



AGENDA REPORT

Meeting Date: May 5, 2015
Item Number: F-3
To: Honorable Mayor & City Council
From: Trish Rhay, Assistant Director of Public Works Services – Infrastructure & Field Operations

Josette Descalzo, Environmental Compliance and Sustainability
Programs Manager

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS, CALIFORNIA AMENDING ARTICLE 5 (STORMWATER AND URBAN RUNOFF POLLUTION CONTROL) OF CHAPTER 4 OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE TO INCLUDE LOW IMPACT DEVELOPMENT REQUIREMENTS AND ADDITIONAL REVISIONS PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.

Attachments: 1. Proposed Ordinance: Amended Article 5 Chapter 4 of Title 9

RECOMMENDATION

It is recommended that the City Council introduce for adoption an ordinance amending Article 5 (Stormwater and Urban Runoff Pollution Control), Chapter 4 of Title 9 of the Beverly Hills Municipal Code to include Low Impact Development (LID) requirements to comply with the National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004001, Order No. R4-2012-0175 (Attachment 1).

BACKGROUND

The City's urban and stormwater runoff goes through a network of storm drain lines that discharges to Ballona Creek and Estuary. The City's discharges are subject to meet water quality standards prescribed in the 2012 MS4 Permit for Ballona Creek and Estuary.

On December 28, 2012, the new Municipal Separate Storm Sewer System Permit (2012 MS4 Permit) was adopted by the Los Angeles Regional Water Quality Control Board (RWQCB) to ensure compliance with the regulations under the Federal Clean Water Act. The new permit prescribed additional regulations on incorporated cities in Los Angeles County and the Los Angeles County Flood Control District (Permittees) to ensure acceptable water quality standards with respect to urban runoff, stormwater discharges and the water bodies of the United States.

In developing the 2012 MS4 Permit, it was apparent to the RWQCB that they needed to provide additional compliance pathways for the Permittees because compliance through previous versions would likely not be met and therefore unsuccessful in improving water quality. For these two reasons, the 2012 MS4 Permit has three compliance pathways: 1) traditional approach requiring Permittees to meet strict numeric standards in the storm drain outfalls and water bodies of the United States; 2) preparation and implementation of a Watershed Management Program (WMP); and 3) preparation and implementation of an Enhanced Watershed Management Program (EWMP). The WMP and EWMP compliance pathways are adaptive management approaches that allow Permittees to comply with the 2012 MS4 Permit through action-based standards (variety of Best Management Practices and careful planning) as compared to strict numeric standards.

At the May 23, 2013, City Council Meeting, staff presented their findings on the three compliance pathways and recommended the EWMP was best for the City. The EWMP provides the City the following advantages:

1. Planning documents to integrate the various permit provisions, including water quality standards through the means of Total Daily Maximum Loads (TMDLs).
2. Monitoring and reporting through Coordinated Integrated Monitoring Program (CIMP).
3. Planning and implementation documents such as the EWMP Plan where it outlines the watersheds action-based approach to meet water quality standards of the permit.
4. Extends the interim and final compliance deadlines for Ballona Creek TMDLs.

The EWMP Plan includes multi-benefit regional projects and modeling analyses to determine if regional multi-benefit projects could be built to retain the captured volume requirements from the 85th percentile 24-hour storm to meet interim and final TMDL standards. Most importantly, the EWMP Plan is a technical document the City can use to implement the following Best Management Practices (BMPs) to meet water quality standards:

1. Outreach and education on urban runoff and non-stormwater discharges;
2. Street sweeping services;
3. Catch basin cleaning and retrofit to prevent trash and debris from reaching the waterbody of the United States;
4. Build green infrastructure by adopting Low Impact Development (LID) requirements in the municipal code; and
5. Adopt a green streets policy.

The City Council agreed with the recommendations and authorized staff to join a EWMP group.

The City's urban and stormwater runoff drains to Ballona Creek. Therefore, Beverly Hills joined the City of Los Angeles (lead agency), County of Los Angeles and County Flood Control District, Culver City, Inglewood, Santa Monica and West Hollywood to form the Ballona Creek EWMP group. On June 27, 2013, the EWMP group was officially recognized by RWQCB when it submitted a joint Notice of Intent (NOI).

The 2012 MS4 Permit set requirements for those agencies that join a EWMP. One of the provisions is for all agencies to adopt Low Impact Development (LID) requirements within two years of filing the NOI (June 27, 2015).

DISCUSSION:

The City's Stormwater Ordinance, officially entitled the Stormwater and Urban Runoff Pollution Control Ordinance and found in Article 5 of Chapter 4 of Title 9 of the Beverly Hills Municipal Code was last amended in 2002 to meet the requirements of the previous MS4 Permit (Order No. 01-182, 2001-2012). The proposed ordinance would amend this Article to meet with the requirements of the 2012 MS4 Permit. The proposed ordinance updates the findings, purpose and intent, definitions and requirements for new development and redevelopment projects sections of the Stormwater and Urban Runoff Pollution Control Ordinance.

Low Impact Development

According to the US-EPA, low impact development ("LID") is an approach to land development and redevelopment that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. LID is also used as a stormwater management strategy by implementing site designs and BMPs that promote natural infiltration, evapotranspiration and beneficial use of stormwater runoff. LID designs and BMPs can come in forms of bio-retention and bio-filtration areas, rain gardens, vegetated rooftops, rain barrels and permeable pavements.

The LID requirements in the 2012 MS4 Permit have been incorporated in the proposed ordinance amendment (section 9-4-508) of the Beverly Hills Municipal Code and it is intended to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements (section 9-4-506 of the existing ordinance).

The proposed ordinance amendment requires construction projects to incorporate LID features at the project sites if their project meets the new and redevelopment criteria in the 2012 MS4 Permit (i.e., all development projects equal to one acre or greater of disturbed area and adding more than 10,000 square feet of impervious area). Typical LID designs for new and redevelopment projects can divert runoff to the soil at the site, use landscaping for evapotranspiration (evaporation of the water through plant transpiration), bio-retention (landscaping and swales to allow water to be filtered before it is discharged) or harvesting and reusing rain water (rain barrels, cisterns, etc.). Table 1 provides typical LID examples on new development and redevelopment projects:

Table 1: Typical LID Examples on New and Redevelopment Projects

Project Type:	LID Examples:
Single and multi-family residential projects	<ol style="list-style-type: none"> 1. Landscape (capture/treat runoff) 2. Rain Gardens 3. Planter Boxes 4. Green Roofs 5. Permeable Pavements 6. Rain Barrels 7. Downspout Filters
Commercial Projects	<ol style="list-style-type: none"> 1. Landscape 2. Green Space 3. Green Roofs 4. Planter Boxes 5. Downspout Filters 6. Infiltration Vaults

Based on the current plan review services, staff doesn't anticipate delays in the project review process with the adoption of the LID requirements in the municipal code. Stormwater review is currently in the plan review process.

As a fully developed City and watershed, the availability of open space to build large projects to collect, retain and treat urban and stormwater runoff to meet water quality standards is small to non-existent. By adopting LID requirements, the City of Beverly Hills is committing to becoming environmentally stewards by integrating stormwater management in development projects, thus improving the ecological health of Ballona Creek.

FISCAL IMPACT

LID Ordinance - There is no direct fiscal impact to the City by adopting the proposed ordinance amendment; however, there would be an increase of staff time to review development and redevelopment plans that will be implementing LID strategies.


 George Chavez

 Approved By

Attachment 1

ORDINANCE NO. 15-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS, CALIFORNIA AMENDING ARTICLE 5 (STORMWATER AND URBAN RUNOFF POLLUTION CONTROL) OF CHAPTER 4 OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE TO INCLUDE LOW IMPACT DEVELOPMENT REQUIREMENTS AND ADDITIONAL REVISIONS PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

WHEREAS, the City of Beverly Hills is a permittee under 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,” issued by the California Regional Water Quality Control Board--Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES Permit”).

WHEREAS, the Municipal NPDES Permit requires permittees to develop and implement a Low Impact Development (“LID”) Ordinance.

WHEREAS, LID ordinances are widely recognized as a sensible approach to managing the quantity and quality of stormwater and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.

WHEREAS, it is the intent of the City of Beverly Hills to replace the existing Standard Urban Stormwater Mitigation Plan (also known as SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined in this Ordinance.

Section 1. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because the Low Impact Development requirements for new development and redevelopment projects of this Ordinance will not have a significant effect on the environment, and the adoption of this Ordinance and the timing thereof is mandated by the action of the Los Angeles Regional Water Quality Control Board ("LARWQCB"). In this case, the City is acting at the direction of the LARWQCB and federal law to protect, maintain, restore and enhance natural resources and the environment. To comply with the requirements of the LARWQCB, the City Council finds that the adoption of this Ordinance is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15307 and 15308. Furthermore, this Ordinance will have no possible significant effect on the environment, given that the provisions of this Ordinance provide similar regulations as currently exist and will not in and of themselves cause any change in the environment. Staff is hereby directed to prepare and post a notice of exemption pursuant to CEQA Guidelines Section 15062.

Section 2. The custodian of records for all materials that constitute the record of proceedings upon which this decision is based is the City Clerk. Those documents are available for public review in the City Clerk's office located at Beverly Hills City Hall at 455 N. Rexford Drive, Beverly Hills, CA 90210.

Section 3. Article 5 (Stormwater and Urban Runoff Pollution Control) of Chapter 4 (Water Regulations) of Title 9 (Building and Property Health and Safety Regulations) of the Beverly Hills Municipal Code is hereby amended in its entirety to read as follows:

“Article 5. STORMWATER AND URBAN RUNOFF POLLUTION CONTROL

- 9-4-501: Findings**
- 9-4-502: Purpose**
- 9-4-503: Definitions**
- 9-4-504: Prohibited Activities**
- 9-4-505: Exempted discharges, conditionally exempted discharges, or designated discharges**
- 9-4-506: Requirements for existing properties**
- 9-4-507: Requirements for industrial/commercial and construction activities.**
- 9-4-508: Planning and Land Development Program Requirements for New Development and Redevelopment**
- 9-4-509: Fees**
- 9-4-510: Stormwater and Urban Runoff Pollution Education Program**
- 9-4-511: Enforcement and Penalties**

9-4-501: FINDINGS:

The City Council finds and declares that:

- A. The Federal Clean Water Act (33 U.S.C. 1251 *et seq.*) provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter “NPDES”) requirements to storm water and urban runoff discharged into municipal storm drain systems.
- B. Storm water and urban runoff flow from individual properties onto streets, then through storm drains passing through the City.
- C. The City is a co-permittee under 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 (the "Municipal NPDES Permit") and, as a co-permittee under the Municipal NPDES Permit, the City is required to implement and enforce the requirements contained in the Municipal NPDES Permit, to control discharges to and from those portions of the MS4 over which it has jurisdiction, and to hold dischargers to the MS4 accountable for their contributions of pollutants and flows.

D. Part III, Section A of the Municipal NPDES Permit requires the City to prohibit, in the portion of the MS4 for which it is an owner or operator, non-storm water discharges into the MS4, except where such discharges are identified and in compliance with Part III, Section A of the Municipal NPDES Permit.

E. In order to control, in a cost effective manner, the quantity and quality of storm water and urban runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential.

9-4-502: PURPOSE:

A. The purpose of this article is to promote the future health, safety and general welfare of the residents of the City and the water quality of the receiving waters of the county and surrounding coastal areas by:

1. Reducing pollutants in storm water discharges to the maximum extent practicable;
2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of storm water and dry weather runoff into the MS4; and
3. Regulating non-storm water discharges to the MS4.

B. The intent of this article is to protect and enhance the quality of watercourses, water bodies, and wetlands within the City in a manner consistent with the federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the Municipal NPDES Permit.

C. This article is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction as required by the Municipal NPDES Permit, and thereby fully and timely comply with the terms of the Municipal NPDES Permit.

D. This article also sets forth requirements for the construction and operation of certain "commercial development", "new development" and "redevelopment" and other projects (as further defined herein), which requirements are intended to ensure compliance with the storm water mitigation measures prescribed in the current version of the Municipal NPDES Permit, a copy of which is on file in the office of the City Clerk.

E. This article authorizes an 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 requirements, as provided herein in order to conduct repairs of essential public service systems and infrastructure in emergency situations, to cite violations and to impose fines pursuant to this article. This article also authorizes the authorized enforcement officer to carry out inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the

provisions of this article and the Municipal NPDES Permit. Except as otherwise provided herein, the authorized enforcement officer shall administer, implement and enforce the provisions of this article.

9-4-503: DEFINITIONS:

Except as specifically provided herein, any term used in this article 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 words and phrases shall have the following meanings when used in this article:

AREA SUSCEPTIBLE TO RUNOFF. Any surface directly exposed to precipitation or in the path of runoff caused by precipitation which path leads off the parcel on which the surface is located.

AUTHORIZED ENFORCEMENT OFFICER. The Director of Public Works or his or her designee.

AUTOMOTIVE SERVICE FACILITY. A facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5511, 5541, 7532-7534, or 7536-7539 (as amended).

BEST MANAGEMENT PRACTICES (BMPs). Practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-storm water discharges to receiving waters or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water. Examples of BMPs may include public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge- or waste-handling and disposal, among others.

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. Therefore, the term "biofiltration" as used in this Ordinance 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. A LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy or groundcover, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in this Ordinance, 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.

COMMERCIAL DEVELOPMENT. Any development on private land that is not heavy industrial or residential. The category includes, but is not limited to hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, to public warehouses and other light industrial complexes.

COMMERCIAL MALL. Any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

CONSTRUCTION. Constructing, clearing, grading, or excavation that results in soil disturbance. **CONSTRUCTION** includes structure tear-down and demolition. It does not include routine maintenance activities required to maintain the integrity of structures by performing minor repair or restoration work, maintain 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); interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; ~~er~~ sign permit work; or clearing or grubbing of vegetation for landscape maintenance which is not associated with a larger construction project. See definition of Routine Maintenance below.

CONSTRUCTION GENERAL PERMIT. 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, revised by Order No. 2010-0014-DWG and any successor permit to that permit.

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

DEVELOPMENT. Any 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. 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. Situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

DIRECTOR. The Director of Public Works or his or her designee.

DISCHARGE. When used without qualification, means the discharge of a pollutant.

DISCHARGE OF A POLLUTANT. Any addition of any pollutant or combination of pollutants to waters of the United States from any point source or, any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term **DISCHARGE OF A POLLUTANT** includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man;

discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately-owned treatment works.

DISCHARGING DIRECTLY. 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.

DISCRETIONARY PROJECT. Shall be defined in the same manner as in Cal. Code of Regulations Title 14, § 15357 of the Guidelines for Implementation of the California Environmental Quality Act, as amended, and means a project which requires the exercise of judgment or deliberation when the City decides to approve or disapprove a particular activity, as distinguished from situations where the City merely has to determine.

DISTURBED AREA. 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.

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. Public Resources Code § 30107.5). Areas subject to storm water 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 the City as environmentally sensitive.

FLOW-THROUGH BMPs means modular, vault type "high flow bioretention" devices contained within impervious vault with an underdrain or designed with an impervious liner and an underdrain.

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

ILLICIT CONNECTION. Any man-made conveyance that is connected to the MS4 without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

ILLICIT DISCHARGE. Any discharge to the MS4 that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all non-storm water discharges, except authorized non-storm water discharges; conditionally exempt non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in Part III.A. of 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 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. The imperviousness of these areas commonly results from paving, compacted gravel, and compacted earth.

INDUSTRIAL PARK. Land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry.

INFILTRATION. The downward entry of water into the surface of the soil.

INSPECTION. The entry and the conducting of an on-site review of a facility and its operations, 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;
- (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 (LID) means building or landscape features designed to retain or filter storm water runoff.

MATERIAL. Any substance including, but not limited to garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

MUNICIPAL NPDES PERMIT. "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. A conveyance or system of conveyances (including 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 at 40 C.F.R. § 122.2.

NEW DEVELOPMENT. Land-disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

NON-STORM WATER DISCHARGE. Any discharge to the MS4 or from the MS4 into a receiving water that is not composed entirely of storm water.

NPDES PERMIT. Any waste discharge requirements issued by the Regional Board or the State Water Resources Control Board as an NPDES permit pursuant to Cal. Water Code § 13370 (other than the Municipal NPDES Permit).

PARKING LOT. Land area or a facility for the parking or storage of motor vehicles used for businesses, commerce, industry or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

POLLUTANT. Those POLLUTANTS defined in Section 502(6) of the federal Clean Water Act (33 USC 1362(6)), or incorporated into Cal. Water Code § 13373. 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 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus;
- (7) The term POLLUTANT shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility. The term POLLUTANT also shall not include any substance identified in this definition, if through compliance with the BMPs available, the discharge of such substance has been reduced or 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 reduction or elimination of the discharge to the maximum extent practicable through compliance with the BMPs available.

PROJECT. All development, redevelopment, and land-disturbing activities. The term "project" is not limited to "project" as defined under *the California* Environmental Quality Act under California Public Resources Code Section 21065.

RAINFALL HARVEST AND USE. 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. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department.

REDEVELOPMENT. Land-disturbing activity that results in the creation, addition or replacement of at least 5,000 square feet of impervious surface area on an already developed site for all project categories except single family residential projects. For existing single family dwelling and accessory structures, redevelopment is the creation, addition, or replacement of 10,000 square feet or more of impervious surface. REDEVELOPMENT includes, but is not limited to the following activities that meet the minimum standards set forth in this definition: (1) the expansion of a building footprint; (2) addition or replacement of a structure; (3) replacement of impervious surface that is not part of a routine maintenance activity; and (4) land-disturbing activities related to structural or impervious surfaces. REDEVELOPMENT does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.

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

RESTAURANT. 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. Any facility engaged in selling gasoline and lubricating oils.

ROUTINE MAINTENANCE. Includes, but is not limited to, projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, and original purpose of 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 of such projects result in increased capacity;
5. Repair leaks;
6. Conduct landscaping activities without changing existing or natural grades; and
7. Conduct brush cleaning 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. 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.

SIMPLE LID BMP. 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. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

SOURCE CONTROL BMP. Any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

STORMWATER RUNOFF. That part of precipitation (rainfall or snow melt) which travels via flow across a surface to the MS4 or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

STRUCTURAL BMP. Any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g., canopy, structural enclosure). STRUCTURAL BMPs may include both treatment control BMPs and source control BMPs.

SUSMP. The Los Angeles Countywide Standard Urban Stormwater Mitigation Plan ("SUSMP").

TREATMENT. 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. 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.

URBAN RUNOFF. Surface water flow produced by non-storm water resulting from residential, commercial, and industrial activities involving the use of potable and non-potable water.

9-4-504: PROHIBITED ACTIVITIES:

A. Illicit discharges and connections. No person shall commence, establish, use, maintain, or continue any illicit connection to the MS4 or any illicit discharge to the MS4. This prohibition against illicit connections applies to the use, maintenance, or continuation of any illicit connection, whether that connection was established prior to or after the effective date of this article.

B. Littering: No person shall throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any private plot of land in the City, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in containers or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

C. Blowing Debris: No person shall use or operate any mechanical device to blow leaves, dirt, or other debris in or upon any street, alley, sidewalk, parkway, or other public right of way.

D. Disposal of Landscape Debris: No person shall intentionally dispose of leaves, dirt or other landscape debris into a storm drain.

E. Industrial Activities: No person shall conduct any industrial activity in the City without obtaining all permits required by State or federal law, including an NPDES general industrial activity storm water permit when required. Persons conducting industrial activities within the City should refer to the most recent edition of the "Industrial/Commercial Best Management Practices Handbook", produced and published by the California Stormwater Quality Association ("CASQA"), for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from industrial activities.

F. Non-storm water discharges. All non-storm water discharges into the MS4 are prohibited unless those discharges are:

1. In compliance with a separate NPDES Permit;
2. Pursuant to a discharge exemption by the Regional Board, the Regional Board's executive officer, or the State Water Resources Control Board;
3. Associated with emergency firefighting activities (*i.e.*, flows necessary for the protection of life or property);
4. Natural flows as defined in the Municipal NPDES Permit;

5. Conditionally exempt non-storm water discharges as defined in accordance with the Municipal NPDES Permit; or

6. 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).

G. Prohibited discharges include, but are not limited to:

1. The discharge of wash waters to the MS4 from commercial auto washing or from gas stations, auto repair garages, or other types of automotive service facilities when those facilities are cleaned;

2. The discharge of water to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;

3. Discharges to the MS4 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 to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and from uncovered receptacles containing hazardous materials;

5. Discharges to the MS4 of commercial/residential swimming pool filter backwash;

6. Discharges to the MS4 of runoff from the washing of toxic materials from paved or unpaved areas;

7. Discharges to the MS4 from washing impervious surfaces in industrial or commercial areas, unless specifically required by the State's, or the City's, or Los Angeles County's health and safety codes, or permitted under a separate NPDES permit;

8. Discharges to the MS4 from the washing out of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;

9. Discharges to the MS4 of any pesticide, fungicide, or herbicide banned by the USEPA or the California Department of Pesticide Regulation or discharges of a product registered under the Federal Insecticide, Fungicide and Rodenticide Act to any waste stream that may ultimately be released to waters of the United States unless specifically authorized under an NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.

10. The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

H. Discharges in violation of the Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend,

indemnify and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

9-4-505: EXEMPTED DISCHARGES, CONDITIONALLY EXEMPTED DISCHARGES OR DESIGNATED DISCHARGES:

Discharges from those activities specifically identified in, or pursuant to, Part III.A.1-3 of the Municipal NPDES Permit as being exempted discharges, conditionally exempted discharges, or designated discharges shall not be considered a violation of this article, provided that any such discharges are consistent with Part III.A of the Municipal NPDES Permit and:

- A. Applicable BMPs developed pursuant to the Municipal NPDES Permit are implemented to minimize any adverse impacts from such identified discharges;
- B. The discharger meets all notification, reporting and recordkeeping requirements; and
- C. The discharger has conducted all applicable monitoring requirements.

9-4-506: REQUIREMENTS FOR EXISTING PROPERTIES:

Owners and occupants of property and owners of businesses within the City shall comply with the following requirements:

- A. Storage of materials, machinery, and equipment.
 - 1. Machinery or equipment that is to be repaired or maintained in areas susceptible to runoff or exposed to stormwater shall be placed on a pad of absorbent material to contain leaks, spills or small discharges and shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.
 - 2. Objects, such as motor vehicle parts, containing grease, oil, or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.
- B. Removal of Debris and Residue.
 - 1. All motor vehicle parking lots located in areas susceptible to runoff shall be swept, at minimum, on a monthly basis to remove debris. Such debris shall be collected and properly disposed of. Lots with more than ten (10) parking spaces and all public parking facilities shall also be vacuum swept, at minimum, on a quarterly basis, to remove chemical residue.
 - 2. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed immediately and disposed of properly. Household hazardous waste may be disposed of through the City's household hazardous waste program or at any other appropriate disposal site and shall not be placed in a trash container.
- C. Septic Waste. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where a discharge to City streets or the MS4 may or does occur.

D. Use of Water. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. Runoff of water from the permitted washing down of paved impervious areas shall be minimized to the maximum extent practicable, and diverted so that flow is directed to landscaped areas for infiltration where possible.

E. Food and Liquid Wastes. Food and liquid wastes generated by nonresidential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the MS4.

F. Best management practices. BMPs shall be used in areas exposed to stormwater for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.

G. Maintenance of Structural BMPs. Structural BMPs required by the City, County of Los Angeles, or any State or federal agency shall be properly operated and maintained, as specified by an approved SUSMP or Storm Water Mitigation Plan, or as otherwise determined by the Authorized Enforcement Officer. Records and documentation of such maintenance shall be provided to the Director upon request.

9-4-507: REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL AND CONSTRUCTION ACTIVITIES:

A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general NPDES 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 and the provisions of this article. 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 NPDES permit may be required in a form acceptable to the Authorized Enforcement Officer, or designated representative, prior to the issuance of any grading, building or occupancy permits, 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 in violation of any applicable NPDES permit or the provisions of this article are prohibited.

C. Industrial and commercial dischargers and dischargers associated with construction activities shall implement effective BMPs, including source control BMPs, in accordance with Table 10 of Part VI.D.6.f of the Municipal NPDES Permit unless a particular pollutant generating activity does not occur on a facility's site.

9-4-508: PLANNING AND LAND DEVELOPMENT PROGRAM REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT – LOW IMPACT DEVELOPMENT:

A. Objective. The provisions of this Section establish requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current Municipal NPDES Permit (Order No. R4-2012-0175), to lessen the water quality impacts of development by using smart growth practices, and integrate LID practices and standards for storm water pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use.

B. Scope. This Section contains requirements for storm water pollution control measures in Development and Redevelopment projects and authorizes the City to further define and adopt storm water pollution control measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, alternative compliance measures from the LID requirements for projects that demonstrate technical infeasibility to retain the Storm Water Quality Design Volume (SWQDV) on-site or where an opportunity exists for regional groundwater replenishment as defined in the Municipal NPDES Permit, and collect funds for projects that are granted alternative compliance measures. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section.

C. Applicability. This Section applies to the following New Development and Redevelopment Projects which are subject to City conditioning and approval:

1. New Development Projects.

a. All development projects equal to one acre or greater of disturbed area and adding more than 10,000 square feet of impervious area;

b. Industrial parks with 10,000 square feet or more of surface area;

c. Commercial malls with 10,000 square feet or more of surface area;

d. Retail gasoline outlets with 5,000 square feet or more of surface area;

e. Restaurants (SIC 5812) with 5,000 square feet or more of surface area;

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

g. Single family hillside residential developments or redevelopments;

h. 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;

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

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

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

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

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

a. 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.

b. 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.

c. Where Redevelopment results in an alteration to more than fifty percent (50%) of the impervious surface 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 (50%) of the impervious surface 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.

e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface.

D. LID Standards Manual. The Director shall prepare, maintain, and update, as deemed necessary and appropriate, a manual ("LID Standards Manual"), which shall include urban and stormwater runoff quantity and quality control development principles and technologies for achieving compliance with the provisions of this section. The LID Standards Manual shall also include technical feasibility and implementation parameters, as well as other rules, requirements, and procedures as the Director deems necessary, for implementing the provisions of this Chapter.

E. Specific Requirements.

1. New Single-Family Hillside 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 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.

2. 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 that preferred order, in accordance with the standards set forth in the Municipal NPDES Permit and the LID Standards Manual. High removal efficiency BMPs shall comply with the standards and requirements of the LID Standards Manual.

3. An applicant for a New Development or a Redevelopment Project identified in this Article shall incorporate into the applicant's project plans a Storm Water Mitigation Plan which includes those BMPs 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 Municipal NPDES Permit and the LID Standards Manual.

4. New Development/Redevelopment Project Performance Criteria.

- a. All New Development and Redevelopment Projects, unless otherwise exempted herein or in the Municipal NPDES Permit, shall comply with Part VI.D.7.c of the Municipal NPDES Permit.
- b. Post-construction BMPs to mitigate storm water pollution are required for all New Development and Redevelopment projects identified in this Article unless alternative measures are allowed as provided in Part VI.D.7.c of the Municipal NPDES Permit.
- c. BMPs must be implemented to retain on-site the Storm Water Quality Design Volume (SWQDv), defined as runoff from either: (a) the 0.75 inch, 24-hour rain event; or (b) the 85th percentile, 24-hour event, as determined from the Los Angeles County 85th percentile precipitation isohyetal map, whichever is greater.
- d. BMPs shall meet the design specifications and on-site retention potential outlined in the Part VI.D.7.c of the Municipal NPDES Permit and the LID Standards Manual.
- e. Single family Hillside home Development projects are exempt from the New Development/Redevelopment Project Performance Criteria of Part VI.D.7.c of the Municipal NPDES Permit unless they create, add, or replace 10,000 square feet or more of impervious surface area.
- f. Street and road construction projects of 10,000 square feet or more of impervious surface area are exempt from the New Development/Redevelopment Project Performance Criteria of Part VI.D.7.c of the Municipal NPDES Permit but shall adhere to the City's Green Streets Policy.
- g. Projects unable to retain 100% of the SWQDv on-site due to technical infeasibility as defined in the Municipal NPDES Permit must implement alternative compliance measures in accordance with Part VI.D.7.c of the Municipal NPDES Permit. When, as determined by the City, 100% onsite retention of the SWQDv is technically infeasible, partially or fully. The infeasibility shall be demonstrated in the submitted Storm Water Mitigation

Plan. The technical infeasibility may result from conditions that may include, but are not limited to:

- i. The infiltration rate of saturated in-situ soils is less than 0.3 inches per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining SWQDv onsite;
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Locations with potential geotechnical hazards;
 - v. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- h. If partial or complete retention is technically infeasible, the project site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite, Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit of Part VI.D.7.c.
- i. Additional alternative compliance options such as offsite infiltration may be available to the project site. The project site should contact the City to determine eligibility.
- j. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
- i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

E. Issuance of Discretionary Permits. No discretionary permit may be issued for any New Development or Redevelopment Project identified in this section until the Authorized Enforcement Officer confirms the project plans comply with the applicable requirements of this section.

F. Issuance of Certificates of Occupancy. As a condition for issuing a certificate of occupancy for New Development or Redevelopment projects identified in this article, the Authorized Enforcement Officer shall require property owners or their representative(s) to build

all the storm water pollution control BMPs and structural or treatment control BMPs that are shown on the approved project plans and consistent with the Storm Water 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, the Storm Water Mitigation Plan, and other applicable regulatory requirements.

G. With the exception of Simple LID BMPs (as defined in this article) implemented on single family residences, consistent with Part VI.D.7.d(iii) of the Municipal NPDES Permit, project owners shall provide an operation and maintenance plan, monitoring plan where required, 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, 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.

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

1. 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) to replace an existing structural or treatment control BMP with new control measures or BMPs 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 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, appropriate arrangements shall be made with the association regarding the responsibility for maintenance.

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.

9-4-509: FEES:

Fees for plan reviews, inspections, violations, corrections, and tasks associated with this Article may be established by resolution of the City Council.

9-4-510: STORM WATER AND NON-STORMWATER RUNOFF POLLUTION EDUCATION PROGRAM:

The department of public works, along with other City departments, shall conduct an informational program to educate the public about the dangers of storm water and urban runoff pollution and the means of controlling such pollution. The program shall educate residents and business persons who operate within the City about the contents of this article.

9-4-511: ENFORCEMENT:

A. Violations deemed a public nuisance. A violation of any provision of this article is declared to be a public nuisance, and the city attorney is authorized to abate such violation by means of a civil action in addition to whatever other remedies are available to the City under this Code and other applicable laws, rules or regulations. Additionally, the following conditions shall be considered a public nuisance:

1. Any failure to comply with any applicable Planning and Land Development Program requirement set forth in Section 9-4-508 or the Municipal NPDES Permit; or

2. Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or

3. Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved Storm Water Mitigation Plan or an approved SUSMP or approved SWPPP (storm water pollution prevent plan or similar type of approved water quality improvement plan), this Chapter, or the Municipal NPDES Permit.

B. The above listed conditions are hereby determined to be a threat to the public health, safety and welfare, are declared and deemed a public nuisance, and may be abated or restored by any authorized 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. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs. If any violation of this article constitutes a seasonal or recurrent nuisance, the authorized enforcement officer shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after written notice of a determination under this section shall constitute a public nuisance and a violation of this article.

C. Inspections.

1. Whenever necessary to make an inspection to enforce any of the provisions of this section, or whenever an authorized enforcement officer has reasonable cause to believe that there exists on any construction site any condition which constitutes a violation of the provisions of this section, the authorized enforcement officer may, upon consent or upon obtaining an inspection warrant, enter such construction site at all reasonable times to inspect the same or perform any duty imposed upon the officer by this section.

2. Routine or area inspections shall be based upon such reasonable selection process as may be deemed necessary to carry out the objectives of this article, including, but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, discharges of non-storm water to the MS4, discharges which are not pursuant to an NPDES permit, or similar factors.

3. Right to Inspect. Prior to commencing any inspection as herein below authorized, an authorized enforcement officer shall obtain either the consent of the owner, his/her authorized representative or the occupant of the property or shall obtain an administrative inspection warrant or criminal search warrant.

4. Entry to Inspect. An authorized enforcement officer may enter property to investigate the source of any discharge to any public street, inlet, gutter, storm drain or any other part of the MS4 located within the jurisdiction of the City.

5. Compliance Assessments. An authorized enforcement officer may inspect property for the purpose of verifying compliance with this article, including but not limited to (a) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property; (b) identifying point(s) of discharge of all wastewater, process water systems and pollutants; (c) investigating the natural slope at the location, including drainage patterns and man-made conveyance systems; (d) establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system; (e) locating any illicit connection or the source of prohibited discharge; (f) evaluating compliance with any permit issued relating to a discharge to the stormwater drainage system.

6. Portable Equipment. For purposes of verifying compliance with this article, an authorized enforcement officer may inspect any vehicle, truck, trailer, tank truck or other mobile equipment.

7. Records Review. An authorized enforcement officer may inspect all records of the owner or occupant of property relating to chemicals or processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, stormwater pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, prohibited discharges, or any other source of contribution or potential contribution of pollutants to the stormwater drainage system.

8. Sample and Test. An authorized enforcement officer may inspect, sample and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the stormwater drainage system. An authorized enforcement officer may investigate the integrity of all storm drain and sanitary sewer systems, any legal nonconforming connection or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. An authorized enforcement officer may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

9. Monitoring. An authorized enforcement officer may erect and maintain monitoring devices for the purpose of measuring or sampling any discharge or potential source of discharge to the stormwater drainage system.

10. Test Results. The owner or occupant of property subject to inspection shall, on submission of a written request, receive copies of all monitoring and test results conducted by an authorized enforcement officer.

D. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article shall constitute a violation of such provision.

E. Civil actions. In addition to any other remedies provided in this section, any violation of this section 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/or permanent injunction.
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection E.
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation.
4. Compensatory damages for loss or destruction of water quality, wildlife, fish and aquatic life.

F. Administrative enforcement powers. In addition to the other enforcement powers and remedies established by this article, any authorized enforcement officer has the authority to utilize the following administrative remedies:

1. Cease and desist orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this article, 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 shall:

- 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 authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, 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-storm water discharge to the MS4, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

G. Penalties. Except as otherwise specifically provided, any violation of this article may be prosecuted as a misdemeanor, infraction, or pursuant to the administrative citation procedures set forth in Title 1 of this Code. . Each day that a violation continues shall constitute a separate offense.

H. Permit revocation. To the extent the City makes a provision of this article 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. Burden of Proof. In an enforcement action, the burden of proof shall be on the person who is the subject of such action to establish that the reduction or elimination of the discharge to the maximum extent practicable has been accomplished through compliance with the best management practices available, including applicable monitoring, notifications and reporting requirements.

J. Remedies. Remedies under this article 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.”

Section 4. **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 5. **Publication.** The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 6. **Effective Date.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

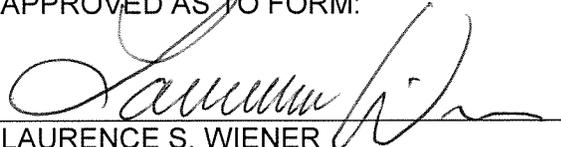
Adopted:
Effective:

JULIAN A. GOLD, M.D.
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
Interim City Manager



GEORGE CHAVEZ
Director of Public Works Services