

CITY OF HEALDSBURG

ORDINANCE NO. 1054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG, CALIFORNIA, ADDING CHAPTER 13.28 "URBAN STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROLS" TO TITLE XIII OF THE HEALDSBURG MUNICIPAL CODE

The City Council of the City of Healdsburg does ordain as follows:

SECTION I. CHAPTER 13.28 IS HEREBY ADDED TO THE MUNICIPAL CODE:

The Healdsburg Municipal Code is hereby amended by adding Title XIII, Chapter 13.28 to read as follows:

Chapter 13.28 URBAN STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROLS

13.28.010 PURPOSE.

The purpose of this ordinance is to insure 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 (33 U.S.C. 1251 et seq.) by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the public storm drain system.

13.28.020 DEFINITIONS.

- a) "Authorized City employee(s)" means those individuals designated by the Director of Public Works, Chief Building Official, or Fire Chief to act as his or her respective designees.
- b) "Best management practices" or "BMP's" means activities, prohibitions or practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to watercourses, water bodies, and wetlands. BMP's also include treatment requirements, operating procedures, design specifications, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- c) "Chief Building Official" means the Healdsburg Chief Building Official, or his or her designee.
- d) "City's designated representative" means the Director of Public Works, Chief Building Official or Fire Chief.
- e) "Commercial facility" means any non-residential premises or any premises used as a site for commercial activity.

- f) "Director of Public Works" means the Healdsburg Director of Public Works/City Engineer, or his or her designee.
- g) "Discharge" means the flow of water and/or other materials to the stormwater system from any distinguishable or identifiable source, other than from a vessel or other floating craft.
- h) "Fire Chief" means the Healdsburg Fire Chief, or his or her designee.
- i) "Non-stormwater discharge" means any discharge that is not entirely composed of stormwater or any release of pollutants that potentially or actually discharges to the Stormwater system.
- j) "NPDES permit" means a permit issued under the National Pollutant Discharge Elimination System.
- k) "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.
- l) "Premises" means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- m) "Prohibited discharge" means any polluted discharge or any discharge to the Stormwater system that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit, discharges resulting from emergency fire fighting activities and discharges further exempted in Section 15A-5.
- n) "Significant noncompliance" means noncompliance with any provision of this article that either:
 - 1. poses or threatens to pose a significant danger to the environment or public health;
 - 2. has not been abated in a reasonable period of time; or
 - 3. has recurred.
- o) "Stormwater" means stormwater runoff, snowmelt runoff, and surface water runoff and drainage.
- p) "Stormwater system" means those public and privately owned facilities, including but not limited to closed conduit systems, open ditches, streets and driveways, by which stormwater may be collected and conveyed to any stream, watercourse, other body of water or wetlands, publicly or privately owned which are not part of a Publicly Owned Treatment Works ("POTW") as that term is defined in 40 C.F.R. Section 122.2.

13.28.030 ADMINISTRATIVE AUTHORITY

Except as otherwise provided, the provisions of this article shall be administered by the City's Chief Building Official, Director of Public Works, or Fire Chief.

13.28.040 APPLICATION

This article shall be construed in a manner which is consistent with the requirements of the Federal Clean Water Act and amending acts, any applicable implementing regulations thereto and any NPDES Permit for stormwater discharges for the City of Healdsburg issued by the State Water Resources Control Board or the North Coast Regional Water Quality Control Board, and any amendment, revision or re-issuance of the permit.

13.28.050 DISCHARGE OF NON-STORMWATER

- a) The release of any polluted discharge or any discharge to the Stormwater system that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit, discharges resulting from emergency fire fighting activities and discharges further exempted in Section 15A-5; is prohibited.

- b) The following discharges are exempt from the prohibition set forth in Section 15A-8 of this section:
 - 1. Any discharge in compliance with a NPDES permit issued to the discharger and administered by the State of California under the authority of the United States Environmental Protection Agency;

 - 2. Discharges from the following activities, when properly managed:
 - i. flushing of potable water from potable water lines and other discharges from potable water sources,
 - ii. landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters,
 - iii. uncontaminated ground water infiltration to storm drains,
 - iv. uncontaminated pumped ground water,
 - v. foundation and footing drains,
 - vi. uncontaminated water from crawl space pumps,
 - vii. uncontaminated air conditioning condensation water,
 - viii. springs,
 - ix. runoff from individual (non-commercial) car washing at a residential property and car washing by non-profit community groups,
 - x. flows from riparian habitats and wetlands,
 - xi. dechlorinated swimming pool discharges,
 - xii. flows from emergency fire fighting, and
 - xiii. other flows necessary for implementing BMPs directed or approved by the City's designated representative.

13.28.060 DISCHARGE IN VIOLATION OF NPDES PERMIT

Any discharge that would result in, or contribute to, a violation of any NPDES permit for stormwater

discharges that applies to the City of Healdsburg and any amendment, revision, or re-issuance of such permit, either separately considered or when combined 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 persons shall defend, indemnify and hold harmless the City, its officers, agents and employees in any administrative or judicial enforcement action relating to such discharge.

13.28.070 UNLAWFUL DISCHARGE AND UNLAWFUL CONNECTIONS

- a) It is unlawful to establish, use, maintain or continue unauthorized drainage connections to the Stormwater system.
- b) It is unlawful to establish, use, maintain or continue drainage connections to the Stormwater system, which are or may be a source of prohibited discharges.

13.28.080 REDUCTION OF POLLUTANTS IN STORMWATER

- a) Activities Resulting in Discharge of Pollutants: Any person engaging in activities, which may result in pollutants entering the City stormwater system, shall undertake all practicable measures to reduce and/or eliminate such pollutants. All activities that do actually, or may potentially, result in the entry of pollutants to the Stormwater system, in any tributary of this system, and all land which drains to either this system or any of its tributaries shall be construed as activities which may result in pollutants entering the Stormwater system. Such activities include, but are not limited to, ownership and/or use of premises which may be a source of pollutants, such as parking lots, gasoline stations, industrial facilities, business enterprises and dwelling units.
- b) Pollutants and Littering: No person shall throw, deposit, leave, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, household hazardous wastes, yard waste, hazardous wastes, garbage, debris, or other wastes, or other discarded or abandoned objects or articles in or upon Stormwater system or upon any public or private plot of land in the City so that the same might become a pollutant, except in lawfully established solid or liquid waste disposal facilities.
- c) Sidewalks: The occupant or tenant, or in the absence of occupant or tenant, the owner or proprietor of any real property in the City in front of which there is a paved sidewalk shall maintain that portion of the sidewalk in front of the property free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the gutter, roadway or Stormwater system, but shall be disposed of in receptacles maintained as required for the disposal of solid waste.
- d) Construction Activities: Any construction contractor working in the City shall implement appropriate BMP's to prevent the discharge of construction wastes or debris or contaminants from construction materials, tools, and equipment from entering the stormwater system.
- e) Bodies of Water: No person shall throw or deposit litter in any fountain, pool, lake, stream, river or any other body of water in a park or elsewhere within the City.

- f) Standard for Parking Lots, Paved Areas, and Related Stormwater Systems: Persons or entities owning, operating, or maintaining a paved parking lot, the paved areas of a gas station, a paved private street, road, or driveway and related stormwater systems shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the stormwater system.
- g) Notification of Intent and Compliance with General Permits: The United States Environmental Protection Agency, the State Water Resources Control Board, or the North Coast Regional Water Quality Control Board, have adopted and may adopt general stormwater permits addressing categories of discharges that include, but are not limited to, discharges from construction activities and industrial activities. Each discharger, which operates under such a general permit, shall provide the Notice of Intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such dischargers. Each discharger shall provide a copy of the notice of intent and all annual reports prepared pursuant to any general stormwater permit to the City's designated representative. Each discharger that operates under such a general permit shall pay any associated monitoring and enforcement fees, including fees that may be set by the City Council, as well as any fees established by the State. Proof of compliance with a general permit may be required in a form acceptable to the City's designated representative 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.
- h) Compliance with Best Management Practices: The City may adopt requirements identifying appropriate BMP's to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements as conditions in any land use entitlement and/or construction or building-related permit to be 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 article.
- i) Stormwater Pollution Prevention Plan (SWPPP): The City's designated representative may require any business in the City that is engaged in activities which may result in prohibited discharges to develop and implement a SWPPP, which, in addition to other requirements, must include an employee training program. Business activities, which may require a SWPPP, include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures, which are carried out partially or wholly out of doors.
- j) Coordination with Certified Uniform Program Agency (CUPA): Any business subject to regulation under the City's Ordinance 984 (Certified Uniform Program Agency Ordinance) or as amended hereafter, shall include provisions for compliance with this article in any plan relating to the control, storage or release of hazardous chemicals. Such provisions shall include the prohibitions on non-stormwater discharges, implementation of BMP's, and the requirement to

reduce the release of pollutants to the maximum extent practicable.

13.28.090 SPILL RESPONSE AND NOTIFICATION

- a) Training of Employees: The owner of a commercial facility or the persons responsible for emergency response for a commercial facility shall have the responsibility to train facility personnel and maintain notification procedures to assure that:
- i) the City is immediately notified of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge into surface waters and/or the City stormwater system;
 - ii) the "911" emergency response system is immediately notified if said discharge poses an immediate threat to the public health or safety and/or the environment; and
 - iii) the City is notified in writing within five working days of such a release.
- b) BMP's: Training of personnel shall assure that all BMPs are being fully and correctly implemented and that all releases of any non-stormwater discharge or of any pollutant that threatens to enter surface waters and/or the City's stormwater system are immediately recognized and that appropriate response is taken in the event of such release.
- c) Written notification: As soon as any person in charge of a commercial facility or who is responsible for emergency response for a commercial facility has knowledge of, or reasonably could be expected to have knowledge of, any suspected, confirmed, or unconfirmed release of a non-stormwater discharge entering, or of any pollutant that is threatening to enter, surface waters and/or the City stormwater system from such facility, such person shall take all necessary steps to ensure the early discovery, containment and remediation of such release, and shall immediately notify the City Department of Public Works in writing. Written notifications shall contain, at a minimum, a narrative describing the circumstances resulting in the actual or threatened release, the effort taken to remediate the release, and the measures being taken to prevent reoccurrence. This notification requirement is in addition to other required notifications to other agencies.

13.28.100 REQUIREMENT TO TEST OR MONITOR

The City's designated representative may require any person engaged in any activity, or owning or operating any commercial facility that may cause or contribute to prohibited discharges, to undertake such monitoring activities and/or analysis and furnish such reports as the authorized employee may specify. The burden, including costs, of these activities, analysis and reports shall bear a reasonable relationship to the need for the monitoring and/or analysis and reports and the benefits to be obtained. The recipient of such a requirement shall undertake and provide the monitoring, analysis and reports required.

13.28.110 ENFORCEMENT

All violations of this article shall be subject to enforcement actions pursuant to Ordinance 985 (Code Enforcement Ordinance), and as it may be amended hereafter, in addition to all other enforcement

remedies available to the City.

13.28.120 FALSIFICATION OF DATA

Any report required by this article containing data that the discharger knows, or should have reason to know, contains falsified data shall constitute a violation of this article.

13.28.130 EMERGENCY ABATEMENT

If the City's designated representative determines that a violation of this article has created an emergency condition, which seriously endangers the public health or safety, the City may take summary action to abate the condition, pursuant to the Code Enforcement Ordinance. Such violations shall constitute a Public Nuisance for the purposes of the Code Enforcement Ordinance. The cost of said abatement may be charged to the discharger pursuant to the Code Enforcement Ordinance.

INTRODUCED by the City Council of the City of Healdsburg on the 18th day of December, 2006 and PASSED and APPROVED on the 8th day of January, 2007 by the following vote:

AYES: Councilmembers: (5) McGuire, Schaffner, Wood, Ziedrich and Mayor Plass

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

SO ORDERED

ATTEST

/S/ GARY PLASS

Gary Plass, Mayor

/S/ MARIA CURIEL

Maria Curiel, City Clerk