

Chapter 13.16

STORM WATER POLLUTION PREVENTION AND PROTECTION

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13.16.010 Purpose – Intent.

A. This chapter establishes regulations for controlling the introduction of pollutants into the storm water system to ensure the city of Capitola's compliance with provisions of the California State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Permit and Waste Discharge Requirements. These regulations will provide for the health, safety, and general welfare of the citizens of the city of Capitola through the regulation of non-storm-water discharges to the storm drainage system as required by federal and state law.

B. The objectives of this chapter are:

1. To regulate the contribution of pollutants to the storm water system by any discharger.
2. To prohibit illicit connections and non-storm-water discharges to the storm water system.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.
4. To minimize increases in storm water runoff from any development or redevelopment in order to reduce flooding, siltation, increases in stream temperature and streambank erosion, and maintain the integrity of stream channels.
5. To minimize increases in nonpoint source pollution caused by storm water runoff from development or redevelopment which would otherwise degrade local water quality.
6. To minimize the total annual volume of surface water runoff which flows from any specific site during and following development or redevelopment to not exceed the pre-development hydrologic regime to the maximum extent practicable.
7. To reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety. (Ord. 985 § 1 (part), 2013)

13.16.020 Definitions.

A. For the purposes of this chapter, the following shall mean:

1. “Best management practices (BMPs)” means 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 the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
2. “City design standards” refers to the City of Capitola Public Works Design Standards, most recent version as amended.
3. “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) and any subsequent amendments thereto.
4. “Construction activity” means activities subject to the most current State Water Resources Control Board NPDES construction general permit. These include construction projects resulting in land disturbance of a minimum area as defined in the most recent construction general permit. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
5. “Construction general permit” or “CGP” means the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit providing the Waste Discharge Requirements for Storm Water Discharges Associated with Construction and Land Disturbance Activities. At all times, the construction general permit refers to the most recently adopted permit as amended by the State Water Resources Control Board.
6. “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
7. “Hydromodification” shall mean the alteration to the patterns and processes of runoff and sediment transport from a watershed into its receiving waters as a result of land use changes, in a manner that generally produces changes to the physical, chemical, and/or biological condition(s) of those receiving waters.
8. “Illegal discharge” means any direct or indirect non-storm-water discharge to the storm drain system or receiving waters, except as exempted in Section B3 of the MS4 permit.
9. Illicit Connections. An “illicit connection” is defined as either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system or receiving waters including but not limited to:
 - i. Any conveyances that allow any non-storm-water discharge including sewage, process wastewater, and wash water to enter the storm drain system; and
 - ii. 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 the city; and
 - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the city.
10. “Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except for discharges pursuant to a NPDES permit or exempted herein. Examples include, but are not limited to, oils, grease, paint, motor oil, and concrete wash, among other materials.

11. "Incidental runoff" is defined as unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use.
12. "Industrial activity" means activities subject to the most current State Water Resources Control Board NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities (excluding construction activities).
13. "Maximum extent practicable" or "MEP" means the cumulative result of implementing, evaluating, and creating corresponding changes to a variety of technically appropriate and economically feasible best management practices (BMPs) that serve to reduce the discharge of pollutants from MS4s to waters of the U.S., ensuring that the most appropriate BMPs are implemented in the most effective manner.
14. "Municipal separate storm sewer system (MS4)" means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city of Capitola and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.
15. "National Pollutant Discharge Elimination System (NPDES) storm water discharge permit" means a permit issued by the State Water Resources Control Board or Central Coast Regional Water Quality Control Board that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
16. "Nonpoint source pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural (e.g., forestry), mining, construction, subsurface disposal and urban runoff sources.
17. "Non-storm-water discharge" means any discharge to the storm drain system that is not composed entirely of storm water.
18. "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
19. "Phase II MS4 permit" means the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit Order No. 2013-0001-DWQ providing the Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4). At all times, "Phase II MS4 permit" represents the most recently adopted permit as amended by the State Water Resources Control Board.
20. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
21. "Post-construction requirements" or "PCRs" means requirements as defined in the Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032 Approving Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region, including attachments thereto, or any applicable updated or amended resolutions adopted by the SWRQB or RWQCB.
22. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
23. "Receiving waters" shall mean "waters of the United States" as defined in Section 122.2 of Title 40 of the Code of Federal Regulations, any other natural or altered channels or streams into which the storm water discharges, any body of standing water, and groundwater.

24. "Regional Water Board" means the Central Coast Regional Water Quality Control Board.
25. "State Water Board" means the California State Water Resources Control Board.
26. "Storm drainage system" means publicly owned facilities 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, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
27. "Storm water" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
28. "Uncontrolled source" means any pollutant source or potential pollutant source that has not been adequately controlled with BMPs to the MEP.
29. "Wastewater" means any water or other liquid, other than uncontaminated storm water, discharged from a facility. (Ord. 985 § 1 (part), 2013)

13.16.030 Applicability.

A. This chapter shall apply to all water entering the storm drain system or receiving waters generated on any developed and undeveloped lands unless explicitly exempted by this chapter and the city. (Ord. 985 § 1 (part), 2013)

13.16.040 Responsibility for administration.

A. The city shall administer, implement, and enforce the provisions of this chapter. The city manager may delegate in writing to persons or entities acting in the beneficial interest of or in the employ of the city to administer, implement, and/or enforce the provisions of this chapter. (Ord. 985 § 1 (part), 2013)

13.16.050 Watercourse protection.

A. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall 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.

B. All property located within the environmentally sensitive habitat district or otherwise identified as sensitive habitat is subject to the provisions and requirements of Chapter 17.64 of this code. (Ord. 985 § 1 (part), 2013)

13.16.060 Industrial or construction activity discharges.

A. Submission of NOI.

1. Any person subject to an industrial or construction activity general NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit is required in a form acceptable to the city prior to allowing discharges to the MS4.
2. The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water shall submit a copy of the notice of intent (NOI) to the city at the same time the operator or contractor submits the original NOI to the Regional Water Board as applicable.
3. The copy of the NOI shall be delivered to the city either in person or by mailing it to:

Notice of Intent to Discharge Storm Water
City of Capitola, Public Works Department
420 Capitola Avenue
Capitola, CA 95010

(Ord. 985 § 1 (part), 2013)

13.16.070 Illicit discharges and connections.

A. Discharge Prohibitions.

1. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 or receiving waters any pollutants or waters containing any pollutants, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described in the Phase II MS4 permit.

Conditionally exempted discharges are explicitly detailed in Section B3 of the Phase II MS4 permit. It is the responsibility of the discharger to review the list of exemptions in the Phase II MS4 permit to verify compliance with the permit and applicability of the exemption for the proposed discharge. Examples of exempted discharges include, but are not limited to, water line flushing, individual residential car washing, air conditioning condensation, and discharges from potable water sources. This provision does not obviate the need to obtain any other appropriate permits for such discharges. Any exempted discharges determined to be a significant source of pollutants to the MS4 or receiving waters are prohibited.

B. Prohibition of Illicit Connections.

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

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

4. Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the city.

5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed.

Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified.

Results of these investigations are to be documented and provided to the city.

C. Incidental Discharge Prohibition and Prevention.

1. Non-storm-water runoff discharge that is not incidental is prohibited, unless otherwise specified in the Phase II MS4 permit.

2. Discharges in excess of an amount deemed to be incidental runoff shall be controlled. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

3. Parties responsible for controlling runoff in excess of incidental runoff shall do so in accordance with the Phase II MS4 permit. (Ord. 985 § 1 (part), 2013)

13.16.080 Suspension of MS4 access.

A. Emergency Cease and Desist Orders.

1. When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- a. Immediately comply with all requirements of this chapter; and
- b. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

2. Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge in accordance with the following requirements, and as detailed in the order:

- a. Abate and clean up their discharge, spill, or pollutant release within seventy-two hours of notification.
- b. Clean up high risk spills as soon as possible.
- c. Uncontrolled sources of pollutants that may pose an environmental threat shall be abated within thirty days of notification. "Uncontrolled sources of pollutants" refers to any facilities, equipment, materials or other objects that contain or consist of pollutants that may pose an environmental threat and that have not been adequately controlled or contained with BMPs to prevent those pollutants from entering the MS4 and/or waters of the U.S. The proximity of the source to a drain inlet or a waterway, the potential pathways and barriers, and potential entrainment of the source and/or pollutants in storm water via rain events are all considerations for determining whether a source requires abatement and shall be left to the discretion of the inspector.

3. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the city may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including seeking termination of a facility's utility services.

The city may allow the person to recommence its discharge when it has been demonstrated to the satisfaction of the city that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this chapter.

A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the city within thirty days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

B. Suspension Due to Illicit Discharges in Emergency Situations.

1. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States.

If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

C. Suspension Due to the Detection of Illicit Discharge.

1. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for a reconsideration and hearing.
2. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city. (Ord. 985 § 1 (part), 2013)

13.16.090 Post-construction storm water management.

A. Design Standards and Site Design Measures.

1. New development and redevelopment projects shall comply with the post-construction requirements (PCRs) and the city design standards.
2. Design standards include measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management for regulated projects as further described in the city design standards.
3. It is the responsibility of the applicant to obtain, review, and follow the PCRs and the city design standards for compliance with this chapter.

B. Regulated Projects.

1. Projects are defined as regulated or nonregulated by type of project and by square footage of impervious surface that is created and/or replaced.
2. Special measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management shall apply to regulated projects that create or replace a certain threshold value of impervious surface, as defined in the Phase II MS4 permit.

C. Source Control Measures.

1. Conformance with source control measures for pollutant generating activities and sources shall be designed consistent with recommendations from industry specific guidance manuals and handbooks serving to identify best management practices (BMPs) contained in the city design standards.

Activities and sources to which these measures apply are described in the State Water Board Phase II MS4 permit.

D. Low Impact Development Design Standards.

1. Applicant shall adhere to the post-construction requirements (PCRs) and city design standards including all standards relating to low impact development (LID). Threshold site areas where various design standards apply are described in the city design standards.
2. Not all new development and redevelopment project sites require adherence to these standards; project applicability and criteria are detailed in the PCRs and city design standards.

E. Hydromodification Management.

1. Applicant shall adhere to the post-construction requirements (PCRs) and city design standards including all standards relating to hydromodification management. Threshold site areas where various design standards apply are described in the PCRs and city design standards.
2. Not all new development and redevelopment project sites require adherence to these standards; project applicability and criteria are detailed in the post-construction requirements (PCRs) and city design standards. (Ord. 985 § 1 (part), 2013)

13.16.100 Construction site storm water runoff control.

A. Construction Projects.

1. Certain projects are subject to the construction general permit in addition to this construction site storm water runoff control chapter. Criteria for project applicability are included in the CGP and city design standards.
2. All projects are subject to the:
 - a. City design standards.
 - i. Requirements for erosion and sediment controls.
 - ii. Requirements for soil stabilization.
 - iii. Requirements for dewatering.
 - iv. Requirements for source controls.
 - v. Requirements for pollution prevention measures.
 - b. Prohibited discharges as defined in this chapter.
 - c. The excavation and grading requirements detailed in Chapter 15.28 of this code.
 - d. The erosion and grading control requirements detailed in Chapter 16.24 of this code.
 - e. Phase II MS4 permit.

B. Erosion and Sediment Control.

1. All projects are required to develop an erosion and sediment control plan in accordance with the requirements in the Phase II MS4 permit and city design standards. The plan shall be submitted with the grading or building permit application and must be reviewed and approved by the city prior to issuance of said permit.
2. Prior to commencement of land disturbance, a pre-site inspection must be conducted by the grading official per the requirements in the city design standards to verify compliance with the approved erosion and sediment control plan.

C. Periodic Inspection.

1. Periodic inspections will be conducted on the basis of project priority and the discretion of the grading official.
2. Project priority for the purpose of determining inspection frequency shall be based on project threat to water quality. Project threat to water quality includes soil erosion potential, site slope, project size and type, sensitivity of receiving water bodies, proximity to receiving water bodies, non-storm-water discharges, projects more than one acre that are not subject to the CGP (sites that have obtained an erosivity waiver) and past record of noncompliance by the operator of the construction site.
3. Inspection frequencies shall be determined by the grading official and be conducted based on the prioritization criteria described above. (Ord. 985 § 1 (part), 2013)

13.16.110 Compliance monitoring.

A. Right of Entry – Inspection and Sampling.

1. Pursuant to, and subject to the requirements of, Section 4.02.040 of this code, the city shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.

- a. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.
- b. Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's storm water discharge.
- d. The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator. (Ord. 985 § 1 (part), 2013)

13.16.120 Compatibility with other regulations.

A. This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

B. Other relevant Capitola municipal codes associated with the protection of storm water and receiving waters include, but are not limited to, the following:

1. Title 4, General Municipal Code Enforcement.
2. Title 15, Buildings and Construction.
 - a. Chapter 15.28, Excavation and Grading.
3. Title 16, Subdivisions.
 - a. Chapter 16.24, Design Standards.
4. Title 17, Zoning.
 - a. Chapter 17.120, Design Permits.
 - b. Chapter 17.64, Environmentally Sensitive Habitat Areas.

C. Governing agencies and applicable permits associated with the protection of storm water and receiving waters include, but are not limited to, the following:

1. State Water Resources Control Board (State Water Board).
 - a. NPDES Phase II MS4 permit (most recent adopted order as amended).
 - b. NPDES construction general permit (most recent adopted order as amended).
 - c. NPDES industrial general permit (most recent adopted order as amended).

2. Central Coast Regional Water Quality Control Board (Regional Water Board).

- a. Post-construction requirements (most recent adopted resolution as amended). (Ord. 985 § 1 (part), 2013)

13.16.130 Severability.

A. The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter. (Ord. 985 § 1 (part), 2013)

13.16.140 Ultimate responsibility.

A. The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants. (Ord. 985 § 1 (part), 2013)

13.16.150 Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices.

A. The city has adopted industry specific guidance manuals and handbooks serving to identify best management practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. Acceptable references are described in the city design standards. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs.

B. Any person responsible for a property or premises that is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

These BMPs are part of the city design standards as necessary for compliance with requirements of the Phase II MS4 permit. (Ord. 985 § 1 (part), 2013)

13.16.160 Notification of spills.

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

In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of nonhazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day.

B. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within five business days of the phone notice.

C. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years.

D. Failure to provide notification of a release as provided above is a violation of this chapter. (Ord. 985 § 1 (part), 2013)

13.16.170 Remedies not exclusive.

A. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies pursuant to Title 4 of this code. (Ord. 985 § 1 (part), 2013)

13.16.180 Violations, enforcement, and penalties.

A. Violations.

1. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in Title 4 of this code.

B. Notice of Violation.

1. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city may order compliance by written notice of violation to the responsible person pursuant to Chapter 4.10 of this code. In addition, such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

C. Compensatory Action.

1. In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the city, at its discretion, may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

D. Revision to Abatement Time Frame.

1. If all parties, including the city, agree that cleanup activities cannot be completed within the original time frame dictated by any notice of violation and/or cease and desist order, the city shall notify the Regional Water Board in writing within five business days of the determination that the time frame requires revision.

The person, owner, agent or person in possession of the premises shall be subject to the modified abatement time frame and any citations and penalties issued by the State and/or Regional Board in addition to those issued by the city. (Ord. 985 § 1 (part), 2013)