

Chapter 13.14
URBAN STORM WATER
QUALITY MANAGEMENT AND
DISCHARGE CONTROL

Sections:

13.14.000	Title
13.14.010	Purpose
13.14.020	Definitions
13.14.030	Applicability
13.14.040	Responsibility for Administration
13.14.050	Severability
13.14.060	Ultimate Responsibility of Discharger
13.14.070	Prohibition of Illegal Discharges
13.14.080	Prohibition of Illicit Connections
13.14.090	Waste Disposal Prohibitions
13.14.100	Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit
13.14.110	Requirement to Prevent, Control, and Reduce Storm Water Pollutants
13.14.120	Landscaping and Stabilization Requirements
13.14.130	Requirement to Monitor and Analyze
13.14.140	Spill Prevention and Response Plan
13.14.150	Notification of Spills
13.14.160	Prohibition of Spills
13.14.170	Authority to Inspect
13.14.180	Authority to Sample, Establish Sampling Devices, Test, and Photograph
13.14.190	Notice of Violation

13.14.200	Appeal
13.14.210	Abatement by City
13.14.220	Charging Cost of Abatement/Liens
13.14.230	Urgency Abatement
13.14.240	Violations
13.14.250	Compensatory Action
13.14.260	Violations Deemed a Public Nuisance
13.14.270	Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter-Cologne Act

13.14.000 Title

This Article shall be known as the "Urban Storm Water Quality Management and Discharge Control Ordinance" of the City of Ripon and may be so cited. (Ord. 692 § 1, 2004)

13.14.010 Purpose

The purpose and intent of this Article is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act and the Porter-Cologne Act, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. (Ord. 692 § 1, 2004)

13.14.020 Definitions

For purposes of this chapter the following terms have the following meanings:

(a) "Accelerated Erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by water, wind, or chemical action.

(b) "Best Management Practices" (BMPs) means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include, but are not limited to, treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control run-off, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; the prohibition of specific activities, practices, and procedures; and such other provisions as the City determines appropriate for the control of pollutants.

(c) "Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

(d) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

(e) "City" means the City of Ripon.

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

(g) "Construction Activity" means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

(h) "Detention" means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of

pollutants.

(i) "Detention Facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

(j) "Developer" means a person who undertakes land disturbance activities.

(k) "Discharge" means either of the following:

(1) Any addition of any pollutant to navigable waters from any point source; or

(2) Any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

(l) "Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(m) "Hazardous Materials" 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 present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code §25117)

(n) "Illegal Discharge" means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 13.14.070 of this Chapter.

(o) "Illicit Connection" means either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal

discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

(p) "Industrial Activity" means any activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

(q) "Infiltration" means the process of percolating storm water into the subsoil.

(r) "Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

(s) "Land Disturbance Activity" means any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include, but is not limited to, the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

(t) "Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

(u) "Non-point Source Pollution" means

pollution from any source other than from any discernible, confined, and discrete conveyance, and shall include, but not be limited to, pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

(v) "Non-Storm Water Discharge" means any discharge to the storm drain system that is not composed entirely of storm water.

(w) "NPDES Permit" means a National Pollutant Discharge Elimination System (NPDES) Permit administered by the State of California Regional Water Quality Control Board.

(x) "Person" means any natural person, corporation, association, partnership, or other entity.

(y) "Pollution" means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).

(z) "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.).

(aa) "Redevelopment" means any land disturbing activity occurring on existing developed property.

(bb) "Regional board" means any California regional water quality control board for a region as specified in California Water Code §13200.

(cc) "Storm Water Management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

(dd) "SSJID Shared Facilities" means facilities owned by the South San Joaquin

Irrigation District (SSJID) that are also used by the City of Ripon for storm drainage.

(ee) "State Board" means the California State Water Resources Control Board.

(ff) "Storm Water Runoff" means flow on the surface of the ground, resulting from precipitation.

(gg) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. (Ord. 692 § 1, 2004)

13.14.030 Applicability

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Ripon including any amendments or revisions thereto. This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and the Porter-Cologne Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES General Permit No.CAS000004 and any amendment, revision or reissuance thereof. (Ord. 692 § 1, 2004)

13.14.040 Responsibility for Administration

The City Engineer shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the City Engineer may be delegated in writing by the City Engineer to persons or entities acting in the beneficial interest of, or in the employ of, the City. (Ord. 692 § 1, 2004)

13.14.050 Severability

The provisions of this Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article, or the application thereof, to any person, establishment,

or circumstance shall be held invalid, such invalidity shall not effect the other provisions or application of this Article. (Ord. 692 § 1, 2004)

13.14.060 Ultimate Responsibility of Discharger

The standards set forth herein and promulgated pursuant to this Article are minimum standards. This Article does not intend, nor imply, that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the United States caused by said person. This Article shall not create liability on the part of the City, or any agent or employee thereof, for any damages that result from any discharger's reliance on this Article or any administrative decision lawfully made thereunder. (Ord. 692 § 1, 2004)

13.14.070 Prohibition of Illegal Discharges

(a) No person shall discharge, permit to be discharged or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described herein.

(b) Discharges from the following activities will not be considered a source of pollutants to the storm drain system or to waters of the United States when properly managed to ensure that no potential pollutants are present and the following activities shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean

Water Act, or this ordinance:

- (1) water line flushing
- (2) landscape irrigation
- (3) diverted stream flows
- (4) rising groundwater
- (5) uncontaminated groundwater infiltration

(as defined at 40 CFR 35.2005(20)) to the storm drain system

- (6) uncontaminated pumped groundwater
- (7) discharges from potable water sources
- (8) foundation drains
- (9) air conditioning condensation
- (10) irrigation water
- (11) springs
- (12) water from crawl space pumps
- (13) footing drains
- (14) lawn watering
- (15) individual residential car washing

(16) flows from riparian habitats and wetlands

(17) de-chlorinated swimming pool discharges

(18) discharges or flows from fire fighting activities

(c) The prohibition described herein shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger 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 order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

(d) The prohibition described herein shall not apply to irrigation and drainage waters under the control of the SSJID that are being transported by

SSJID shared facilities.

(e) With written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system or waters of the United States. (Ord. 692 § 1, 2004)

13.14.080 Prohibition of Illicit Connections

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 692 § 1, 2004)

13.14.090 Waste Disposal Prohibitions

No person shall discard, deposit, leave, maintain, keep, or permit to be discarded, deposited, left, maintained or kept, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the United States, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles or accumulations, so that the same may cause or contribute to pollution. Waste deposited in City streets in proper waste receptacles for the purposes of collection are exempt from this prohibition. (Ord. 692 § 1, 2004)

13.14.100 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit

(a) Any person subject to an Industrial NPDES storm water discharge permit shall

comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Engineer upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause.

(b) Any person subject to a Construction Activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Engineer prior to, or as a condition of, a subdivision map, site plan, building permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause. Prior to issuance of a construction permit or approval of the proposed improvement plans, a copy of the Notice of Intent (NOI) and the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City. (Ord. 692 § 1, 2004)

13.14.110 Requirement to Prevent, Control, and Reduce Storm Water Pollutants

(a) Authorization to Adopt and Impose Best Management Practices (BMP). The City will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States as a separate BMP Guidance Series. Where BMP requirements are promulgated by the City or any federal, State, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the United States,

every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

(b) New Development and Redevelopment. The City may adopt requirements identifying appropriate Design Standards and BMPs to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and/or construction or building-related permit issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this chapter.

(c) Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (a) and (b), any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the United States shall implement BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. BMPs required by the City

can be obtained from the Engineering Department by requesting copies of the BMPs appropriate to a commercial or industrial activity from the BMP Guidance Series.

(d) Maintenance Agreements. All structural and non-structural permanent storm water BMPs not in the City's Control shall have an enforceable maintenance agreement to ensure the system functions as designed. The agreement shall include any and all maintenance easements required to access and inspect the storm water BMPs, and to perform routine maintenance as required. Such agreements shall specify the parties responsible for the proper maintenance of all storm water BMPs.

(e) Storm Water Pollution Prevention Plans. The final Storm Water Pollution Prevention Plan shall be signed by a professional engineer, who will verify that the design of all storm water management practices conforms to local, state, and national ordinances. (Ord. 692 § 1, 2004)

13.14.120 Landscaping and Stabilization Requirements

(a) Any area of land, not covered by an impervious surface, from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be landscaped within ten (10) days from the substantial completion of such clearing and construction.

(b) Residential single-family dwellings are exempt in back yards where storm water is contained on the property.

(c) Impervious material, such as plastic, placed under decorative rock, bark, or other landscape covers is prohibited. (Ord. 692 § 1, 2004)

13.14.130 Requirement to Monitor and Analyze

The City Engineer may require, by written notice, that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the United States, to undertake at said person's expense, such monitoring and analysis and to furnish such reports to the City as deemed necessary to determine compliance with this Chapter. (Ord. 692 § 1, 2004)

13.14.140 Spill Prevention and Response Plan

Any person subject to an Industrial NPDES storm water discharge permit shall maintain a spill prevention and response plan as part of their Storm Water Pollution Prevention Plan (SWPPP). The methods, procedures, mechanisms and facilities established and utilized for the purpose of preventing accidental discharges or spills of materials with pollution potential shall be provided and maintained at the owners or users own cost and expense. The SWPPP shall outline the user's spill prevention and response procedure, describe the nature and location of any chemicals stored on the user's premises, and shall contain procedures for immediately notifying the City and preventing adverse impacts of any discharge of chemicals, substances, or materials. (Ord. 692 § 1, 2004)

13.14.150 Notification of Spills

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency

response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(b) In the event of a release of a hazardous material, said person shall immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan, as long as notification can be provided without substantially impeding cleanup or other emergency measures. The State Board or appropriate Regional Board shall also be notified of the discharge.

(c) In the event of a release of non-hazardous material, said person shall notify the City's Public Works Department in person, by phone, or by facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department within three business days of the notice in person or by phone. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. 692 § 1, 2004)

13.14.160 Prohibition of Spills

No person shall allow a spill to discharge into the municipal storm drain system or any

watercourse. (Ord. 692 § 1, 2004)

13.14.170 Authority to Inspect

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City Engineer has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Chapter, the City Engineer may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. 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. (Ord. 692 § 1, 2004)

13.14.180 Authority to Sample, Establish Sampling Devices, Test, and Photograph

During any inspection as provided herein, the City Engineer may take any samples, perform any testing deemed necessary, and take photographs to aid in the pursuit of the inquiry or to record site activities. (Ord. 692 § 1, 2004)

13.14.190 Notice of Violation

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations cease and desist;

(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

(e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remedy or restore within the established deadline, the City can institute legal proceedings to obtain an injunction to have the work completed by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Section 13.14.220 below. (Ord. 692 § 1, 2004)

13.14.200 Appeal

Notwithstanding the provisions of Section 13.14.210 below, any person receiving a Notice of Violation under Section 13.14.190 above may appeal the determination of the City Engineer to the City Manager. The notice of appeal must be received by the City Manager within 15 (fifteen) days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 (fifteen) days from the date of City's receipt of the notice of appeal. The decision of the City Manager or designee shall be final. (Ord. 692 § 1, 2004)

13.14.210 Abatement by City

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 13.14.200, within ten (10) days of the

decision of the City Manager upholding the decision of the City Engineer, the City can institute legal proceedings to obtain an injunction to have the work done by the City or a contractor designated by the City Engineer. The City, or a contractor designed by the City Engineer, has a right of access to enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. (Ord. 692 § 1, 2004)

13.14.220 Charging Cost of Abatement/Liens

(a) Within thirty (30) days after abatement of the violation by the City, or a contractor designed by the City Engineer, the City Engineer shall notify the property owner of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within fifteen (15) days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

(b) If the amount due is not paid within thirty (30) days of the decision of the City Council, or by such other date as the City Council shall designate for payment, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amount of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land. (Ord. 692 § 1, 2004)

13.14.230 Urgency Abatement

The City Engineer is authorized to require immediate abatement of any violation of this Chapter that constitutes an imminent threat to the health, safety or well being of the public. If any such violation is not immediately abated as directed by the City Engineer, the City is authorized to enter onto private property and to take any and all measures required to remedy the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed within thirty (30) days by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the City from seeking other and further relief authorized under this Chapter. (Ord. 692 § 1, 2004)

13.14.240 Violations

(a) Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provisions.

(b) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of, or failure to comply with, any of the requirements of this Chapter shall result in enforcement action according to the following schedule:

(1) A Notification of Violation letter will be sent to any person failing to comply with the requirements of this Chapter outlining the actions to be taken to remedy the violation and the time frame in which to have the violation resolved.

(2) If the violation is not corrected within the specified time frame to the satisfaction of the City, a \$250 fine will be levied to the violator along with a plan for corrective action.

(3) If the violation is not corrected within the specified time frame to the satisfaction of the

City, a \$1,000 fine will be levied to the violator along with a plan for corrective action.

(4) If the violation is not corrected within the specified time frame to the satisfaction of the City, a \$10,000 fine will be levied to the violator along with a plan for corrective action, and referral to the State Board.

(5) Thereafter, each day the violation continues will constitute a separate violation subject to a \$10,000 fine. (Ord. 692 § 1, 2004)

13.14.250 Compensatory Action

In lieu of, or in addition to, the enforcement proceedings, penalties, and remedies authorized by this Chapter, the City Engineer may impose upon a violator alternative compensatory action, including, but not limited to, storm drain stenciling, attendance at compliance workshops, and creek cleanup. (Ord. 692 § 1, 2004)

13.14.260 Violations Deemed a Public Nuisance

Any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, which may be summarily abated or restored by the City at the violator's expense and the City may institute a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance. (Ord. 692 § 1, 2004)

13.14.270 Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter-Cologne 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/or the Porter-Cologne Act and may be subject to the sanctions outlined therein, including civil and criminal penalties. (Ord. 692 § 1, 2004)