction projects of ten thousand square feet or more of impervious surface area or street and road redevelopment projects of five thousand feet or more of impervious surface area are exempt from the project performance criteria of the municipal NPDES permit but must be constructed in a manner consistent with the city's Green Streets Policy to the maximum extent practicable.
5. Alternative Compliance Measures. BMPs must meet the design specifications and on-site retention potential outlined in the municipal NPDES permit. Projects unable to retain one hundred percent of the SWQDv on-site due to technical infeasibility or projects determined to provide an opportunity to replenish regional ground water supplies at an off-site location, as defined in the municipal NPDES permit, must implement alternative compliance measures in accordance with the municipal NPDES permit. Alternative compliance measures specified in the municipal NPDES permit include the following:
- a. On-site biofiltration;
 - b. Off-site infiltration;
 - c. Ground water replenishment projects;
 - d. Off-site project—retrofit existing development; and
 - e. Regional stormwater mitigation program.
6. Hydromodification.
- a. All non-exempt new development and redevelopment projects located within natural drainage systems as defined in the municipal NPDES permit must implement hydrologic control measures to prevent accelerated downstream erosion and to protect stream habitat in natural drainage systems. Projects exempt from hydromodification controls are listed in the municipal NPDES permit.
 - b. Non-exempt new development and redevelopment projects must include one, or a combination of, hydromodification control BMPs, low impact development (LID) strategies, or stream and riparian buffer restoration measures:
 - i. Single-family homes are required to implement LID BMPs in accordance with subparagraphs (c)(i) through (c)(v) below of this subsection. Single-family homes implementing such BMPs will satisfy the hydromodification requirements of the municipal NPDES permit.
 - ii. Non-single-family home projects disturbing an area greater than one acre but less than fifty acres within natural drainage systems must demonstrate one of the following:
 - (A) The project has been designed to retain on-site, through infiltration, evapotranspiration, and/or harvest and use, the stormwater volume from the runoff of the 95th percentile, twenty-four-hour storm; or
 - (B) The runoff flow rate, volume, velocity, and duration for the post-development condition do not exceed the pre-development condition for the two-year, twenty-four-hour rainfall event; or

(C) The erosion potential (E_p) in the receiving water channel will approximate 1, as determined by a hydromodification analysis study and the equation presented in Attachment J of the municipal NPDES permit, or other approved equations.

iii. Non-single-family home projects disturbing fifty acres or more within natural drainage systems must demonstrate one of the following:

(A) The project has been designed to infiltrate on-site the stormwater volume from the runoff of the two-year, twenty-four-hour storm event; or

(B) The runoff flow rate, volume, velocity, and duration for the post-development condition do not exceed the pre-development condition for the two-year, twenty-four-hour rainfall event; or

(C) The erosion potential (E_p) in the receiving water channel will approximate 1, as determined by a hydromodification analysis study and the equation presented in Attachment J of the municipal NPDES permit, or other approved equations.

c. The following new development and redevelopment projects are exempt from implementation of hydromodification controls, where assessments of downstream channel conditions and proposed discharge hydrology indicate that adverse hydromodification effects are unlikely:

i. Projects that are replacement, maintenance, or repair of an existing flood control facility, storm drain, or transportation network;

ii. Redevelopment projects that do not increase the effective impervious area or decrease the infiltration capacity of pervious areas compared to conditions prior to the project;

iii. Projects with any increased discharge, directly or through a storm drain, to a sump, lake, area under tidal influence, into a waterway with a one hundred-year peak flow of twenty-five thousand cfs or greater, or other receiving water that is not susceptible to impacts of hydromodification;

iv. Projects that discharge, directly or through a storm drain, into concrete or other engineered channels which discharge into receiving water that is not susceptible to impacts of hydromodification; and

v. LID BMPs implemented on single-family homes.

d. New development and redevelopment projects subject to hydromodification assessments and controls must implement hydrologic control measures, in accordance with the municipal NPDES permit, to prevent accelerated downstream erosion and to protect stream habitat in natural drainage systems. The hydrologic controls are intended to minimize changes in post-development hydrologic stormwater runoff discharge rates, velocities, and duration.

D. Approval Procedure. No zone clearance, grading or building permits may be issued for any new development or redevelopment project until the city confirms that the project's stormwater mitigation plan complies with the applicable municipal NPDES permit requirements.

1. Review of Project Stormwater Mitigation Plans. The city will review the project stormwater mitigation plan to assure that all applicable requirements have been addressed and that the applicant has identified BMPs necessary to protect the MS4 from discharges. If the stormwater mitigation plan is found to comply with the provisions of this section, the zone clearance, 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 agency with jurisdiction over the project, the applicant must amend the plan to address the deficiency.

2. Review of Operation, Maintenance and Monitoring Plans. With the exception of simple LID BMPs implemented on single-family residences, project owners must provide an operation, maintenance and monitoring plan, and verification of ongoing maintenance provisions for LID practices and treatment control BMPs including, but not limited to: final map conditions, legal agreements, covenants, conditions or restrictions, California Environmental Quality Act (CEQA) mitigation requirements, conditional use permits, and other legally binding maintenance agreements.

3. BMP Certification Statement for Issuance of Certificates of Occupancy or Building Final. As a condition for issuing a certificate of occupancy or building final for new development or a redevelopment project subject to the requirements of the municipal NPDES permit, the city will require facility operators and owners to build all the stormwater pollution control BMPs and structural or treatment BMPs that are shown on the approved project stormwater mitigation plan and to submit a signed certification statement stating that the site and all structural or treatment control BMPs will be maintained in compliance with the municipal NPDES permit and other applicable regulatory requirements.

E. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.

1. The transferee or any other successor or assignee of a property subject to a requirement for maintenance of structural and treatment control BMPs must either:
 - a. Assume responsibility for maintenance of any existing structural or treatment control BMPs; 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 municipal NPDES permit.

Such requirement will be included in any city approval or permit that runs with the property or project, or in a recorded restrictive covenant for such property, and may also be included in any sale or lease agreement or deed for such property. Such transferee, successor, or assignee must also assume responsibility to conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of inspection.

2. For residential properties where the structural or treatment control BMPs are located within a common area, which will be maintained by the community association or equivalent organization, this obligation will be enforced through an agreement with the association or in the city-approved covenants, conditions and restrictions (CC&Rs) for the association.

3. 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. 792 § 2, 2015)

13.16.080 Requirements for industrial/commercial and construction activities.

A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be issued by the USEPA, the State Board, or the Regional Board, must comply with all requirements of such permit. Each discharger identified in an individual NPDES permit must 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 enforcement officer prior to the issuance of any grading, building, final approval, or any other type of permit or license issued by the city.

B. Non-stormwater discharges to the MS4 from industrial, commercial, or construction activities are prohibited.

C. Industrial and commercial dischargers and dischargers associated with construction activities must implement effective BMPs, including source control BMPs, in accordance with the municipal NPDES permit to reduce pollutants in stormwater from such sites to the maximum extent practicable.

D. Stormwater runoff containing sediment, construction materials, or other pollutants from the construction site and any adjacent staging, storage or parking areas must be reduced to the maximum extent practicable.

E. Construction sites less than one acre must implement an effective combination of erosion and sediment control BMPs from the municipal NPDES permit to prevent erosion and sediment loss, and the discharge of construction wastes.

F. Construction sites covering one acre or more must adhere to the requirements set forth in the municipal NPDES permit and the construction general permit. A stormwater pollution prevention plan (SWPPP) for construction sites of one acre or greater must be developed by a qualified SWPPP developer (QSD) consistent with the municipal NPDES permit. (Ord. 792 § 2, 2015)

13.16.090 Enforcement.

A. Enforcement officers may carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance or noncompliance with the municipal NPDES permit, including the prohibition of non-stormwater discharges into the MS4. With the consent of the owner or occupant or pursuant to an inspection warrant, any enforcement officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determine the concentrations of pollutants in stormwater and non-stormwater runoff. The inspections may include, but are not limited to:

1. Inspecting efficiency or adequacy of construction or post construction BMPs;
2. Inspecting, sampling and testing any area runoff, soils in areas subject to runoff, and/or treatment system discharges;

3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;

4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary; and

5. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.

B. Facility Inspections. Commercial and industrial facilities must be periodically inspected by city enforcement officers. Inspections will be conducted no less than twice during the term of the municipal NPDES permit and as often as necessary as the city deems appropriate to verify compliance with this chapter.

C. Violations Deemed a Public Nuisance.

1. Any condition caused or permitted to exist in violation of any of the provisions of this chapter or the municipal NPDES permit is determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance and may be abated or restored by any enforcement officer, and 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 will be borne by the owner of the property and the cost thereof will be invoiced to the owner of the property, as provided by law or this code for the recovery of nuisance abatement costs.

3. If any violation of this chapter or the municipal NPDES permit constitutes a seasonal and recurrent nuisance, the city manager will so declare. The failure of any person to take appropriate annual precautions to prevent stormwater pollution after written notice of a determination under this subsection will constitute a public nuisance and violation of this chapter.

D. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter or the municipal NPDES permit will constitute a violation of such provision.

E. Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter or the municipal NPDES permit 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 and 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/or

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

F. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the city may utilize the following administrative remedies:

1. Cease and Desist Orders. When an enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter or the municipal NPDES permit, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying must:

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 enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, solid waste or any other material of any kind that may cause pollution, 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 MS4 or a non-stormwater discharge to the MS4, the officer may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, solid waste or other material that may cause pollution, in any manner that the officer may reasonably deem necessary. The recipient of such notice must undertake the activities described in the notice.

G. Penalties. Violation of this chapter or the municipal NPDES permit is punishable as a misdemeanor as set forth in Section 1.08.060 of this code. Each day that a violation continues constitutes a separate offense.

H. 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.

I. Remedies. Remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for in this chapter are cumulative and not exclusive. (Ord. 792 § 2, 2015)

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