

**TO:** James L. App, City Manager  
**FROM:** Doug Monn, Public Works Director  
**SUBJECT:** Ordinance Establishing Rules and Regulations for Storm Water Control  
**DATE:** June 18, 2013

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**NEEDS:** For City Council to consider adoption of a storm water control ordinance.

**FACTS:**

1. The City is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for the Discharge of Storm Water from Phase II Small Municipal Separate Storm Sewer Systems, Order No. 2003-0005-DWQ (Permit).
2. The City received its permit January 6, of 2005. The Permit is enforced by the California Regional Water Quality Control Board (Water Board).
3. Pursuant to the Permit, the City prepared and adopted a Storm Water Management Program (SWMP) that was approved by the Water Board in January 2005.
4. The Permit requires the City to adopt a storm water ordinance, to establish adequate legal authority to implement and enforce the SWMP, regulate storm water, non-storm water discharges, and construction related runoff, and to reduce and eliminate pollutants entering the City's storm drain system;
5. The City is also required to establish authority to implement the Water Board's Post-Construction Stormwater Management Requirements For Development Projects In The Central Coast Region, Resolution R3-2012-0025 (Post-Construction Requirements), by September 6, 2013.
6. Implementation of the proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Title 14, California Code of Regulations Section 15308 as categorical exemption 8 of the CEQA regulations. Class 8 exemptions are actions taken by regulatory agencies for protection of the environment.

**ANALYSIS &  
CONCLUSION:**

Recent reissuance of the Permit and adoption of Post-Construction Requirements by the Water Board mandates the need for the City to adopt a storm water control ordinance at this time. Failure to adopt an ordinance prior to September 2013 could expose the City to serious enforcement action by the Water Board.

The proposed ordinance was developed in consultation with Best, Best, and Krieger water attorneys, and is based on similar ordinances adopted by other California municipalities.

See Attachment 1 for a summary of the proposed ordinance. The full text of the ordinance is in Attachment 2.

**POLICY**

**REFERENCE:** State Water Resources Control Board Water Quality Order No. 2003-0005 DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000004,

**FISCAL**

**IMPACT:** Adoption of the storm water ordinance will have no fiscal impact on the City. Full implementation of the City's SWMP and the Post-Construction Requirements will require establishment of a full-time Storm Water Manager in the future (the City's currently has a half-time manager). This full time position would be funded through the City's Sewer Enterprise Fund and was anticipated when sewer rates were established in 2011, thus would have no impact on the General Fund.

**OPTIONS:**

- a. **Introduce for first reading Ordinance No. xxx N.S.**
- b. **Amend, modify or reject the above options**

**ATTACHMENT:**

- 1. Summary of Ordinance No. xxx N.S.
- 2. Ordinance No. 13-xxx

Prepared by: Patti Gwathmey, Industrial Waste and Storm Water Manager

## Storm Water Control Summary

The State General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems requires the City to prohibit non-storm water discharges into the storm drain system, detect and eliminate illicit discharges, implement controls to reduce the discharge of pollutants, and, take enforcement actions. Key provisions include:

### A. Prohibited Discharges:

- Non-storm water discharges include: any storm water that may cause or threaten a condition of pollution or nuisance, contains hazardous substances, or is identified to be a significant source of pollutants.
- Water line flushing, uncontaminated pumped ground water, potable water, air conditioning condensation, de-chlorinated pool water, and firefighting flows are exempt.

### B. Reduction of pollutants in Storm Water

- The City can require Best Management Practices be implemented at any site activity, operation or facility that may discharge pollutants to the storm drain system.
- Owners of property with waterways shall maintain the waterway free of pollutants and comply with all Federal, State regulations.
- No person shall throw, deposit, leave, maintain, any refuse, rubbish, garbage, or other discarded or abandoned objects and accumulations. Sidewalks shall be maintained free of dirt or litter.

### C. Construction Activities:

- All new development and redevelopment projects must comply with the State Post Construction Requirements.
- All projects shall submit an Erosion and Sediment Control Plan (ESCP). The ESCP must be approved by the City in writing prior to any land disturbance.
- Projects greater than 1 acre or more or part of a larger project shall comply with the State Construction General Permit.
- Source control measures shall be installed at any projects with certain pollutant-generating activities and sources.

### D. City Responsibilities/Authority:

- Enter, inspect, monitor and sample to confirm compliance with the permit.
- Use a variety of enforcement tools including: Cease and Desist Order, Notice of Violation, citations, civil and criminal sanctions.
- Perform abatement and clean up and to recover the cost if necessary.

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES ADOPTING CHAPTER 14.20 OF THE MUNICIPAL CODE RELATING TO STORM WATER CONTROL

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WHEREAS, the City of El Paso de Robles (City) owns and maintains a storm drain system that discharges to the Salinas River.

WHEREAS, pursuant to the Federal Water Pollution Control Act (Clean Water Act), the implementing regulations for the National Pollutant Discharge Elimination System (NPDES), and the California Porter-Cologne Water Quality Control Act, the City is required to obtain coverage under the Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (storm drain system); and

WHEREAS, the State Water Resources Control Board (State Board) initially adopted a permit on April 30, 2003, and renewed it on February 5, 2013 through Order No. 2013-0001-DWQ, NPDES Permit No. CAS000004 (General Permit); and

WHEREAS, the General Permit requires the City to review and revise relevant ordinances and other regulatory mechanisms to obtain adequate legal authority, to the extent allowable under state or local law, to effectively prohibit non-storm water discharges into the storm drain system, to implement controls to reduce the discharge of pollutants from the storm drain system to the maximum extent practicable, and to meet the other requirements of the General Permit;

WHEREAS, in order to maintain adequate legal authority, the City requires a water quality control ordinance which will regulate storm water and non-storm water discharges into and from the storm drain system, establish construction and post construction storm water management requirements, and provide additional enforcement authority for violations.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.**

Chapter 14.20 – Storm Water Control is hereby added to the City of El Paso de Robles Municipal Code and is to read as follows:

**CHAPTER 14.20 – STORM WATER CONTROL**

**Article I            General Provisions**

**14.20.010 – Authority**

The City Council adopts this Chapter based upon the following:

- A. The Federal Clean Water Act, the implementing regulations for the National Pollutant Discharge Elimination System (NPDES), and the California Porter-Cologne Water Quality Control Act provide for the regulation and reduction of pollutants discharged to waters of the State and United States by extending NPDES requirements to storm water and urban runoff discharges to and from the storm drain system.
- B. The City is required to enroll as a permittee under the State of California's Waste Discharge Requirements for Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ) and the

NPDES General Permit No. CAS000004 (General Permit). Under the provisions of the General Permit, the City is required to possess the necessary legal authority and implement appropriate procedures to regulate the entry of pollutants and non-storm water discharges into the storm drain system.

#### **14.20.020 Purpose**

The purpose of this chapter is to ensure the health, safety and general welfare of citizens, and to protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) and the Porter-Cologne Water Quality Control Act (Water Code § 13000 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by effectively prohibiting non-storm water discharges to the storm drain system.

#### **14.20.030 Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this chapter. Words and phrases not ascribed a meaning by this chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in any applicable permit issued by the Regional Board, as appropriate, as such permits may be amended from time to time.

**Animal Waste** – Includes, but is not limited to, animal fecal material.

**Best Management Practices (BMPs)** – means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to the storm drain system and waters of the United States and to prevent or reduce the pollution of waters of the United States. Best Management Practices include but are not limited to: treatment requirements; operating and maintenance practices to control runoff, sludge, waste disposal, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices and procedures and other such provisions as the City determines appropriate for the control of pollutants.

**CASQA** – means California Stormwater Quality Association.

**City** – means the City of El Paso de Robles in the county of San Luis Obispo, State of California.

**Clean Water Act (Act)** – means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Council** – means the City of El Paso de Robles City Council.

**Director** – means the City of El Paso de Robles Public Works Director and his or her designees.

**Discharge** – means the release or placement, either directly or indirectly, of any substance into or from the storm drain system, including, but not limited to, storm water, wastewater, solid materials, liquids, hazardous material, raw materials, debris, litter or any other substance.

**General Permit** – means the Waste Discharge Requirements for Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ) and the National Pollutant Discharge Elimination System General Permit No. CAS000004, including any amendments thereto or successor permit, issued by the State Board under which the City must enroll as a Permittee.

**Hazardous Materials or Hazardous Substances** – means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous materials include, but are not limited to, those specified in California Health and Safety Code, Section 25117 and in 40 C.F.R. part 116.

**Illicit Connection** - means any of the following:

- A. Any conveyance system, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system.
- B. Any connection to the storm drain system from indoor drains and sinks.
- C. Any unpermitted connection of a storm water system to the publicly owned treatment works or POTW as defined in Chapter 14.08 of the Municipal Code.
- D. Illicit connections includes pipes, drains, open channels or other conveyances that have a potential to allow an illicit discharge to enter the storm drain system.

**Illicit Discharge** – means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges not composed entirely of storm water and discharges that are identified under the Discharge Prohibitions section of the General Permit.

**Incidental Runoff** – means the unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

**National Pollutant Discharge Elimination System (NPDES) Permit** - means a permit issued by either the Regional Board or the State Board pursuant to the Clean Water Act and the Porter-Cologne Water Quality Control Act to control discharges from point sources to waters of the United States.

**New Development** - means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision on an area that has not been previously developed.

**Non-Storm Water Discharge** – means any discharge to the storm drain system that is not composed entirely of storm water.

**Person** – means any individual as well as any corporation, partnership, public agency, trust, estate, cooperative association, joint venture, business entity or other similar entity, or the agent, employee or representative of any of the above.

**Pollutant** – means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure including but not limited to sediments, slurries, and concrete residuals; and noxious or offensive matter or of any kind, dredged spoil, waste, incinerator residue, filter backwash, sewage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those

regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.

**Pollution** – means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects the beneficial uses of the water or facilities which serve those beneficial uses.

**Premises** – means any building, lot parcel or land, or portion thereof, whether improved or unimproved, including adjacent sidewalks and parking strips.

**Prohibited Discharge** – means any direct or indirect discharge to the storm drain system or to natural creeks and small streams, which is not otherwise specifically authorized by this Chapter, the State or Regional Board, State or federal Law, or an NPDES permit.

**Receiving Waters** – means surface water that receives regulated and unregulated discharges from activities on land.

**Redevelopment** – means land disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred.

**Regional Board** – means the California Regional Water Quality Control Board, Central Coast Region.

**Responsible Person** – means any person who owns, operates, leases, or has control over the day-to-day activities of a premises and any person who facilitates, causes or permits any discharge.

**Restaurant** - means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption, in accordance with Standard Industrial Classification Code 5812 or its equivalent.

**State Board** - means the State Water Resources Control Board.

**Source Control** - means land use or site planning practices, or structural or nonstructural measures, that aim to prevent runoff pollution by reducing the potential for contact with rainfall runoff at the source of pollution. Source control BMPs minimize the contact between pollutants and urban runoff.

**Storm Drain System**- means the infrastructure in a municipal separate storm sewer system that collects and conveys storm water runoff, whether publically or privately owned, and includes but is not limited to roads, sidewalks, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels and swales, reservoirs, creeks, waters of the United States and other drainage structures which are within the City's jurisdiction and are not part of a publicly owned treatment works (POTW) as defined in Title 40 Section 122.2, of the Code of Federal Regulations.

**Storm Water**- means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation. Storm water runoff is generated when precipitation flows over land or impervious surfaces and does not percolate into the ground.

**Threatened Prohibited Discharge** – means any condition or activity which does not currently result in a prohibited discharge but is nevertheless determined by the Director to be a condition which results in a substantial likelihood of a future prohibited discharge.

**Watercourse** – means a natural or artificial channel, above or below ground, through which water may flow, excluding pipelines.

**Waters of the state** – means any surface water or ground water, including saline waters, within the boundaries of the state.

**Waters of the United States** – means the surface watercourses and water bodies as defined in 40 CFR 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

#### **14.20.050 Responsibility for Administration**

The Director shall administer, implement, and enforce the provisions of this chapter, except section 14.20.240, which will be administered by the Director of Community Development. The Director and the Director of Community Development are hereby authorized to establish any rules and regulations necessary for the enforcement of this chapter, and may delegate and appoint employees of the City to act on their behalf.

#### **14.20.060 Regulatory Consistency**

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Water Quality Control Act, as they now exist or may hereafter be amended, any Permit issued under these Acts, and any applicable regulations.

#### **14.20.080 Ultimate Responsibility for Discharges**

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the state or United States. This Chapter shall not create liability on the part of the City of El Paso de Robles, or any agent or employee thereof for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made under this Chapter.

### **Article II Prohibitions**

#### **14.20.090 Prohibited Discharges**

Except as provided in Section 14.20.100, no person shall discharge, facilitate, cause, permit or allow to be discharged to the storm drain system, either directly or indirectly, any of the following:

- A. any non-storm water except in compliance with the requirements of this Chapter;
- B. any storm water that may cause or threaten to cause a condition of pollution or nuisance, as defined in Water Code section 13050;
- C. any storm water that may cause or threaten to cause or contributes to an exceedance of any water quality standard in a Statewide Water Quality Control Plan, the California Toxics Rule, or the Basin Plan;
- D. storm water containing hazardous substances;
- E. incidental runoff, in accordance with Chapter 14.02;
- F. any other storm water identified by the Director to be a significant source of pollutants.



### **14.20.100 Conditional Exemptions to Prohibited Discharges**

The following non-storm water discharges to the storm drain system are exempt from the prohibition set forth in Section 14.20.090, unless the Director determines such discharge to be a significant source of pollutants, to pose a threat to water quality standards, discharge to an Area of Special Biological Significance, or otherwise meet the requirements of Section 14.20.110:

- A. Any discharge permitted under an NPDES permit, waiver, or formal policy, and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or policy and other applicable laws or regulations and provided that written approval, if required, has been granted by the City for any discharge to the storm drain system.
- B. water line flushing
- C. diverted stream flows;
- D. rising ground waters;
- E. uncontaminated groundwater infiltration (40 CFR35.2005(20) to the storm drain system;
- F. uncontaminated pumped ground water;
- G. discharges from potable water sources;
- H. foundation drains;
- I. air conditioning condensation;
- J. springs;
- K. water from crawl space pumps;
- L. footing drains;
- M. flows from riparian habitats and wetlands;
- N. dechlorinated swimming pool discharges;
- O. discharge or flow from fire fighting activities.

### **14.20.110 Limitation of Conditional Exemption**

Notwithstanding the conditional exemptions provided in Section 14.20.100, if the Director, independently or at the direction of the Regional Board, determines that a conditionally exempt discharge is a significant source of pollutants, threatens water quality standards, causes or significantly contributes to a violation of any receiving water limitation, results in the conveyance of significant quantities of pollutants to surface waters, or is otherwise a danger to public health or safety, the Director may prohibit, limit, or direct the control of such discharge and may take any enforcement option available under this chapter.

### **14.20.120 Threatened Prohibited Discharge**

It shall be unlawful for any person to maintain, or cause to be maintained, a threatened prohibited discharge after having received notice of the Director's determination as to the existence of a threatened prohibited discharge.

#### **14.20.130 Illicit Connections Prohibited**

- A. It shall be unlawful for any person to establish, use, permit, or maintain, or cause to establish, or continue any illicit connection to the City Publicly Owned Treatment Works or to the storm drain system or to commence or continue any illicit discharge to the storm drain system.
- B. This prohibition is expressly retroactive and applies to any connection made prior to the effective date of this Chapter, even if such connection was approved by the City.
- C. In addition to any remedy provided in this chapter, the Director may require by written notice that a person responsible for an illicit connection to the storm drain system eliminate or secure approval for the connection by a specified date. If any person fails to disconnect an illicit connection upon notification by the Director, the City may perform the disconnection and pursue the recovery of costs for such disconnection.

#### **14.20.140 Requirement to Eliminate Illicit Discharges**

Every responsible person for any premises from which there occurs any threatened prohibited discharge or any discharge to the storm drain system which is prohibited by this chapter shall immediately take action to eliminate the source of the discharge, prevent the threatened discharge or the occurrence of future illicit discharges.

#### **14.20.150 Incidental runoff**

Every responsible person for any premises from which incidental runoff originates shall take the following actions to control such runoff:

- A. detect and correct any leak within 72 hours of learning of any leak;
- B. cease irrigation activities during precipitation events;
- C. manage any pond containing recycled water such that no discharge occurs unless the discharge is a result of a 25-year, 24-hour storm event or greater, and the Regional Board is notified by email no later than 24 hours after the discharge. Such notice must include identifying information, including the pond owner's name and permit identification number; and
- D. take any actions the Director determines are necessary to prevent the discharge of non-storm water runoff to the storm drain system or to the waters of the state or United States.

#### **14.20.170 Notification of Discharge**

- A. Notwithstanding any other requirement of law, any known or suspected release of materials, pollutants or waste, which may result in pollutants or non-storm water discharges entering storm water, the storm drain system or waters of the state or United States, shall be reported immediately in the following manner by any person in charge of a premises or responsible for the premises' emergency response:

1. The release of a hazardous material shall be immediately reported to emergency services by emergency dispatch services (911).
  2. The release of a non-hazardous material shall be reported as follows:
    - a. to the Director and to the 24-hour storm water hotline by phone no later than 5:00 P.M. on the same business day.
    - b. If the release occurs after 5:00 P.M. on a weekday, on a weekend or holiday, to the storm water pollution line on the same day and to the Director by telephone on the next business day.
    - c. A written notification of the release shall also be made to the Director within five business days of the release. A copy of the written notice shall be retained at the premises for at least three (3) years.
- B. In addition to the above requirements, release of any hazardous materials or substances, sewage, oil, or petroleum to any waters of the state, or discharged or deposited where it is or probably will be discharged in or on any waters of the state, shall be reported to the State Office of Emergency Services, as required by Sections 13271 and 13272 of California Water Code.

### **Article III      Reduction of Pollutants in Storm Water**

#### **14.20.180 Authorization to Adopt and Impose Best Management Practices (BMPs)**

Each responsible person for any site, activity, operation, or facility that may discharge any pollutant to the storm drain system shall implement those BMPs as may be designated by the Director.

#### **14.20.190 Responsibility to Obtain Permits and Implement BMPs**

- A. Any person engaged in commercial or industrial activities or operations, or owning commercial or industrial facilities or property which will, or may, result in pollutants entering storm water, the storm drain system, or receiving waters, shall first obtain any required NPDES storm water permit and shall install and maintain BMPs consistent with the CASQA Industrial/Commercial BMP Handbook or equivalent. BMPs must be designed to implement the requirements of this chapter and any applicable permit.
- B. The Director may require documentation demonstrating coverage by and compliance with any applicable permit, including copies of any notice of intent, storm water pollution prevention plans, inspection reports, monitoring results, and other information deemed necessary to assess compliance with this chapter or any NPDES permit.

#### **14.20.200 Watercourse Protection**

- A. Every responsible person for any property through which a watercourse passes, shall keep and maintain that part of the bed, bank, and channel of the watercourse within the property free of pollutants. The responsible person for any such property shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor perform vegetation management in such a manner as to increase the vulnerability of the watercourse to erosion.
- B. The responsible person for any property through which a watercourse passes must maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a

hazard to the use, function, or physical integrity of the watercourse. Maintenance must be conducted in a manner that does not adversely impact waterway species.

- C. All prohibitions and requirements contained in this chapter regarding non-storm water discharges to the storm drain system are extended to watercourses.
- D. The responsible person for any property through which a watercourse passes must comply with all laws, rules, and regulations of State, Federal agencies who may have jurisdiction over wetlands and waterways.

#### **14.20.210 Waste Disposal**

- A. Except when deposited into containers or in lawfully established dumping areas, no person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained any refuse, rubbish, garbage or other discarded or abandoned objects, articles and accumulations, including but not limited to dirt, green waste and animal waste, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, or other drainage structures, business place or upon any public or private lot of land in the City, so that the same may cause or contribute to pollution.
- B. The responsible person for any real property adjacent to a paved sidewalk shall maintain said sidewalk free of dirt or litter. Sweepings from sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on such real property as required for garbage disposal.
- C. Each person responsible for pets shall promptly pick up animal waste deposited in public areas and properly dispose of it in a trash receptacle.

### **Article IV Construction Activities**

#### **14.20.220 Compliance with the State General Construction Permit**

Every project that disturbs one acre or more of soil or disturbs less than one acre but is part of a larger common plan of development or sale is subject to the State Construction General Permit (CGP) and shall comply with all provisions of such permit. Proof of compliance with the CGP is required prior to obtaining a grading or building permit.

#### **14.20.230 Erosion and Sediment Control Plan Requirement**

Any project regardless of size shall develop and submit a site specific Erosion and Sediment Control Plan when applying for a grading or building permit. The Plan must meet the requirements in the Section III(2.1) Erosion and Sediment Control Plan of the City's *Standard Details and Specifications, Department of Public Works, Engineering Division*. The Director may require implementation of specific BMPs as part of the Erosion and Sediment Control Plan.

#### **14.20.240 Stop Work Orders**

In addition to any available remedies, the Director may issue a stop work order for any construction activity that is creating a non-storm water discharge or any discharge in violation of this chapter.

### **Article V Post-Construction**

#### **14.20.250 Post-Construction Requirements**

- A. All new development and redevelopment projects must comply with the post-construction storm water management requirements in Section V-2,C, Design Guidelines, of the most recent edition of the City's Department of Public Works, Engineering Division's *Standard Details and Specifications*.
- B. The responsible person for a new development or redevelopment project, or upon transfer of the property, its successors and assigns, shall implement and adhere to the terms, conditions and requirements imposed pursuant to Section 14.20.250.A on a new development or redevelopment project. Failure by the owner of the property or its successors or assigns, to implement and adhere to the terms, conditions and requirements imposed pursuant to this section shall constitute a violation of this chapter.
- C. The Director may require the responsible person for any new development and redevelopment project to enter into an agreement for the operation and maintenance of any structural control measures and to record such agreement with the County Recorder's office.

**14.20.260 Source Control Measures**

Projects regulated under Section 14.20.250 with the following pollutant-generating activities and sources shall implement permanent and operation source control measures, as required. These source control measures shall be selected and designed consistent with CASQA's *Stormwater Best Management Practice Handbook for New Development and Redevelopment*, or equivalent manual:

- (a) Accidental spills or leaks
- (b) Interior floor drains
- (c) Parking/storage areas and maintenance
- (d) Indoor and structural pest control
- (e) Landscape/outdoor pesticide use
- (f) Pools, spas, ponds, decorative fountains, and other water features
- (g) Restaurants, grocery stores, and other food service operations
- (h) Refuse areas
- (i) Industrial processes
- (j) Outdoor storage of equipment or materials
- (k) Vehicle and equipment cleaning
- (l) Vehicle and equipment repair and maintenance
- (m) Fuel dispensing areas
- (n) Loading docks
- (o) Fire sprinkler test water
- (p) Drain or wash water from boiler drain lines, condensate drain lines, rooftop equipment, drainage sumps, and other sources
- (q) Unauthorized non-storm water discharges
- (r) Building and grounds maintenance
- (s) Any other activity designated by the Director.

**Article VI Inspection, Monitoring, and Data Collection**

**14.20.270 Authority to Enter, Inspect, Monitor and Sample**

- A. Whenever necessary to make an inspection to confirm compliance with or enforce any of the provisions of this chapter, or whenever an authorized enforcement official has reasonable cause to believe that there exists on any premises any condition which may constitute a violation of the provisions of this chapter, the official may enter such building or premises at all reasonable times,

with presentation of proper identification, to inspect the same or perform any duty imposed upon the official by this chapter including but not limited to sampling and record examination. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

- B. The Director and authorized enforcement officials are authorized to immediately enter any premises, inspect, monitor, sample, and undertake other necessary actions when, in the Director's opinion, there exists an immediate threat to the health, safety or welfare of the public.

#### **14.20.280 Requirement to Sample and Monitor**

The Director may require that any responsible person and any person engaged in any activity that may cause or contribute to storm water pollution or contamination, illicit discharge, or discharge of non-storm water to the storm drain system or receiving waters, perform sampling, monitoring and analyses and submit the resulting reports to the City. The burden and all costs associated with the required sampling, monitoring, analyses, and reports shall be borne by the responsible party.

#### **14.20.285 Data Collection**

The Director may require any responsible person for any industrial or commercial facility or for any new development or redevelopment project to submit information necessary to comply with the General Permit or to confirm that entity's compliance with this chapter.

### **Article VII Enforcement**

#### **14.20.287 Cease and Desist**

The Director may require any person responsible for an illicit discharge, pollutant release, or threatened prohibited discharge to immediately cease and desist such activity or discharge, to contain any discharge, release, or spill, and to clean the area. The Director may require the property owner and the responsible person to abate and clean up the discharge, spill or pollutant and to implement BMPs immediately or by a specified time or date.

#### **14.20.290 Notice of Violation**

A. The Director may issue a written Notice of Violation to any owner or occupant of any premises, or any person responsible for a violation of this chapter, including but not limited to, illicit connection, prohibited discharge, maintenance of a threatened prohibited discharge, failure to implement BMPs. The Notice of Violation shall identify the provisions of this Chapter which has been violated and shall direct that the violation(s) be corrected within such time specified in the notice

B. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without issuing a notice of violation; however, such notice of violation shall be issued as soon as possible.

#### **14.20.295 Abatement and Clean Up**

The responsible person for any premises from which there occurs any non-storm water discharge shall abate the discharge and clean up the affected area. The Director may require the responsible person to abate and clean up the discharge, spill or pollutant and to implement BMPs immediately or by a specified time or date.

### **14.20.300 Failure to Abate**

If any violation of this chapter is not corrected pursuant to the requirements set forth in a Notice of Violation, Cease and Desist Order or any other enforcement mechanism, then the City is authorized to enter onto the subject private property and is authorized to take any and all measures necessary to abate the violation and restore the property. It shall be unlawful for any person to refuse to allow the City to enter upon the premises for the purposes set forth in this section. All expenses related to abatement and restoration activities undertaken by the City shall be fully reimbursed by the property owner(s) and responsible party(ies) in accordance with Section 14.20.320.

### **14.20.310 Emergency Abatement**

The Director is authorized to require the immediate abatement of any violation of this chapter that, in the Director's opinion, constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not immediately abated as directed by the Director, the City is authorized to entry onto private property and to take any and all measures required to remediate the violation. All expenses related to such remediation undertaken by the City shall be fully reimbursed by the property owner(s) and responsible party(ies) in accordance with Section 14.20.320. Any relief obtained under this section shall not preclude the City from seeking other and further relief authorized under this chapter.

### **14.20.320 Cost of Abatement and Liens**

Within 30 days after abatement or restoration by the City, the Director shall notify the property owner of the cost of abatement and restoration, including administrative costs.

If the amount due is not paid within 30 days of the, or within 30 days from the expiration of the time in which to file an appeal pursuant to this section, the City may seek recovery of charges as a special assessment against the property and as a lien on the property for the amount of the assessment.

### **14.20.340 Citations**

A violation of any provision of this chapter may be subject to an administrative citation and fee, as set forth in section 1.02.010.

### **14.20.350 Violation and Penalties**

It is unlawful for any person to violate any provision of this chapter or any order issued pursuant to this chapter.

Civil Actions. In addition to any remedy provided at law or equity, if any person violates any provision of this chapter or any order issued pursuant to this chapter, the City may commence a civil action for appropriate legal and equitable relief in any appropriate court.

Criminal Penalties. In addition to any remedy provided at law or equity, a violation of, or failure to comply with, any of the requirements of this chapter shall be punishable as a misdemeanor. The City may seek criminal penalties to the maximum extent permitted by the California Penal Code. Each day on which a violation occurs or continues shall be a separate and distinct offense.

Any person who violates any of the provisions of this chapter, or fails to comply with any order made there under, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor.

**14.20.360 Violations Deemed a Public Nuisance**

In addition to the penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by this City, summarily abated as such, and every day such condition continues shall be regarded as a new and separate offense.

**14.20.370 Acts in Violation of the Clean Water Act and Porter-Cologne Water Quality Control Act**

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability.

**14.20.380 Remedies Non-exclusive**

Each and every remedy available for the enforcement of this chapter shall be nonexclusive and it is within the discretion of the Director or City Attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this ordinance.

**Section 2. Severability**

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance or the application of those provisions.

**Section 3. Effective Date**

This Ordinance shall become effective thirty (30) days after its adoption.

**Section 4.**

The City Clerk is directed to certify the adoption of this Ordinance and cause the same to be published as required by law.

**INTRODUCED AND FIRST READ** at a Regular Meeting of the City Council of the City of El Paso de Robles, California, on the \_\_\_\_ day of \_\_\_\_\_, 2013, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Duane Picanco, Mayor

ATTEST:

\_\_\_\_\_  
Caryn Jackson, Deputy City Clerk