

ORDINANCE NO. 2597

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 14.04.010, 14.06.010, 14.08.030, 14.08.090, 14.08.140, 14.08.170, 14.10.010, AND 14.14.010 OF THE CHULA VISTA MUNICIPAL CODE, REPEALING SECTION 14.06.030 OF THE CHULA VISTA MUNICIPAL CODE, REPEALING CHAPTER 14.18 OF THE CHULA VISTA MUNICIPAL CODE, AND ADDING CHAPTER 14.20 TO THE CHULA VISTA MUNICIPAL CODE REGARDING STORMWATER MANAGEMENT AND DISCHARGE CONTROL

WHEREAS, the 1987 amendments to the Federal Water Pollution Control Act (Clean Water Act, 33 USCA Section 1251 et seq.) as implemented by the United States Environmental Protection Agency regulations adopted November 16, 1990, make necessary the adoption of plans and programs for storm water management; and,

WHEREAS, Section 402 (p) of the Clean Water Act, as amended by the Water Quality Act of 1987, requires that all large-sized (population 250,000 and greater) and medium-sized (population of 100,000 to 249,999) incorporated municipalities must:

- (a) effectively prohibit non-storm water discharges into the storm water conveyance system; and,**
- (b) establish controls to reduce the discharge of pollutants from storm water conveyance systems to waters of the United States to the maximum extent practicable; and,**

WHEREAS, the State of California Porter-Cologne Water Quality Control Act, as amended by the State Legislature in 1988, requires that there be a statewide program for control of the quality of the waters of the State and, further, requires that activities and factors which may affect the quality of the waters of the State be regulated in order to attain the highest reasonable water quality standard; and,

WHEREAS, the United States Environmental Protection Agency regulations require permits for discharges from municipal storm water conveyance systems on a system-wide or jurisdiction-wide basis; and,

WHEREAS, the California State Water Resources Control Board and the Regional Water Quality Control Board, San Diego Region, have determined that, in order to protect the waters of the United States, all jurisdictions within San Diego County, regardless of population, are tributary to a regional storm water conveyance system that serves an urbanized population greater than 250,000 and, therefore, must comply with the federal regulations for large-sized municipalities; and,

WHEREAS, the City of Chula Vista seeks to comply with all provisions of state and federal law; and,

WHEREAS, on July 16, 1990 the California Regional Water Quality Control Board, San Diego Region issued Order Number 90-42 (NPDES Permit No. CA 0108758) regulating storm water discharges by the City of Chula Vista and nineteen other municipal co-permittees; and,

WHEREAS, in order to implement the federal regulatory requirements and Regional Water Quality Control Board, San Diego Region, Order Number 90-42 described above, the City of Chula Vista has entered into an Implementation Agreement dated February 19, 1991; and,

WHEREAS, the implementation of pollutant control measures and storm water monitoring described in Order Number 90-42 in furtherance of these purposes is exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code as provided in Categorical Exemption Classes 1, 4, 5, 6, 7, 8, 9, and/or 21 of the CEQA Guidelines (Title 14, California Code of Regulations Sections 15301-15329); and,

WHEREAS, the City of Chula Vista has conducted a duly noticed public hearing on July 19, 1994 and has provided all interested parties an opportunity to be heard on these issues; and,

WHEREAS, in order to comply with Federal and State law, it is necessary for the City of Chula Vista to adopt a Storm Water and Discharge Control Ordinance to reduce the discharge of pollutants to the storm water conveyance system to the maximum extent practicable for the protection of water resources within the City of Chula Vista and the protection of health, safety and general welfare of its citizens;

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain:

SECTION I. That Section 14.04.010 of the Chula Vista Municipal Code is amended to read:

14.04.010 Purpose and intent of provisions - More stringent regulations to control.

It is the purpose of the city council in establishing the regulations codified in this title to protect persons and property against water damage and flood hazards by augmenting the regulations imposed by Chapter 19.50 of this code, establishing flood plain zoning controls. It is the intent of the council to afford greater protection for said persons and property from damage resulting from the obstruction or diversion of drainage ways and Watercourses. This title is also intended to protect Persons and property from damage resulting from the construction of inadequate or improper facilities for the conveyance of surface runoff and Storm Waters to the city's Receiving Waters.

It is the further purpose of the city council in establishing the regulations codified in this title to protect and promote the health, safety, and general welfare of the citizens of the city by prohibiting and preventing the discharge of Non-Storm Water to the Storm Water Conveyance System and by reducing Pollutants in Storm Water discharges to the Maximum Extent Practicable in order to achieve applicable water quality objectives for surface waters in San Diego County. It is the intent of the council

to protect and enhance the water quality of our Watercourses, water bodies, and Wetlands in a manner pursuant to and consistent with state and federal law.

In case of conflict between the regulations imposed by this title and any other provision of law or of this code, the more stringent regulation shall apply.

SECTION II. That Section 14.06.010 of the Chula Vista Municipal Code is amended to read:

14.06.010 Definitions generally.

Whenever the following words are used in this title they shall have the meaning ascribed to them in this chapter or Chapter 14.20.

SECTION III. That Section 14.06.030 of the Chula Vista Municipal Code is repealed.

SECTION IV. That Section 14.08.030 of the Chula Vista Municipal Code is amended to read:

14.08.030 Issuance conditions - Liability.

Watercourse Permits required by this title shall be issued by the Director, subject to such conditions as may be imposed pursuant to this title or as may be required by law. Neither the issuance of a permit, nor compliance with the conditions thereof or with the provisions of this title, shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property, nor impose any liability on the city, its officers or employees for damage to Persons or property.

SECTION V. That Section 14.08.090 of the Chula Vista Municipal Code is amended to read:

14.08.090 Requirements for other permits preserved.

A permit issued pursuant to this title does not relieve the permittee of the responsibility for securing the required permits for work to be done which is regulated by any other provision of this code, and city ordinance or state law.

SECTION VI. That Section 14.08.140 of the Chula Vista Municipal Code is amended to read:

14.08.140 Non-transferability.

A permit issued pursuant to this title is not transferable from Person to Person or from property to property, for any reason or in any manner whatsoever.

SECTION VII. That Section 14.08.170 of the Chula Vista Municipal Code is amended to read:

14.08.170 Bond or instrument of credit - Conditions required.

Every bond and instrument of credit shall include, and every cash deposit shall be made on, the conditions that the permittee shall:

- A. Comply with all applicable laws, ordinances and provisions of this code;
- B. Comply with all the terms and conditions of the permit, to the satisfaction of the Director; and
- C. Complete all work contemplated under the permit within the time limit therein specified, or if no time limit is therein specified, then within the time limit specified in this title.

SECTION VIII. That Section 14.10.010 of the Chula Vista Municipal Code is amended to read:

14.10.010 Procedure for filing.

Any Person aggrieved by the refusal of the Director to grant a Watercourse Permit pursuant to Chapter 14.08 or by the imposition of a condition on such permit may appeal to the city council. The appeal shall be filed in duplicate, one copy with the Director and one copy with the city clerk. The city clerk shall then set the appeal for public hearing in the manner provided in this code relating to appeals on zoning matters as contained in Title 19 of this code.

SECTION IX. That Section 14.14.010 of the Chula Vista Municipal Code is amended to read:

14.14.010 Certain acts deemed nuisances.

A violation of any provision of Section 14.08.010 or the failure of the owner of property over which there exists a Watercourse to keep and maintain the portion of said Watercourse located on his property free of obstructions to the free flow of drainage water is hereby declared to constitute and be a public nuisance; provided however, that existing drainage facilities constructed prior to February 17, 1967, which have not decreased the capacity of the natural Watercourse shall not be construed as a nuisance for purposes of this title.

SECTION X. That Chapter 14.18 of the Chula Vista Municipal Code is repealed.

SECTION XI. That Chapter 14.20, entitled "Storm Water Management and Discharge Control", is hereby added to Title 14 of the Chula Vista Municipal Code to

read as follows:

Chapter 14.20

STORM WATER MANAGEMENT AND DISCHARGE CONTROL

14.20.010 Purpose and Intent.

The purpose of this Chapter is to promote the health, safety, and general welfare of the citizens of the City of Chula Vista by:

- A. Prohibiting Non-Storm Water discharges to the Storm Water Conveyance System.
- B. Preventing discharges to the Storm Water Conveyance System from spills, dumping or disposal of materials other than Storm Water.
- C. Reducing Pollutants in Storm Water discharges, including those Pollutants taken up by Storm Water as it flows over urban areas (urban runoff), to the Maximum Extent Practicable.
- D. Reducing Pollutants in Storm Water discharges in order to achieve applicable water quality objectives for surface waters in San Diego County.

The intent of this ordinance is to protect and enhance the water quality of our Watercourses, water bodies, and Wetlands in a manner pursuant to and consistent with the Clean Water Act (33 USCA Section 1251 et seq.) and its implementing regulations, the Porter- Cologne Water Quality Control Act (California Water Code 13020 et seq.) and its implementing regulations, and the San Diego Regional Water Quality Control Board Order Number 90-42 (NPDES Permit Number CA 0108758) and any subsequent amendments thereto.

14.20.020 Scope.

This Chapter shall be interpreted in accordance with the definitions set forth herein and the provisions of this ordinance shall apply to the direct or indirect discharge of pollutants into the City's Storm Water Conveyance System.

Further, this Chapter shall be interpreted in accordance with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, Order Number 90-42 and any amendment, revision, or reissuance thereof, and the purposes and intent of this Chapter.

This Chapter, among other things, provides for the prohibition of Non-Storm Water discharges to the Storm Water Conveyance System, the prohibition of Illicit Connections to the Storm Water Conveyance System, the requirement that all Persons reduce the volume and character of Pollutants related to urban activity entering the Storm Water Conveyance System to the Maximum Extent Practicable, and the establishment of enforcement mechanisms for violation of this Chapter, including civil and criminal fines and penalties.

14.20.030 Definitions.

When used in this Chapter, the following terms shall have the meanings ascribed to them in this Section:

- A. "Basin Plan" shall mean the "Comprehensive Water Quality Control Plan for the San Diego Basin" adopted by the Regional Water Quality Control Board, San Diego Region (July 1975) and approved by the State Water Resources Control Board, together with subsequent amendments.
- B. "Best Management Practices (BMPs)" shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the Maximum Extent Practicable, the discharge of Pollutants directly or indirectly to Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- C. "Building Permit" shall mean a permit issued by the Director of Building and Housing pursuant to Chapter 15.20.
- D. "California Ocean Plan" shall mean the "California Ocean Plan: Water Quality Control Plan for Ocean Waters of California" adopted by the State Water Resources Control Board in September 1991, and any subsequent amendments.
- E. "Clean Water Act" shall mean the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 95-117 (33 USCA Section 1251 et seq.), and any subsequent amendments.
- F. "County Health Officer" shall mean the Health Officer of the County of San Diego Department of Public Health or designee.
- G. "Development" shall mean:
 - 1. The placement or erection of any solid material or structure on land, in water, or under water;
 - 2. The discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
 - 3. The grading, removing, dredging, mining, or extraction of any materials;
 - 4. A change in the density or intensity of the use of land, including, but not limited to, a subdivision pursuant to the Subdivision Map Act (Government Code Section 66410, et seq.) and any other division of land, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use;
 - 5. A change in the intensity of the use of water, or of access thereto;
 - 6. The construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal entity; and,
 - 7. The removal or harvesting of major vegetation other than for agricultural purposes.

As used in this definition, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Source: Government Code Section 65927)

- H. "Employee Training Program" shall mean a documented Employee Training Program for all Persons

responsible for implementing a Storm Water Pollution Prevention Plan. The Employee Training Program shall include, but is not limited to, the following topics:

1. Laws, regulations, and local ordinances associated with Storm Water pollution prevention, and an overview of the potential impacts of polluted Storm Water on the Receiving Waters of the San Diego region.
 2. Proper handling of all materials and wastes to prevent spillage.
 3. Mitigation of spills including spill response, containment and cleanup procedures.
 4. Visual monitoring of all effluent streams to ensure that no Illegal Discharges enter the Storm Water Conveyance System.
 5. Discussion of the differences between the Storm Water Conveyance System and the sanitary sewer system.
 6. Identification of all on-site connections to the Storm Water Conveyance System.
 7. Preventive maintenance and good housekeeping procedures.
 8. Material management practices employed by the facility to reduce or eliminate Pollutant contact with Storm Water discharge.
- I. "Enforcement Agency" shall mean the City of Chula Vista or its authorized agents charged with ensuring compliance with this Chapter.
- J. "Enforcement Official" shall mean the Director of Public Works or his or her designee.
- K. "Hazardous Materials" shall mean any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat or other means, if such a substance or mixture of substances may cause substantial injury, serious illness or harm to humans, domestic livestock, or wildlife.
- L. "Illicit Connection" shall mean any un-permitted or undocumented physical connection to the Storm Water Conveyance System which has not been approved by the City of Chula Vista, or which drains Illegal Discharges either directly or indirectly into the Storm Water Conveyance System.
- M. "Illegal Discharge" shall mean any non-permitted or non-exempt discharge to the Storm Water Conveyance System that is not composed entirely of Storm Water, or is expressly prohibited by federal, state, or local regulations, laws, codes, or ordinances, or degrades the quality of Receiving Waters in violation of Basin Plan or California Ocean Plan standards.
- N. "Land Development Permit" shall mean a permit issued by the Director of Public Works pursuant to Chapter 15.04 of the Chula Vista Municipal Code.
- O. "Maximum Extent Practicable" shall mean, with respect to Best Management Practices (BMPs), an individual BMP or group of BMPs which address a Pollutant of concern, which have a cost of implementation reasonably related to the pollution control benefits achieved, and which are technologically feasible.
- P. "National Pollution Discharge Elimination System (NPDES) Permit" shall mean a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Chapter 5.5, Division 7 of the California Water Code, to control discharges from point sources to Waters of the United States, including, but not limited to:
1. California Regional Water Quality Control Board, San Diego Region, Order No. 90-42 (NPDES No. CA 0108758) NPDES Municipal Permit -- Waste Discharge Requirements for

Storm Water and Urban Runoff from the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District;

2. NPDES General Permit for Storm Water Discharges Associated with Industrial Activities;
3. NPDES General Permit for Storm Water Discharges Associated with Construction Activity; and,
4. California Regional Water Quality Control Board, San Diego Region, General De-Watering Permits (Order Numbers 91-10 and 90-31).

Q. "NPDES General Permit" shall mean a permit issued by the State Water Resources Control Board, including, but not limited to:

1. NPDES General Permit for Storm Water Discharges Associated with Industrial Activities; and,
2. NPDES General Permit for Storm Water Discharges Associated with Construction Activity.

R. "Non-Storm Water" shall mean any water conveyed to the Storm Water Conveyance System that is not entirely composed of Storm Water (also see definition of "Storm Water").

S. "Order Number 90-42", dated July 16, 1990, shall mean San Diego Regional Water Quality Control Board Order Number 90-42, which constitutes NPDES Permit Number CA0108758, together with all amendments, and which is on file in the office of the City Clerk as Document Number CO90-287.

T. "Parking Lot" shall mean an open area, other than a street or other public way, used for the parking of motorized vehicles, whether for a fee or free, to accommodate clients or customers or to accommodate residents of multi-family dwellings (i.e., apartments, condominiums, townhomes, mobile homes, dormitories, group quarters, etc.).

U. "Person" shall mean any individual, organization, business trust, company, partnership, entity, firm, association, corporation, or public agency, including the State of California and the United States of America.

V. "Pollutant" may include but is not limited to solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, sediment, industrial waste, and any organic or inorganic contaminant whose presence degrades the quality of the Receiving Waters in violation of Basin Plan or California Ocean Plan standards. "Pollutant" includes, but is not limited to, fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon (VOC), surfactants, oil and grease, petroleum hydrocarbons, total organic carbon (TOC), lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides.

A "Pollutant" also includes any substance defined as a Pollutant under 40 CFR Section 122.2 and any contaminant which degrades the quality of the Receiving Waters in violation of Basin Plan or California Ocean Plan standards by altering any of the following parameters: pH, total suspended and settleable solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), nutrients, and temperature.

W. "Premises" shall mean any building, lot, parcel, real estate, land, or portion of land whether improved or unimproved.

X. "Receiving Waters" shall mean surface bodies of water, as described in Order Number 90-42, which serve as discharge points for the Storm Water Conveyance System, including creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays, and the Pacific Ocean.

- Y. "Significant Quantities" shall mean the volume, concentrations, or mass of a Pollutant in a discharge that can cause or threaten to cause pollution, contamination, or nuisance; or adversely impact human health or the environment; or, cause or contribute to a violation of any water quality standards applicable to the Receiving Water.
- Z. "Storm Water" shall mean surface runoff and drainage associated with storm events and snow melt prior to contact with urban areas, agricultural areas, and/or other areas in which the natural environment has been significantly disturbed or altered, either directly or indirectly, as a result of human activity (also see definition for "Non-Storm Water").

For the purposes of this Chapter, Storm Water runoff and drainage from areas that are in a natural state, have not been significantly disturbed or altered, either directly or indirectly, as a result of human activity, and the character and type of Pollutants naturally appearing in the runoff have not been significantly altered, either directly or indirectly, as a result of human activity, shall be considered "unpolluted" and shall satisfy the definition of "Storm Water" in this Chapter.

- AA. "Storm Water Conveyance System" includes, but is not limited to, those municipal facilities within the City of Chula Vista by which Storm Water may be conveyed to Waters of the United States, including any roads with drainage systems, municipal streets, catch basins, and Watercourses.
- BB. "Storm Water Pollution Prevention Plan" shall mean a document which describes the on-site program activities to utilize Best Management Practices by the owner or operator of a business to eliminate or reduce Pollutant discharges to the Storm Water Conveyance System to the Maximum Extent Practicable.

A Storm Water Pollution Prevention Plan prepared and implemented pursuant to any NPDES Permit shall meet the definition of a Storm Water Pollution Prevention Plan for the purposes of this Chapter.

- CC. "Watercourse" shall mean any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash, in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel and a bed or banks. A channel is not limited to land covered by minimal or ordinary flow but also includes land covered during times of high water. "Watercourse" does not include any surface drainage prior to its collection in a stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash.
- DD. "Watercourse Permit" shall mean a permit issued by the Director of Public Works pursuant to Chapter 14.08 of the Chula Vista Municipal Code.
- EE. "Wetlands" shall mean areas that are inundated or saturated by surface or ground waters at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

14.20.040 Administration.

The Enforcement Official shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to, or duties imposed upon, the Enforcement Official may be delegated by the Enforcement Official to Persons in the employ of the City, or pursuant to contract.

When deemed necessary by the Enforcement Official, the Enforcement Official shall prepare and present to the City Council for approval regulations consistent with the general policies established herein by the City Council. The Enforcement Official shall enforce Council approved regulations necessary to the administration of this ordinance, and may recommend that the Council amend such regulations from time to time as conditions require.

14.20.100 Discharge of Non-Storm Water Prohibited.

It is unlawful for any Person to discharge Non-Storm Water into the Storm Water Conveyance System, except as provided in Section 14.20.110.

14.20.110 Exemptions to Discharge Prohibition.

The following discharges are exempt from the prohibition set forth in Section 14.20.100, provided that they do not cause or significantly contribute to violations of the water quality standards set forth in the Basin Plan or the California Ocean Plan, or convey Significant Quantities of Pollutants to Receiving Waters, or are a danger to public health and safety:

- A. Any discharge or connection regulated under a NPDES Permit issued to the discharger and administered by the State of California pursuant to Chapter 5.5, Division 7 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and other applicable laws and regulations.
- B. Discharges from the following activities will not be considered a source of Pollutants to Waters of the United States:
 - 1. Discharges composed entirely of Storm Water.
 - 2. Water line flushing and other discharges from potable water sources.
 - 3. Landscape irrigation and lawn watering.
 - 4. Irrigation water.
 - 5. Diverted stream flows.
 - 6. Rising ground waters.
 - 7. Groundwater infiltration to the Storm Water Conveyance System.
 - 8. Uncontaminated pumped ground water not subject to any applicable NPDES or State Water Resources Control Board permit.
 - 9. Passive foundation and footing drains (not including active groundwater dewatering systems).
 - 10. Water from crawl space pumps.
 - 11. Air conditioning condensation.
 - 12. Springs.
 - 13. Non-commercial washing of vehicles.
 - 14. Flows from riparian habitats and Wetlands.
 - 15. Dechlorinated swimming pool discharges.
 - 16. Flows from fire fighting activities.
 - 17. Street wash waters related to cleaning and maintenance by the City of Chula Vista or its contractor for said services.
 - 18. Waters not otherwise containing wastes as defined in California Water Code Section 13050(d) and California Health and Safety Code Section 25117.

- C. Any discharge which the Enforcement Agency, the County Health Officer, and/or the Regional Water Quality Control Board determines in writing is necessary for the protection of the public health and safety.

14.20.120 Reduction of Pollutants Contacting or Entering Storm Water Required.

- A. It is unlawful for any Person not to utilize Best Management Practices to the Maximum Extent Practicable to eliminate or reduce Pollutants entering the City's Storm Water Conveyance System.
- B. In order to reduce the risk of Non-Storm Water or Pollutant discharges to the City's Storm Water Conveyance System, the following minimum Best Management Practices shall be implemented:
1. Commercial and Industrial Business-Related Activities.
 - a. Storm Water Pollution Prevention Plan: When the Enforcement Official determines that a business or business-related activity causes or significantly contributes to violation of the water quality standards set forth in the Basin Plan or California Ocean Waters Plan, or conveys Significant Quantities of Pollutants to Receiving Waters, then the Enforcement Official may require the business to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Businesses which may be required to prepare and implement a SWPPP include, but are not limited to, those which perform maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading, and/or cleanup activities partially or wholly out of doors.
 - b. Coordination with Hazardous Materials Response Plans and Inventory: Any business subject to the Hazardous Materials inventory and response program pursuant to Chapter 6.95 of the California Health and Safety Code, shall include provisions for compliance with this Chapter in its Hazardous Materials Response Plan, including prohibitions of unlawful Non-Storm Water discharges and Illegal Discharges, and provisions requiring the use of Best Management Practices to reduce the discharge of Pollutants in Storm Water.
 - c. Impervious Surfaces: Persons owning or operating a Parking Lot or an impervious surface (including, but not limited to, service station pavements or paved private streets and roads) used for automobile-related or similar purposes shall clean those surfaces as frequently and as thoroughly as is necessary, in accordance with Best Management Practices, to prevent the discharge of Pollutants to the City's Storm Water Conveyance System. Sweepings or cleaning residue from Parking Lots or impervious surfaces shall not be swept or otherwise made or allowed to go into any Storm Water conveyance, gutter, or roadway, but must be disposed of in accordance with regional solid waste procedures and practices.
 2. Activities not Otherwise Regulated by Subsection B.1.

Any Person engaged in Development or other activity not covered by Subsection A in the City of Chula Vista shall utilize Best Management Practices to prevent Pollutants from entering the Storm Water Conveyance System by complying with all applicable local ordinances, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources

Control Board (State Board Order No. 92-08-DWQ), and any subsequent amendments.

14.20.130 Containment, Cleanup, and Notification of Spills.

It is unlawful for any Person owning or occupying any Premises who has knowledge of any release of Significant Quantities of materials, Pollutants, or waste which may result in Pollutants or Non-Storm Water discharges entering the City's Storm Water Conveyance System to not immediately take all reasonable action to contain, minimize, and clean up such release. Such Person shall notify the City of Chula Vista of the occurrence and/or County of San Diego Department of Health Services/Environmental Health Services Hazardous Materials Management Division, and any other appropriate agency of the occurrence as soon as possible, but no later than 24 hours from the time of the incident's occurrence.

14.20.140 Watercourse Protection.

In addition to the prohibitions relating to Watercourses and the requirements for Watercourse Permits set forth in Chapter 14.08, it is unlawful for any Person owning and/or occupying property through which a Watercourse passes to fail or refuse to:

- A. Keep and maintain that part of the Watercourse within the property free of trash, debris, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the Watercourse.
- B. 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.
- C. Keep and maintain healthy bank vegetation in such a manner as to minimize the vulnerability of the Watercourse to erosion.

14.20.150 Development In or Adjacent to Watercourse Restricted - Land Development, Building, or Watercourse Permit Required.

No Person shall carry out Development within thirty feet of the center line of any Watercourse or within twenty feet of the edge of any Watercourse, whichever is the greater distance from the top of the creek bank, unless a Land Development, Building, or Watercourse Permit has first been obtained. The City Officer issuing said permit is hereby granted the authority to establish controls on the volume and rate of Storm Water runoff from such new Development as may be reasonable and appropriate to minimize the discharge and transport of Pollutants to the Maximum Extent Practicable in the granting or conditioning the granting of such permit.

14.20.200 Inspection and Sampling - General.

- A. After obtaining legal entry to any Premises in accordance with Section 1.16.010 of this Code, the representative of the Enforcement Agency shall have the right to:
 - 1. Carry out any inspection and sampling activities on the Premises as may be necessary to enforce the provisions and requirements of this Chapter. Upon request, split samples shall be given to the owner and/or occupant of the Premises.

2. Inspect any vehicle on the Premises reasonably suspected of causing, contributing to, or being used to transport an Illegal Discharge to the Storm Water Conveyance System.
 3. Conduct tests, analyses and evaluations to determine if a discharge of Storm Water is an Illegal Discharge or to determine if the requirements of this Chapter have been met.
 4. Photograph any effluent stream, material or waste, material or waste container, container label, vehicle, waste treatment process, waste disposal site, or condition contributing to Storm Water pollution and constituting a violation of this Chapter found during an inspection.
 5. Inspect and copy pertinent records relating to the facility's operations, including inventories, chemical usage, materials, sources, Hazardous Materials manifests and disposal records, treatment and operations log books, and materials invoices.
 6. Review and obtain a copy of the Storm Water Pollution Prevention Plan prepared by the owner and/or occupant or facility operator, if such a plan is required.
 7. Require the owner and/or occupant or facility operator to retain evidence, as instructed by the inspector, for a period not to exceed 30 days.
 8. Review and obtain copies of all Storm Water monitoring data compiled by the owner and/or occupant or facility operator, if such monitoring is required.
 9. Review and obtain copies of all records related to handling of Pollutants and Hazardous Materials.
- B. The Enforcement Official may conduct routine or area inspections, which shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this Chapter, including, but not limited to random sampling or sampling in areas with evidence of Storm Water contamination, Illegal Discharges, discharge of Non-Storm Water to the Storm Water Conveyance System, or similar factors.
- C. All Enforcement Officials shall have adequate identification. Enforcement Officials and other authorized personnel shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor.

14.20.210 Inspection Procedures - Additional Requirements.

During the inspection, the Enforcement Official shall comply with all reasonable security, safety, and sanitation measures. In addition, the Enforcement Official shall comply with reasonable precautionary measures specified by the owner and/or occupant or facility operator.

At the conclusion of the inspection, and prior to leaving the site, the Enforcement Official shall make every reasonable effort to review with the owner and/or occupant or the facility operator each of the violations noted by the Enforcement Official and any corrective actions that may be necessary. A report listing any violation found by the Enforcement Official during the inspection shall be kept on file by the Enforcement Agency. A copy of the report shall be provided to the owner and/or occupant or facility operator, or left at the Premises if no Person is available. If corrective action is required, then the occupant, facility owner, and/or facility operator shall implement a plan of corrective action based upon a written plan

of correction, submitted to the Enforcement Agency, which states the corrective actions to be taken and the expected dates of completion. Failure to implement a plan of correction constitutes a violation of this Chapter.

14.20.220 Authority to Sample and Establish Sampling Devices.

With the consent of the property owner or occupant or pursuant to a search warrant, the Enforcement Official is authorized to establish on any property that discharges directly or indirectly to the municipal Storm Water Conveyance System such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take samples of materials, wastes, and/or effluent as deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities onsite.

14.20.230 Testing, Monitoring or Mitigation Required - When.

A. The Enforcement Official may require that any Person engaged in any activity and/or owning or operating any facility which causes or contributes to Storm Water pollution or contamination, Illegal Discharges, and/or discharge of Non-Storm Water to the Storm Water Conveyance System perform monitoring, including physical and chemical monitoring and/or analyses and furnish reports as the Enforcement Official may specify if:

1. The Person, or facility owner or operator, fails to eliminate Illegal Discharges within a specified time after receiving a written notice to do so by the Enforcement Official.
2. The Enforcement Official has documented repeated violations of this Chapter by the Person or facility owner or operator which has caused or contributed to Storm Water pollution.

It is unlawful for such Person or facility owner or operator to fail or refuse to undertake and provide the monitoring, analyses, and/or reports specified. Specific monitoring criteria shall bear a relationship to the types of Pollutants which may be generated by the Person's activities or the facility's operations. If the Enforcement Agency has evidence that a Pollutant is originating from a specific Premises, then the Enforcement Agency may require monitoring for that Pollutant regardless of whether said Pollutant may be generated by routine activities or operations. The Person or facility owner or operator shall be responsible for all costs of these activities, analyses and reports.

B. Any Persons required to monitor pursuant to Paragraph A, above, shall implement a Storm Water monitoring program including, but not limited to, the following:

1. Routine visual monitoring for dry weather flows.
2. Routine visual monitoring for spills which may pollute Storm Water runoff.
3. A monitoring log including monitoring date, potential pollution sources, as noted in 1 and 2, and a description of the mitigation measures taken to eliminate any potential pollution sources.

C. The Enforcement Official may require a Person, or facility owner or operator, to install or implement Storm Water pollution reduction or control measures, including but not limited to, process modification to reduce the generation of Pollutants or a pretreatment program approved by the Regional Water Quality Control Board and/or the City of Chula Vista if:

1. The Person, or facility owner or operator, fails to eliminate Illegal Discharges after receiving a written notice from the Enforcement Official.
 2. The Person, or facility owner or operator, fails to implement a Storm Water Pollution Prevention Plan, as required by the Enforcement Official.
 3. The Enforcement Official has documented repeated violations of this Chapter any such Person or facility owner or operator which has caused or contributed to Storm Water pollution.
- D. If testing, monitoring or mitigation required pursuant to this Chapter are deemed no longer necessary by the Enforcement Official, then any or all of the requirements contained in Paragraphs A, B, and C may be discontinued.
- E. A Storm Water monitoring program prepared and implemented pursuant to any State- issued NPDES General Permit shall be deemed to meet the requirements of a monitoring program for the purposes of this Chapter.

14.20.300 Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this Chapter is unlawful and shall constitute a separate violation of this Chapter.

14.20.310 Administrative Enforcement Powers.

The Enforcement Agency and Enforcement Official can exercise any enforcement powers as provided in Title 1 of this Code. In addition to the general enforcement powers provided in Title 1 of this Code, the Enforcement Agency and Enforcement Official have the authority to utilize the following administrative remedies as may be necessary to enforce this Chapter:

A. Cease and Desist Orders.

When the Enforcement Official finds that a discharge has taken place or is likely to take place in violation of this Chapter, the Enforcement Official may issue an order to cease and desist such discharge, practice, or operation likely to cause such discharge and direct that those Persons not complying shall:

1. Comply with the applicable provisions and policies of this Chapter.
2. Comply with a time schedule for compliance.
3. Take appropriate remedial or preventive action to prevent the violation from recurring.

B. Notice to Clean and Abate.

Whenever the Enforcement Official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in Pollutants entering the City's Storm Water Conveyance System or a Non-Storm Water discharge to the City's Storm Water Conveyance System, the Enforcement Official may issue orders and give written notice to remove same in any reasonable manner. The recipient of such notice shall undertake the activities as described in the notice.

C. Storm Water Pollution Prevention Plan.

The Enforcement Official shall have the authority to establish elements of a Storm Water Pollution Prevention Plan, and to require any owner or occupier of any Premises to adopt and implement such a plan pursuant to Section 14.20.120.B.1.a., as may be reasonably necessary to fulfill the purposes of this Chapter.

D. Employee Training Program.

The Enforcement Official shall have the authority to establish elements of an Employee Training Program, as may be necessary to fulfill the purposes of this Chapter, where such a Program has been required as an element of a Storm Water Pollution Prevention Plan.

E. Civil Penalties.

Any Person who violates any of the provisions of this Chapter or who fails to implement a Storm Water monitoring plan, violates any cease and desist order or Notice to Clean and Abate, or fails to adopt or implement a Storm Water Pollution Prevention Plan as directed by the Enforcement Official shall be liable for a civil penalty not to exceed \$1,000 for each day such a violation exists. The violator shall be charged for the full costs of any investigation, inspection, or monitoring survey which led to the detection of any such violation, for abatement costs, and for the reasonable costs of preparing and bringing legal action under this subsection. In addition to any other applicable procedures, the Enforcement Agency may utilize the lien procedures of Chapter 1.30 to enforce the violator's liability. The violator may also be liable for compensatory damages for impairment, loss or destruction to water quality, wildlife, fish and aquatic life.

14.20.320 Administrative Notice, Hearing, and Appeal Procedures.

Administrative notice, hearing, and appeal procedures shall be as specified in Section 13.06.110, except all references to "Title" shall mean "Chapter 14.20", references to "sewer" shall be interpreted as "Storm Water Conveyance System", and methods of administrative enforcement shall mean any and all remedies available to the Enforcement Official under Section 14.20.310.

14.20.330 Judicial Enforcement.

A. Criminal Penalties.

Notwithstanding Section 1.20.010, any Person who violates any provision of this Chapter or who fails to implement a Storm Water monitoring plan, violates any cease and desist order or Notice to Clean and Abate, or fails to adopt or implement a Storm Water Pollution Prevention Plan as directed by the Enforcement Official shall be punished, upon conviction, by a fine not to exceed \$10,000 for each day in which such violation occurs, or imprisonment in the San Diego County jail for a period not to exceed one (1) year, or both.

B. Injunction/Abatement of Public Nuisance.

Whenever a discharge into the Storm Water Conveyance System is in violation of the provisions of this Chapter or otherwise threatens to cause a condition of contamination, pollution, or nuisance, the Enforcement Official may also cause the City to seek a petition to the Superior Court for the

issuance of a preliminary or permanent injunction, or both, or an action to abate a public nuisance, as may be appropriate in restraining the continuance of such discharge.

C. Other Civil Action.

Whenever a Notice and Order or Hearing Officer's decision is not complied with, the City Attorney may, at the request of the Enforcement Official, initiate any appropriate civil action in a court of competent jurisdiction to enforce such Notice and Order and decision, including the recovery of any unpaid Storm Drain Fees and/or civil penalties provided herein.

14.20.340 Violations Deemed a Public Nuisance.

In addition to the other civil and criminal penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to the public health, safety, and welfare and is declared and deemed a public nuisance, which may be summarily abated and/or restored as directed by the Enforcement Official in accordance with the procedures identified in Chapter 1.30. A civil action to abate, enjoin or otherwise compel the cessation of such nuisance may also be taken by the City, if necessary.

The full cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property in accordance with the procedures set forth in Chapter 1.30.

14.20.350 Remedies Not Exclusive.


Remedies set forth in this Chapter are not exclusive but are cumulative to all other civil and criminal penalties provided by law, including, but not limited to, penalty provisions of the Federal Clean Water Act and/or the State Porter-Cologne Water Quality Control Act. The seeking of such federal and/or state remedies shall not preclude the simultaneous commencement of proceedings pursuant to this Chapter.

14.20.360 Civil Penalties to be Deposited in the Storm Drain Revenue Fund.

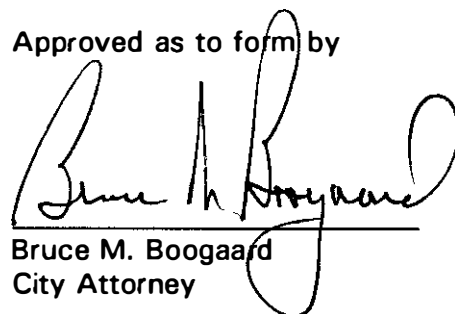
Any civil penalties collected by the City as a result of violations of this Chapter shall be deposited in the Storm Drain Revenue Fund.

SECTION XII. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by


John P. Lippitt
Director of Public Works

Approved as to form by


Bruce M. Boogaard
City Attorney


PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day September, 1994, by the following vote:

AYES: Councilmembers: Fox, Horton, Moore, Rindone, Nader


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None


Tim Nader, Mayor


ATTEST:


Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2597 had its first reading on July 19, 1994, and its second reading and adoption at a regular meeting of said City Council on the 13th day of September, 1994.

Executed this 13th day of September, 1994.


Beverly A. Authelet, City Clerk