

ORDINANCE NO. 2274

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER 13.44
TO THE REDLANDS MUNICIPAL CODE ESTABLISHING REGULATIONS
RELATING TO STORM DRAINS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDLANDS as follows:

Section 1. Chapter 13.44 establishing regulations governing City storm drains is hereby
added to the Redlands Municipal Code to read as follows:

"Chapter 13.44

Section 13.44.010	Purpose
Section 13.44.020	Definitions
Section 13.44.030	Administration
Section 13.44.040	Notice
Section 13.44.050	Connections
Section 13.44.060	Protection of the Storm Drain System
Section 13.44.070	Prohibited Discharges
Section 13.44.080	Exceptions to the Prohibited Discharges
Section 13.44.090	Notification of Intent and Compliance with General Permits
Section 13.44.100	Compliance with Best Management Practices (BMP)
Section 13.44.110	Spill Containment
Section 13.44.120	Prevention of Accidental Discharge
Section 13.44.130	Notification of Accidental Discharge
Section 13.44.140	Authority to Inspect
Section 13.44.150	Residential and Commercial Requirements
Section 13.44.160	Industrial Requirements - Specific Prohibitions
Section 13.44.170	Non-storm Water Discharges
Section 13.44.180	Best Management Practices
Section 13.44.190	Permits Required
Section 13.44.200	Notice of violation
Section 13.44.210	Violations deemed a public nuisance
Section 13.44.220	Falsifying information
Section 13.44.230	Administrative hearing
Section 13.44.240	Administrative orders
Section 13.44.250	Legal action
Section 13.44.260	Civil penalties
Section 13.44.270	Criminal penalties
Section 13.44.280	Compensation for damages
Section 13.44.290	Notice to Remediate

Section 13.44.010 Purpose.

The purpose of this Chapter is to promote the future health, safety and general welfare of inhabitants of the City by controlling discharges into the Redlands storm drain system. This will be accomplished by eliminating all non-permitted discharges to Redlands' separate storm sewers, controlling the discharge to Redlands' separate storm sewers from spills, dumping or disposal of materials other than storm water and reducing pollutants in storm water discharges to the maximum extent practicable.

Section 13.44.020 Definitions.

"BMP" means any Best Management Practice, Best Management Guideline, or Best Management Requirement as adopted by any Federal, State, regional, or local agency and applicable to storm drain system.

"Construction Activity" means any activity as defined by the State Water Resources Board or the Regional Water Quality Control Board, Santa Ana Region, whichever is more restrictive, that necessitates securing an NPDES Permit or NOI.

"Illegal Discharge" means any discharge to the storm water drainage system that is not composed entirely of storm water or contains constituents not provided for under the Prohibited Discharges Section of this Chapter.

"Illicit Connection" means any connection to the storm water drainage system that is directly or indirectly associated with an illegal discharge except for connections permitted pursuant to a valid NPDES Permit authorized by written approval of the City.

"NPDES" means the National Pollutant Discharge Elimination System.

"NPDES Permit" means any permit issued pursuant to the NPDES Program under the Federal Clean Water Act.

"NOI" means a Notice of Intent to comply with an NPDES general storm water permit.

"Non-Storm Water" means any water not associated with storm runoff that originates on or traverses any property.

"City Permit" means any permit issued by the City.

"Receiving Water" means all waters of the United States and tributaries of waters of the United States that are used for recreational or other purposes; from which fish or shell fish are taken; or which are used for industrial purposes by industries in interstate commerce.

"Storm Drain System" means all of the property owned or leased by the City and used directly or indirectly in the collection, conveyance, storage or disposal of storm water including but not limited to conduits, channels, basins and watercourses, together with appurtenances, pumping stations and equipment.

"Storm Water Pollution Prevention Plan" means the plan as described in the General Construction Activity Storm Water Permit as issued by the State Water Resources Control Board on August 20, 1992, and as amended.

"Swimming Pool" means any body of water created by artificial means designed or used for swimming, immersion or therapeutic purposes.

Section 13.44.030 Administration.

Except as otherwise provided herein, the Public Works Director for the City or his or her designee, shall administer, implement and enforce the provisions of this Chapter.

Section 13.44.040 Notice.

Unless otherwise provided herein, any notice required to be given under this Chapter shall be in writing and served in person or by first class or by registered or certified mail. Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

Section 13.44.050 Connections.

A. The discharge or diversion of Non-Storm Water is permissible only when connection to the storm drain system is made in accordance with a valid City Permit, Approved Construction Plan, or an NPDES permit and/or an NOI, and the discharge conforms to the standards of this Chapter.

B. It is prohibited to establish, use maintain and/or continue any Illicit Connections. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

C. Permits are required for the construction or modification of any storm drain or conveyor of drainage waters and appurtenant items within:

1. Dedicated easements, rights-of-way, or public place and/or facility;
2. Private property so as it may directly or indirectly discharge into the storm drain system. Indirect discharges include, but are not necessarily limited to, under sidewalk drains, driveway approaches, and unrestricted sheet flow.

Section 13.44.060 Protection of the Storm Drain System.

No person shall, without prior written approval by the City, construct, modify or cause to be constructed or modified any structure, facility, or appurtenant items which may alter the normal functioning of the storm drain system, including actions which may alter the capacity, fall, or structural integrity of a storm drain, channel or related structures.

Section 13.44.070 Prohibited Discharges.

It is prohibited to:

- A. Discharge directly or indirectly into the Storm Drain system any Storm Water other solid, liquid or gaseous matter in violation of any law, rule, regulation, permit, order or other requirement of any federal, state, county, municipal or other governmental entity or agency;
- B. Discharge Non-Storm Water directly or indirectly to the Storm Drain System or any street, or lined or unlined drainage ditch which leads to a public storm drain, unless such discharge is permitted by an NPDES Permit or a City Permit. If such discharge is permitted by a NPDES Permit, but causes the City to violate any portion of its NPDES Permit for storm water discharges, such discharge is also prohibited.
- C. Throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant.
- D. Throw or deposit litter in any fountain, pond, lake, stream or any other body of water in any park, or elsewhere within the City.

Section 13.44.080 Exceptions to the Prohibited Discharges.

The following discharges are exempt from the Prohibited Discharges listed in Section 13.44.070.

- A. Waterline flushing and other discharges from potable water sources, provided that the chlorine residual in any heavily chlorinated water used to disinfect water storage facilities or water mains is thoroughly dechlorinated prior to contacting receiving waters;
- B. Landscape irrigation, lawn watering, and irrigation water;

- C. Diverted stream flows, rising ground water, infiltration of separate storm drains, springs, flows from riparian habitats and wetlands;
- D. Uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation;
- E. Individual residential car washing, de-chlorinated swimming pool discharges; and,
- F. Flows from fire fighting.

Section 13.44.090 Notification of Intent and Compliance with General Permits.

A. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general storm water permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, Santa Ana Region, shall provide NOI, comply with, and undertake all other activities required by any general NPDES storm water permit applicable to such discharges.

B. Each discharger identified in an individual NPDES permit or Discharge Order relating to storm water discharges shall comply with and undertake all activities required by such permit or order.

Section 13.44.100 Compliance with Best Management Practices (BMP).

Any person undertaking any activity or operation that causes or contributes to illegal discharges or storm water pollution shall comply with all applicable BMPs.

Section 13.44.110 Spill Containment.

A. Spill containment systems, as may be required, shall conform to requirements established by the Public Works Director. No person shall operate a spill containment system that allows incompatible liquid to mix thereby creating hazardous or toxic substances in the event of failure of one or more containers.

B. Spill containment systems shall consist of a system of dikes, walls, barriers, berms, or other devices designed to contain spillage of the liquid contents of containers. Spill containment systems shall be constructed of impermeable and non-reactive materials to the liquids being contained.

C. Spilled or leaked waste and accumulated precipitation shall be removed from the spill containment system in as timely a manner as is necessary to prevent overflow of the collection system. Unless otherwise approved in writing by the City, all chemicals or wastes discharged within

the collection area shall be disposed of in accordance with all applicable federal, state and local laws and regulations and not discharged to the public sewer or the ground.

Section 13.44.120 Prevention of Accidental Discharges.

Protection of the Storm Drain System from accidental discharge of prohibited material is the responsibility of the person or persons in charge of such material. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the Public Works Director prior to any construction. All existing users shall complete such a plan. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Chapter.

Section 13.44.130 Notification of Accidental Discharge.

A. A notice shall be permanently posted in a prominent place advising employees whom to contact in the event of an accidental discharge. Employers shall ensure that all employees are advised of the emergency notification procedures.

B. In the event of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City and applicable federal and states offices.

Within five (5) working days following an accidental discharge to the Storm Drain System, the person or persons in charge of the material accidentally discharged shall submit a written report to the Public Works Director. The report shall describe in detail the type, volume and cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrence. Such notification shall not relieve the user of any fines or civil penalties incurred as a result of such event, or any other liability which may be imposed by this Chapter or other applicable laws.

Section 13.44.140 Authority to Inspect.

A. Representatives of the City shall be authorized at any reasonable time to enter the premises of any user of the storm drain system to determine compliance with the provisions of this Chapter, and to:

1. Conduct inspection, sampling, monitoring, and/or other authorized duties to enforce the provisions of this chapter;
2. Review any records, reports, test results or other information required to enforce the provisions of this Chapter. Such review may include the necessity to photograph, videotape, or copy any applicable information; and,
3. Inspect any wastes, chemicals, storage areas, storage containers, waste

generating processes, treatment facilities, and discharge locations. Such inspection may include the necessity to photograph or videotape any applicable wastes, chemicals, storage areas, storage containers, waste generating processes, treatment facilities, and discharge locations.

B. Adequate identification shall be provided by the representative of the City when entering the premises of any user. If such entry is refused or cannot be obtained, the City shall have recourse to every remedy provided by law to secure lawful entry and inspection of the premises.

C. If the City has reasonable cause to believe that non-storm water discharge conditions on or emanating from the premises are so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, the City shall have the right to immediately enter and inspect the property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied or unoccupied and whether or not formal permission to inspect has been obtained.

D. Where a user has instituted security measures requiring proper identification and clearance before entry onto the premises, the user shall make all necessary arrangements with its security guards in order that, upon presentation of such identification, duly designated City personnel shall be permitted to enter the premises without delay for the purpose of performing their authorized duties. For facilities which require special clearances to conduct inspections, it shall be the responsibility of the user to obtain all necessary clearances on behalf of the City so that City inspections are not impaired.

Section 13.44.150 Residential and Commercial Requirements.

Persons owning or operating a parking lot, gas station pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm drain system.

Section 13.44.160 Industrial Requirements - Specific Prohibitions

By adoption of industrial activity stormwater regulations or by the issuance of industrial activity stormwater permits, or both, the Public Works Director may impose reasonable limitations as to the quality of Storm Water (including without limitations the designation of maximum levels of pollutants) discharged directly or indirectly into the Storm Drain System from Sites of Industrial Activity.

Section 13.44.170 Non-Storm Water Discharges.

The following non-storm water discharges are allowed under the General Construction Permit so long as they comply with BMPs as described in the Storm Water Pollution Prevention Plan (SWPPP) and they do not cause or contribute to violation of any water quality standard or federal,

state or local law or regulation.

- A. Landscape irrigation of erosion control measures;
- B. Waterline flushing and testing as provided for in Section 13.44.080
- C. Street washing;
- D. De-watering;
- E. Dust control;
- F. Soil compaction; and
- G. Discharges of non-storm water as may be necessary for performance and completion of certain construction projects.

Section 13.44.180 Best Management Practices. (to be added as necessary)

Best Management Practices as defined in Section 13.44.020 shall be those practices which are standard practices in the City of Redlands or those practices which are adopted by resolution of the City Council to reduce or eliminate pollution in the storm drainage system. Best Management Practices which are standard practices of the City of Redlands are:

- a.. Street sweeping all public curbed streets twice monthly excepting commercial areas which are swept eight times monthly.
- b. Storm drain and Catch Basin cleaning and maintenance as needed.
- c. Regular pavement repair and maintenance.
- d. Spill prevention as practiced by all field divisions and as handled on an emergency basis by the Fire Department Hazardous Materials Response Team.
- e. Household hazardous waste collection as administered by the Fire Department.
- f. Storm drain facility inspection for illicit connections and/or illegal discharges.

Section 13.44.190 Permits Required.

Any individual or entity wishing to engage in construction activity shall comply with provisions of this Chapter and provide evidence of compliance prior to obtaining any City issued grading or construction permits.

Section 13.44.200 Notice of Violation.

A. Whenever the Authorized Representative finds that any user has violated or is violating any provision of this Chapter, A NPDES permit or City Permit the City may serve upon such person a written notice stating the nature of the violation and stating the penalties for continued non-compliance.

B. If required in the notice, the user shall submit to the City, within a prescribed period specified in the notice, which period shall not be less than ten (10) working days unless an emergency situation dictates a shorter period, a plan indicating the cause of the violation, corrective actions which will be taken to prevent recurrence, and, if required, a proposed compliance schedule indicating the dates those corrective actions will be completed.

Section 13.44.210 Violations Deemed a Public Nuisance.

A. In addition to the penalties established by this Chapter any threat to public health, safety and welfare shall be declared and deemed a public nuisance. Such public nuisance may be summarily abated and/or restored by the City, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

B. The cost of such abatement, remediation and restoration shall be borne by the owner of the property causing the violation. The cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within a prescribed amount of time after the completion by the City of the removal of the public nuisance and restoration and remediation of the property to its original condition, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

Section 13.44.220 Falsifying Information.

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the City, or who falsifies, tampers with, or knowingly renders inaccurate monitoring devices or methods required under this Chapter, shall have violated this Chapter.

Section 13.44.230 Administrative Hearing.

A. Any user may request in writing or the Authorized Representative may order, an administrative hearing, at which a user who causes or allow or who has caused or allowed a violation of this Chapter to occur shall show cause why a proposed enforcement action should not be taken. An administrative hearing officer who is a city officer not directly involved in enforcement of this article shall preside over the administrative hearing, at which each party, including the user and the City, shall have the right to present evidence.

B. A notice shall be served on the user specifying the time and place of the hearing regarding the violation, the reasons why the action is to be taken and proposed enforcement action, directing the user to show cause before the hearing officer why proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) working days before the hearing. Service may be made on any agent or officer of the user.

Section 13.44.240 Administrative Orders.

A. The Authorized Representative may require compliance with this Chapter, NPDES permit or City Permit by issuing written administrative orders that are enforceable in a court of law or by directly seeking court action. Administrative orders may include stop work orders, cease and desist orders, termination of service orders and immediate termination of service orders.

1. Stop Work Order - the City may serve a written stop work order on any person engaged in doing or causing to be done new construction, tenant improvements, alterations or additions, if:
 - (a) A City Permit is required and no Permit has been granted by the City;
 - (b) Work has begun without necessary prior written approval by the City;
 - (c) Violations of this Chapter are found at the site of the new construction, tenant improvements, alterations or additions.

B. Any person served a stop work order shall stop such work forthwith until written authorization to continue is received from the Public Works Director.

1. Cease and Desist Order - when the City finds that any industrial/commercial user has violated or threatens to violate any provisions of this Chapter, NPDES Storm water permit or City Permit the City may issue a cease and desist order directing the user to:
 - (a) Comply immediately; or
 - (b) Comply in accordance with a time schedule specified in the cease and desist order.

A cease and desist order may include modifications in the frequency of monitoring, testing and submission of self-monitoring reports.

2. Termination of Service - when the City finds any industrial/commercial user has violated an administrative order, the Public Works Director may terminate storm drain service to the user. The user shall be liable for all costs for termination of storm drain service incurred by the user and the City. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency payment, or for any other reasons. Storm drain service shall be re-instituted by the City after the user has complied with all the provisions of the administrative order. The user shall also be liable for all costs for re-instituting storm drain service.
3. Immediate Termination of Service - the City may immediately suspend storm drain service and the City Permit when such suspension is necessary, in the opinion of the Public Works Director to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or which significantly causes pollution to the receiving waters ground and water course of the City. Any industrial/commercial user notified that storm drain service NPDES permit or City Permit has been suspended shall immediately stop and eliminate the applicable contributions to the storm drain system.

C. In the event of failure to comply voluntarily with the suspension order, the City shall take steps as deemed necessary including immediate severance of storm drain connections. The industrial/commercial user shall be liable for all costs incurred by the City in terminating storm drain service. Storm drain service may be re-instituted by the City after the actual or threatened discharge has been eliminated. A detailed written statement, submitted by the industrial/commercial user, describing the cause of the harmful contribution and the measure to prevent any future occurrence

shall be submitted to the Public Works Director within fifteen (15) working days of the date of storm drain service termination.

D. The Authorized Representative may adopt a proposed compliance schedule submitted by the user, or may adopt a revised compliance schedule if, in the judgement of the Authorized Representative, the compliance schedule would allow the user to cause harm to the receiving waters and/or City storm drain facilities.

E. The Authorized Representative will notify the user for the adopted compliance schedule in a timely manner. The Authorized Representative shall not adopt a compliance schedule which extends beyond applicable federal guidelines.

Section 13.44.250 Legal Action.

A. If any person violates the provisions of this Chapter, federal or state NPDES permit, City Permit requirement or any order of the City, the City Attorney may commence an action for appropriate legal, equitable or injunctive relief in the Municipal or Superior Court of the County.

B. In addition to the penalties provided in this article, the City may recover all reasonable attorney fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit of law against the person(s) found to have violated any of the provisions of this Chapter, NPDES permit, City Permit or the orders, rules, regulations and permits issued thereunder.

Section 13.44.260 Civil Penalties.

A. The business license of any industrial/commercial user who is found to have violated an administrative order to comply with any provisions of this Chapter, NPDES permit or City Permit and the orders, rules, regulations and permits under this Chapter may be revoked. The industrial/commercial user may also be fined a sum not to exceed \$2,000 per day for each offense.

B. Each violation shall be considered a separate and distinct offense, and each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this article, the City may recover all reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter, NPDES permit, City Permit, or the orders, rules, regulations and permits issued under this article.

Section 13.44.270 Criminal Penalties.

A. Any person who willfully violates any provision of this Chapter or any permit condition; who knowingly violates any stop work order, cease and desist order, termination or immediate termination order, prohibition or effluent limitation; who knowingly makes false statements, representation or certification in any application, record, report, plan or other document

filed or required to be maintained pursuant to this Chapter or NPDES Permit; or who falsifies, tampers with or knowingly causes inaccuracy in any monitoring device or method required or authorized under this Chapter is guilty of a misdemeanor which, upon conviction, is punishable in accordance with State law.

B. Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this Chapter is committed, continued or permitted by such person, and shall be punishable for that violation as provided by this Chapter.

Section 13.44.280 Compensation for Damages.

Any person who damages monitoring equipment, detrimentally affects the water quality of the United States, significantly increases maintenance of, requires non-routine inspection or sampling, causes blockages of, damage to, interference with storm drain facilities, or causes any other damages, including the imposition of fines or penalties on the City by federal, state or local regulatory agencies, shall be liable to the City for all damages and additional costs, including fines and penalties, occasion thereby. An administrative fee, which shall be based on the City's current overhead cost allocation percentage, shall be added to these charges and shall be payable to the City within thirty (30) calendar days of invoicing.

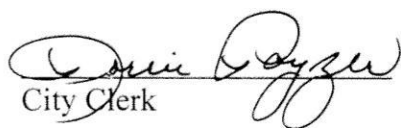
Section 13.44.290 Notice to Remediate.

Whenever the Authorized Representative finds any non-permitted, prohibited substance discharge 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 storm drain system, the Authorized Representative may give notice to remove any non-permitted, non-prohibited substance discharge that the City may provide. The industrial/commercial user who receives such a notice shall undertake the remediation activities as described in the notice.

Section 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City and thereafter, this ordinance shall take effect as provided by law.


Mayor of the City of Redlands

ATTEST:


City Clerk

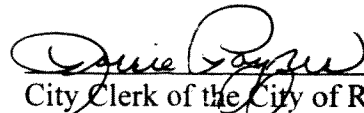
I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 5th day of Sept., 1995, by the following vote:

AYES: Councilmembers Foster, Cunningham, Gilbreath, Gil; Mayor Larson

NOES: None

ABSTAIN: None

ABSENT: None


City Clerk of the City of Redlands