

Chapter 13.08
STORM DRAINS AND STORM WATER MANAGEMENT AND POLLUTION CONTROL

Sections:

- 13.08.005 Purpose and intent.
- 13.08.010 Definitions.
- 13.08.020 Entry into storm drain facilities.
- 13.08.030 Prohibition of illicit discharges and illicit connections to storm drains.
- 13.08.040 Exceptions.
- 13.08.050 Requirements for industrial/commercial and construction activities.
- 13.08.060 Planning and Land Development Program requirements for New Development and Redevelopment projects.
- 13.08.070 Enforcement.

13.08.005 Purpose and intent.

- A. The purpose of this Chapter is to protect and enhance the quality of surface waters and surface water bodies, including the Santa Monica Bay, in a manner consistent with the Federal Clean Water Act (33 U.S.C. §§ 1251 *et seq.*), the California Porter-Cologne Water Quality Control Act (Cal. Water Code §§ 13000 *et seq.*), and the Municipal National Pollutant Discharge Elimination System (NPDES) Permit.
- B. This Chapter is intended to provide the City with the legal authority necessary to implement and enforce the requirements contained in 40 Code of Federal Regulations (“CFR”) Section 122.26(d)(2)(i)(A-F) and in the Municipal NPDES Permit to the extent they are applicable in the City, to control discharges to and from those portions of the municipal storm water system over which it has jurisdiction as required by the Municipal NPDES Permit, and to hold dischargers to the municipal storm water system accountable for their contributions of pollutants and flows.
- C. This Chapter authorizes the Authorized Enforcement Officer to define and adopt applicable Best Management Practices (BMPs) and other storm water pollution control measures, to grant emergency self-waivers from Municipal NPDES Permit development and redevelopment requirements, as provided herein, to cite infractions, and to impose fines pursuant to this Chapter. Except as otherwise provided herein, the Authorized Enforcement Officer shall administer, implement, and enforce the provisions of this Section.
- D. This Chapter also sets forth requirements for the construction and operation of certain “Commercial and Industrial Facilities,” “New Development” and “Redevelopment” projects, and other activities (as further defined herein), which are intended to ensure

compliance with the storm water mitigation measures prescribed in the current version of the Municipal NPDES Permit, which is on file in the office of the City Clerk of this City.

- E. The provisions of this Chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and existing or future NPDES permits, and any amendment, revision or re-issuance thereof. Any person who violates any provision of this Chapter may also be in violation of such federal act, NPDES permit, or other federal or state law, and subject to the sanctions thereof.
- F. The provisions of this Chapter shall not be deemed to waive or supplant any other provision of this code, and in the event of conflict, the more stringent requirement in terms of preservation of the public health, safety, and welfare shall prevail.

13.08.010 Definitions.

Except as specifically provided herein, any term used in this Chapter shall be defined as that term is defined in the current Municipal NPDES Permit, or if it is not specifically defined in the Municipal NPDES Permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. The following definitions apply to this Chapter only:

“Authorized Enforcement Officer” means the City Manager or his or her designee.

“Best management practices” or “BMPs” means activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges. BMPs include, but are not limited to, public education and outreach, proper planning of development projects, proper cleanout of catch basin inlets, and proper sludge or waste handling and disposal, among others, to control storm water and non-storm water runoff, spillage, leaks, and contamination of the waters of the United States.

“City” means the City of Palos Verdes Estates, or the area within the limits of the City of Palos Verdes Estates.

“Construction” means any construction or demolition activity, clearing, grading, grubbing, excavation, or any other activities that result in soil disturbance. Construction includes structure teardown and demolition. It does not include routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to immediately protect public health and safety (including fire prevention); clearing and grubbing of vegetation for landscape maintenance which is not associated with a larger construction project; interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; or sign permit work. See “Routine Maintenance” definition below.

“Construction General Permit” means the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (NPDES No. CAS000002), adopted September 2, 2009, and any successor permit to that permit.

“Development” means any construction, rehabilitation, redevelopment, or reconstruction of any public or private residential project or mass grading for future construction. 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.

“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.

“Director” means the City Manager or his or her designee.

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

“Discharging directly” means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

“Disturbed Area” means an area that is altered as a result of clearing, grading, and/or excavation, unless solely for the purposes of landscape maintenance or fire prevention.

“Hazardous material” means any material defined as hazardous by California Health & Safety Code Division 20, Chapter 6.95 (Hazardous Waste Control).

“Hazardous substance” means any substance designated pursuant to 40 CFR section 302, and any unlisted hazardous substance which is a solid waste, as defined in 40 CFR section 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR section 261.4(b), and which is a hazardous substance under Section 101(14) of the federal Clean Water Act because it exhibits any of the characteristics identified in 40 CFR sections 261.20 through 261.24.

“Hazardous waste” means any hazardous material or hazardous substance which is to be discharged, discarded, recycled, or processed.

“Industrial General Permit” also known as the “General Industrial Activities Stormwater Permit” means the general NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of storm water from certain industrial activities under certain conditions.

“Infiltration” means the downward entry of water into the surface of the soil.

“Inspection” means entry and the conduct of an on-site review of structures and devices on a property, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research;
2. Request for entry;
3. Interview of property owner, resident and/or occupant(s);
4. Property walk-through;
5. Visual observation of the condition of property premises;
6. Examination and copying of records as required;
7. Sample collection (if necessary or required);
8. Exit discussion (to discuss preliminary evaluation) as appropriate; and
9. Report preparation, and if appropriate, recommendations for coming into compliance.

“Low Impact Development” or “LID” means building or landscape features designed to retain or filter storm water 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 MS4” (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 successor permit to that permit.

“Municipal separate storm sewer system” or “MS4” means a conveyance or system of conveyances (consisting of roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by a state, city, town borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR section 122.2.

“Natural Drainage Systems” means all drainages that have not been improved (e.g., channelized or armored with concrete, shotcrete, or rip-rap) or drainage systems that are tributary to a natural 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.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Clean Water Act Section 307, 402, 318, and 405.

“Pollutant” means those “pollutants” defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. § 1362(6)), or incorporated into California Water Code Section 13373. Pollutant shall not include any discharge exempted from the provisions of this Chapter pursuant to Section 13.08.040. Examples of pollutants include, but are not limited to the following:

1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge);
2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables and show facilities);
6. Substances having characteristics such as pH less than six or greater than nine, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

“Project” means all development, redevelopment, and land disturbing activities, unless solely for the purposes of landscape maintenance or fire prevention. The term is not limited to “Project” as defined under CEQA.

“Redevelopment” means, land-disturbing activity that results in the creation, addition, or replacement of 10,000 square feet or more of impervious surface on existing single family

dwelling and accessory structures or the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site for non-single family projects. 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.

“Routine Maintenance” includes, but is not limited to, projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility;
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities;
3. Carry out road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts;
4. Update existing lines and facilities, including the replacement of existing lines with new materials or pipes, to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity;
5. Repair leaks;
6. Conduct landscaping activities without changing existing or natural grades; and
7. Conduct brush clearing and grubbing for fire prevention.

Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards, and regulations. New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

“Runoff” means any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

“Significant Ecological Area” or “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. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species;
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis;

3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County;
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County;
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community;
6. Areas important as game species habitat or as fisheries;
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County; and
8. Special areas.

“Simple LID BMP” means a BMP constructed above ground on a single-family residential home that can be readily inspected by a homeowner or inspector. Simple LID BMPs do not require an operation and maintenance plan per the Municipal NPDES Permit. Examples of such BMPs include, but are not limited to, vegetated swales, rain barrels and above ground cisterns, rain gardens, and pervious pavement.

“Site” means the land or water area where any “structure or activity” is physically located or conducted, including adjacent land used in connection with the structure or activity.

“Storm water” means storm water runoff and surface runoff and drainage related to precipitation events (pursuant to 40 CFR § 122.26(b)(13); 55 Fed. Reg. 47990, 47996 (Nov. 16, 1990)).

“Structural BMP” means any structural facility designed and constructed to mitigate the adverse impacts of storm water and dry weather runoff pollution (e.g. canopy, structural enclosure). Structural BMP’s may include both treatment control BMPs and source control BMPs.

“Treatment” means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation, and UV radiation.

“Treatment control BMP” means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

13.08.020 Entry into storm drain facilities.

No person shall enter into any storm drain, storm drain ditch, storm drain pipe, flood control

channel, or any other facility owned by any public agency for the purpose of transporting or diverting storm drain water, except public officers or employees, or persons holding the express written permission from the public works director of the City, or the chief engineer of the Los Angeles County Flood Control District; provided, however, that this section shall be applicable only to a storm drain facility where there is in place at each entrance of the facility a sign, the face of which is not less than one square foot in area, upon which appear the words “NO TRESPASSING – DO NOT ENTER.”

13.08.030 Prohibition of illicit discharges and illicit connections to storm drains.

A. No person shall discharge or deposit or cause or suffer to be discharged or deposited in any channel, gutter, inlet, storm drain, or swale, or to flow across any public property, any material from any source which will or may cause or result in the pollution of any underground or surface waters, obstruction to the flow in storm drains, or other interference with the proper operation of the storm drain system. Prohibited discharges or deposits include, but are not limited to: flammable or explosive solids, liquids, or gases; litter; leaves, dirt, or other landscape debris; food wastes; ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, or manure; and any other solid or viscous substance capable of causing such interference.

B. No person shall connect to the MS4, as defined, unless such connection has been specifically permitted in accordance with the provisions of federal, state and local law. It is prohibited to establish, use, maintain, or continue illicit connections to the MS4, or to commence or continue any illicit discharges to the storm drain system.

C. All non-storm water discharges into the MS4 are prohibited unless those flows are: in compliance with a separate NPDES permit; pursuant to a discharge exemption by the Regional Board, the Regional Board’s Executive Officer, or the State Water Resources Control Board; associated with emergency firefighting activities (i.e., flows necessary for the protection of life or property); natural flows as defined in the Municipal NPDES Permit; conditionally exempt non-storm water discharges as defined in accordance with the Municipal NPDES Permit; or authorized as a temporary non-storm water discharge by USEPA pursuant to sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Prohibited discharges include, but are not limited to:

1. Wash waters from commercial auto washing or when gas stations, auto repair garages, or other types of automotive service facilities are cleaned;
2. Wastewater from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations (excluding non-commercial car washing by residents and non-profit organizations);
3. Discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
4. Discharges of runoff from storage areas of materials containing grease, oil or other

hazardous substances, and from uncovered receptacles containing hazardous materials;

5. Discharge of commercial, municipal or private swimming pool filter backwash;

6. Discharge of runoff from the washing of toxic materials from paved or unpaved areas;

7. Discharge from washing out concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;

8. Any pesticide, fungicide, or herbicide banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation.

9. Discharge from the washing of impervious surfaces associated with commercial activity, including but not limited to pressure washing of surfaces prior to or for cleanup from painting.

D. Each person who owns, manages, or operates any industrial or commercial parking lot with more than twenty-five parking spaces which is located in any area potentially exposed to storm water shall regularly remove oil, chemicals, debris, or other pollutionable materials from such lot by sweeping or other equally effective measures (including use of absorbent material if necessary).

E. Each person who owns, manages, or operates any machinery or equipment which is to be repaired or maintained shall use best management practices or shall place the machinery or equipment that is to be repaired or maintained in such a place that leaks, spills, and other maintenance-related pollutants are not discharged to the storm drain system.

F. All hazardous substances and hazardous materials shall be stored in such a manner as to prevent such substances or materials from coming into contact with storm water or other runoff which discharges into the storm drain system. It is unlawful for any person to dispose of any hazardous waste in any trash container used for municipal trash disposal.

G. In any area exposed to storm water, all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, and other materials shall be removed and lawfully disposed of in a manner so as to avoid potential adverse impacts on water quality.

H. Persons conducting commercial or industrial activities within the City shall implement effective source control best management practices as required in the Municipal NPDES Permit to prevent illicit discharges and to prevent storm water discharges associated with the commercial or industrial activity from causing or contributing to a violation of receiving water limitations. Persons conducting commercial or industrial activities within the City shall refer to the most recent edition of the Industrial/Commercial Stormwater Best Management Practices Handbook, produced and published by the California Stormwater Quality Association, for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from commercial/industrial activities.

I. Each industrial discharger subject to the Industrial General Permit or other discharger described in any general storm water permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Los Angeles Regional Water Quality Control Board, shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the Authorized Enforcement Officer prior to the issuance of any grading, building, or occupancy permits, or any other type of permit or license issued by the City.

13.08.040 Exceptions.

Discharges from those activities specifically identified in, or pursuant to, the Municipal NPDES Permit as being Exempted Discharges or Conditionally Exempted Discharges shall not be considered a violation of this Chapter, provided that any applicable BMPs developed pursuant to the Municipal NPDES Permit are implemented to minimize any adverse impacts from such identified sources and that required conditions prescribed in the Municipal NPDES Permit are met prior to discharge. All non-storm water discharges through the MS4 to receiving waters are prohibited except for those discharges identified in the Municipal NPDES Permit as follows:

1. Authorized non-storm water discharges separately regulated by an individual or general NPDES permit;
2. Temporary non-storm water discharges authorized by USEPA pursuant to sections 104(a) or 104(b) of CERCLA that meet all requirements set forth in the Municipal NPDES Permit;
3. Authorized non-storm water discharges from emergency firefighting activities (i.e., flows necessary for the protection of life or property). Discharges from vehicle washing, building fire suppression system maintenance and testing, fire hydrant maintenance and testing, and other routine maintenance activities are not considered emergency firefighting activities;
4. Natural flows, including natural springs; flows from riparian habitats and wetlands; diverted stream flows, authorized by the State or Regional Water Board; uncontaminated ground water infiltration which is water other than wastewater that enters the MS4 (including foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes; rising ground waters, where ground water seepage is not otherwise covered by a NPDES permit; or
5. Conditionally exempt non-storm water discharges as defined by the Municipal NPDES Permit which meet all requirements therein.

13.08.050 Requirements for industrial/commercial and construction activities.

A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general storm water permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board,

or the Regional Board, shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the Authorized 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-storm water 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 storm water from such sites to the maximum extent practicable.

D. Storm water runoff containing sediment, construction materials, or other pollutants from the construction site and any adjacent staging, storage or parking areas shall 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 Storm Water Pollution Prevention Plan (SWPPP) for construction sites of one acre or greater shall be developed by a Qualified SWPPP Developer (QSD) consistent with the Municipal NPDES Permit.

13.08.060 Planning and Land Development Program requirements for New Development and Redevelopment projects.

A. The following New Development and Redevelopment projects are required to comply with the Municipal NPDES Permit:

1. Development projects, including the construction of new single family residential homes, equal to one acre or greater of disturbed area and adding more than 10,000 square feet of impervious area;
2. Industrial parks 10,000 square feet or more of surface area;
3. Commercial malls 10,000 square feet or more of surface area;
4. Retail gasoline outlets 5,000 square feet or more of surface area;
5. Restaurants (as defined in the Department of Labor’s Standard Industrial Classification (SIC) Code 5812) 5,000 square feet or more of surface area;

6. Parking lots with 5,000 square feet or more of impervious area or with twenty-five or more parking spaces;

7. Single family hillside residential developments or redevelopments;

8. Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects;

9. Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area;

10. Projects located in or directly adjacent to, or discharging directly to a Significant Ecological Area (SEA), as defined, where the development will:

(a) Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and

(b) Create 2,500 square feet or more of impervious surface area;

11. Projects in subject categories that meet Redevelopment thresholds (pursuant to the Municipal NPDES Permit), which include:

(a) Land-disturbing activities which create, add, or replace 10,000 square feet or more of impervious surface area on existing single family dwellings and accessory structures; and

(b) Land-disturbing activities which create, add, or replace 5,000 square feet or more of impervious surface area on an already developed site excluding 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 storm water 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 storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

B. Exceptions. Notwithstanding subsection A of this Section, the following activities or projects do not constitute New Development or Redevelopment:

1. Routine maintenance activities conducted to maintain original line and grade, hydraulic capacity, original purpose of facility, or emergency redevelopment activity required to protect public health and safety.
2. Discretionary permit projects or phased project applications which have been deemed complete by February 8, 2013 and which have not received an extension of time.
3. Discretionary permit projects with a valid vesting tentative map.

C. Incorporation of Planning and Land Development Program requirements into Project Plans.

1. New Development and Redevelopment projects are required to control pollutants and runoff volume from the project site by minimizing the impervious surface area and controlling runoff through infiltration, bioretention, and/or rainfall harvest and use, in accordance with the standards set forth in the Municipal NPDES Permit.

2. An applicant for a New Development or a Redevelopment Project identified in subsection A of this Section shall incorporate into the applicant's project plans a Post Construction Storm Water Mitigation Plan which includes those Best Management Practices necessary to control storm water pollution from the completed project. Structural or Treatment Control BMPs (including, as applicable, post-construction Treatment Control BMPs) set forth in project plans shall meet the design standards set forth in the current Municipal NPDES Permit.

3. 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 shall implement mitigation measures to:

(a) Conserve natural areas;

(b) Protect slopes and channels;

(c) Provide storm drain system 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. New Development/Redevelopment Project Performance Criteria.

(a) Post-construction Treatment Control BMPs are required for all new development and redevelopment projects identified in subsection A of this Section unless alternative measures are allowed as provided in the Municipal NPDES Permit. BMPs must be

implemented to retain on-site the Storm Water Quality Design Volume (SWQDv), defined as runoff from either:

- i. The 0.75 inch, 24-hour rain event; or
- ii. The 85th percentile, 24-hour event, as determined from the Los Angeles County 85th percentile precipitation isohyetal map, whichever is greater.

(b) BMPs shall meet the design specifications and on-site retention potential outlined in the Municipal NPDES Permit.

(c) For projects unable to retain 100% of the SWQDv on-site due to technical infeasibility as defined in the Municipal NPDES Permit, such projects must implement alternative compliance measures in accordance with the Municipal NPDES Permit.

(d) Single family hillside home development projects are exempt from the New Development/Redevelopment Project Performance Criteria unless they create, add or replace 10,000 square feet of impervious surface area.

5. Hydromodification Control Criteria.

(a) All non-exempt New Development and Redevelopment projects located within natural drainage systems as defined in Section 13.08.010 of this Chapter 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) The following 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 subsections C.1 through C.4 of this Section. Single family homes implementing such BMPs will satisfy the hydromodification requirements of this Order.

- ii. Non-single family home projects disturbing an area greater than one acre but less than 50 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 storm water volume from the runoff of the 95th percentile, 24-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 2-year, 24-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 50 acres or more within natural drainage systems must demonstrate one of the following:

a. The project has been designed to infiltrate on-site the storm water volume from the runoff of the 2-year, 24-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 2-year, 24-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.

D. Issuance of Discretionary Permits. No discretionary permit may be issued for any New Development or Redevelopment Project identified in subsection A of this Section until the Authorized Enforcement Officer confirms that the project plans comply with the applicable storm water mitigation plans and enumerated design criteria requirements.

E. Issuance of Final Approval. As a condition for issuing final approval for New Development or Redevelopment projects identified in subsection A of this Section, the Authorized Enforcement Officer shall require property owners or their representative(s) to build all the storm water pollution control Best Management Practices and structural or treatment control BMPs that are shown on the approved project plans 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 and including the following words: "SHOULD THE ABOVE REPRESENTATION BE INCORRECT, WE UNDERSTAND AND ACKNOWLEDGE THAT WE, THE UNDERSIGNED, ARE RESPONSIBLE FOR THE COST OF CORRECTING ANY DEFICIENCY IN THE PERFORMANCE OF THE ABOVE CONDITION AS WELL AS PAYMENT OF APPLICABLE ADMINISTRATIVE AND/OR CIVIL REMEDIES. WE UNDERSTAND THAT THE CITY WILL RELY ON THE REPRESENTATIONS CONTAINED IN THIS STATEMENT AS HAVING ACHIEVED OUR OBLIGATION FOR COMPLIANCE WITH STORM WATER REQUIREMENTS AND SIGN THIS CERTIFICATION VOLUNTARILY, WITHOUT PURPOSE OF EVASION AND OF OUR OWN FREE WILL AND WITH FULL KNOWLEDGE OF ITS SIGNIFICANCE."

With the exception of Simple LID BMPs (as defined in Section 13.08.010) implemented on single family residences, project owners shall provide an operation and maintenance plan, monitoring plan where required, and verification of ongoing maintenance provisions for LID practices, Treatment Control BMPs, and Hydromodification Control BMPs including but not limited to: final map conditions, legal agreements, covenants, conditions or restrictions, CEQA

mitigation requirements, conditional use permits, and/or other legally binding maintenance agreements. These maintenance records must be kept on site for treatment BMPs implemented on single family residences.

F. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMP's.

1. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMP's shall include conditions requiring the transferee and its successors to either (a) assume responsibility for maintenance of any existing structural or treatment control BMP or (b) to replace an existing structural or treatment control BMP with new control measures or BMP's meeting the current standards of the City and the Municipal NPDES Permit. 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 BMP's at least once a year and retain proof of inspection.

2. For residential properties where the structural or treatment control BMP's are located within a common area which will be maintained by the community association, appropriate arrangements shall be made with the association regarding the responsibility for maintenance.

3. If structural or treatment control BMP's 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.

G. CEQA. Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for storm water mitigation required under the California Environmental Quality Act.

13.08.070 Enforcement.

A. The, Authorized Enforcement Officer or designee and authorized representatives thereof, are authorized and directed to enforce all provisions of this Chapter.

B. Authorized officers may carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the Municipal NPDES Permit, including the prohibition of non-storm water discharges into the MS4 and receiving waters. With the consent of the owner or occupant or pursuant to an inspection warrant, any Authorized Enforcement Officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determining the concentrations of pollutants in storm water and/or non-storm water runoff. The inspections provided for herein may include but are not limited to:

1. Inspecting efficiency or adequacy of construction or post construction BMP's;
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 storm water discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.

C. Facility Inspections. Commercial and industrial facilities as defined under the Municipal NPDES Permit shall be periodically inspected by the Director of Public Works, Authorized Enforcement Officer, Building Official, or representative thereof. Inspections shall be conducted no less than twice during the term of the Municipal NPDES Permit and as often as necessary as the Director of Public Works deems appropriate to verify compliance with this Chapter.

D. For the first failure to comply with any provision of this Chapter or any applicable requirement of the Municipal NPDES Permit, the Authorized Enforcement Officer shall issue to the violator a notice explaining the issues associated with storm water pollution and warning of the nature of the violation. Such notice shall include information as to the action required to be taken to correct the violation, if any, and the time within which such action shall be completed. Such notice shall also contain information as to the fines and costs which may be imposed for failure to comply with the notice to correct and/or for subsequent violations of this Chapter.

E. Any person who fails to comply with any provision of any notice issued pursuant to subsection D within the time period(s) set forth therein shall be guilty of a misdemeanor.

F. Any person who fails to comply with any of the provisions of this Chapter by undertaking any subsequent action prohibited by this Chapter after having received notice pursuant to subsection D shall be guilty of a misdemeanor.

G. The City may declare any violation of this Chapter a public nuisance, and abate it in accordance with the procedures of Chapter 8.48 PVEMC.

H. In addition to any other remedies provided in this section, any violation of this Chapter may be enforced by a civil action brought by the City.

I. The 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 herein shall be cumulative and not exclusive.