

ORDINANCE NO. 691

AN ORDINANCE ENACTING A NEW CHAPTER 12.06 OF THE GRASS VALLEY MUNICIPAL CODE PERTAINING TO STORM WATER MANAGEMENT AND DISCHARGE CONTROL

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, STATE OF CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

There is hereby added a new chapter 12.06 to the Grass Valley Municipal Code to read as follows:

**CHAPTER 12.06
STORM WATER MANAGEMENT AND DISCHARGE CONTROL**

Sections:

- 12.06.010 Purpose and Intent.
- 12.06.020 Definitions.
- 12.06.030 Applicability and Compliance.
- 12.06.040 Responsibility for Administration.
- 12.06.050 Severability.
- 12.06.060 Regulatory Consistency.
- 12.06.070 Responsibility of Discharger.
- 12.06.080 Prohibition of Illegal Discharges.
- 12.06.090 Prohibition of Illicit Connections.
- 12.06.100 Waste Disposal Prohibitions.
- 12.06.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.
- 12.06.120 Requirement to Prevent, Control, and Reduce Storm Water Pollutants.
- 12.06.120 Requirement to Eliminate Illegal Discharges.
- 12.06.130 Requirement to Eliminate or Secure Approval for Illicit Connections.
- 12.06.140 Watercourse Protection.
- 12.06.150 Requirement to Remediate.
- 12.06.160 Requirement to Monitor and Analyze.
- 12.06.170 Notification of Spills.
- 12.06.180 Authority to Inspect.
- 12.06.190 Authority to Sample, Establish Sampling Devices, and Test.
- 12.06.200 Notice of Violation.
- 12.06.210 Appeal.
- 12.06.220 Abatement by City.
- 12.06.230 Recovery of Costs of Abatement/Liens.
- 12.06.240 Urgency Abatement.
- 12.06.250 Violations.
- 12.06.260 Mutually Agreed Upon Compensatory Action.
- 12.06.270 Violations Deemed a Public Nuisance.

12.06.280 Violations of the Federal Clean Water Act and/or California Porter-Cologne Act.

12.06.010 Purpose and Intent.

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

12.06.020 Definitions.

- A. Accelerated Erosion. Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
- B. Best Management Practices (BMP's). Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and watercourses. BMP's include but are not limited to: treatment facilities to remove pollutants from storm water, operating and maintenance procedures, facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from material storage, erosion and sediment control practices, the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.
- C. Building. Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
- D. City. The City of Grass Valley.
- E. Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- F. Construction Activity. Activities subject to permits including but not limited to encroachment permits, grading permits, and building permits. Such activities include residential, commercial or industrial development but are not limited to clearing and grubbing, grading, excavating, and demolition.
- G. Detention. The temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.
- H. Developer. A person who undertakes land disturbance, building, and/or construction activities.
- I. Encroachment Permit. A permit issued to a person, firm or corporation that proposes to do work or encroach on a public right of way, easement, or watercourse. This includes driveway construction and temporary access onto undeveloped property.
- J. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a

- substantial or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code § 25117).
- K. **Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this Chapter.
 - L. **Illicit Connections.** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
 - M. **Impervious.** Those surfaces that cannot infiltrate more than eighty-five percent (85%) of rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
 - N. **Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
 - O. **Industrial Permit.** A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.
 - P. **Infiltration.** The process of percolating storm water into the subsoil.
 - Q. **Land owner.** The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
 - R. **Maintenance Agreement.** A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
 - S. **Maximum Extent Practicable (MEP).** Standard in Clean Water Act section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet; MEP is an acceptability standard for Best Management Practices based on a level of pollutant reduction that can be achieved by the most effective set of BMP's that can be implemented and still remain practicable; MEP generally emphasizes pollution prevention and source control BMP's as the first line of defense in combination with treatment methods as a backup.
 - T. **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits.** General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California RWQCB, Central Valley Region, and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.
 - U. **Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

- V. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid, solid wastes, yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations, floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates), and noxious or offensive matter.
- W. Pollution. The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code § 13050).
- X. Porter-Cologne Act. The Porter-Cologne Water Quality Act and as amended (California Water Code § 13000 et seq.).
- Y. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- Z. Public Works Director/City Engineer. The City, Director of Public Works and City Engineer or designated representative.
- AA. Redevelopment. Any construction, alteration or improvement of existing land.
- BB. Regional Water Quality Control Board (RWQCB). Regional districts within the California State Water Resources Control Board responsible for administering individual NPDES permits. The City is in the Central Valley Region.
- CC. Storm Drain System. Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.
- DD. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from storm events.
- EE. Storm Water Management. The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- FF. Storm Water Runoff. Flow on the surface of the ground, resulting from storm water.
- GG. Watercourse. All surface water bodies, either permanent or intermittent, natural or man-made, which gathers or carries surface water including all Waters of the United States as defined at 40 CFR § 122.2.

12.06.030 Applicability and Compliance.

This ordinance shall be applicable to all water entering the storm drain system and/or watercourses generated on any developed and undeveloped lands within the city limits including any amendments or revisions thereto.

