

SANTA MONICA

Article 7 PUBLIC WORKS

Chapter 7.10 URBAN RUNOFF POLLUTION

7.10.010 Findings.

The City Council finds and declares:

(a) The City's storm and surface water drainage system is planned, designed and operated to handle storm water runoff flows from public and private properties. In order to function effectively, this system requires all private connections to it to be properly constructed, maintained and operated.

(b) Urban runoff flows from individual properties onto the streets, then through storm drains to the beaches. It is therefore in the public interest to ensure that both public and private drainage systems are properly maintained, in order to facilitate the proper functioning of the City's storm and surface water drainage system, and to prevent pollutants from entering the Santa Monica Bay.

(c) The number of beach closures in the state due to ocean pollution have continued to increase, especially in Southern California, while beach closures have declined in other parts of the nation. Urban runoff is the single largest source of this ocean pollution, and consequently, is the number one threat in the State to public health and water quality.

(d) The City is a co-permittee under the Los Angeles County National Pollutant Discharge Elimination System (NPDES) Municipal Permit and as such is obligated to implement a Standard Urban Storm Water Mitigation Plan ("SUSMP") and Best Management Practice ("BMP") procedures to prevent and control the entry of pollutants into the City storm drain system and reduce the overall amount of urban runoff.

(e) In order to better control the quantity and quality of urban runoff pollution, a program requiring existing properties to adopt "good housekeeping" practices is essential.

(f) In order to reduce runoff contamination and runoff volume from private and publicly owned properties that will be newly developed, substantially rehabilitated or redeveloped in the future, a program ensuring that new developments incorporate design elements which facilitate such control is required.

(g) It is in the best interest of the City to establish guidelines and procedures for control of the quality and quantity of urban runoff from construction sites within the City. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.020 Purpose.

The purpose of this Chapter is to permanently modify the structural causes of urban runoff pollution. The objectives of this Chapter include the reduction of both runoff volume and runoff contamination from existing residential and nonresidential properties and from future developments. This Chapter has two main goals. First, it aims to ensure that project sites maximize on-site percolation of runoff. Second, this Chapter aims to ensure that rain water is directed or contained so as not to become polluted by passage through contaminating material. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.030 Definitions.

The following words and phrases shall have the following meanings when used in this Chapter:

(a) **Area Susceptible to Runoff.** Any non-permeable surface directly exposed to precipitation or in the path of runoff which leads directly to neighboring properties or to the public right-of-way.

(b) **Best Management Practices (“BMP”).** Practices principally applicable to construction sites and new developments that reduce the toxicity contained in, and the volume of, water which runs into storm drains, treatment facilities and the Santa Monica Bay. The Los Angeles Regional Water Quality Board (“Regional Board”) has an approved list of BMPs and a list of technical resources and reference materials. Any BMP not specifically approved by the Regional Board may be used if they have been recommended in one of the listed technical resources and reference materials. The City Urban Runoff Management Coordinator and Engineering Department shall maintain updated copies of these lists and shall provide them upon request.

(c) **Good Housekeeping Requirements (“GHR”).** Urban runoff pollution control practices applicable to existing properties, which have been demonstrated to significantly reduce and control urban runoff pollution that runs into storm drains, treatment facilities and the Santa Monica Bay.

(d) **New Development.** For purposes of this Chapter, new development shall constitute any of the following:

(1) Any construction project on a vacant site or on a site where fifty percent or more of the square footage of the structures is removed prior to construction.

(2) Any construction project where an existing building or structure has been damaged, or is in need of repairs, or the owner desires to make repairs, alterations, or rehabilitation in an amount exceeding fifty percent of the replacement cost of the building or structure. For purposes of this subsection, the City’s Building Officer shall determine the replacement cost of the building or structure and may use the most current building valuation

table published by the International Conference of Building Officials. The Building Officer shall also determine the fair market value of any necessary repairs and may calculate the fair market value of repairs based on three responsible bids from properly licensed contractors.

(3) Any construction project that (a) results in improvements to fifty percent or greater of the square footage of a building, (b) creates or adds at least five thousand square feet of impervious surfaces, or (c) creates or adds fifty percent or more of impervious surfaces.

(4) Any construction project undertaken by the City where the runoff controls required by this Chapter are feasible and economical, as determined by the Director of the Department of Environmental and Public Works Management, but which would not otherwise constitute new development as defined by subdivisions (1), (2) or (3) of this subsection (d).

(e) **Source Control BMP.** Non-structural activities, practices, and procedures that are designed to prevent urban runoff pollution.

(f) **Storm Event.** 0.75 inches of rainfall within a consecutive twenty-four-hour period that is separated from the previous storm event by at least seventy-two hours of dry weather.

(g) **Structural BMP.** Any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both Source Control and Treatment Control BMPs.

(h) **Treatment Control BMP.** Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological or chemical process.

(i) **Urban Runoff or Urban Runoff Pollution.** Water and suspended or dissolved materials deposited on surfaces and washed by storms or other sources of flowing water, through the flood control system to the ocean. Research studies have shown that urban runoff contributes many pollutants to receiving waters. Contamination includes bacteria and viruses, solid waste, and toxics such as heavy metals and petroleum-based compounds.

(j) **Urban Runoff Mitigation Plan.** A plan that shall be submitted and approved in connection with any new development. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.040 Good housekeeping requirements for reduction of urban runoff applicable to all properties.

The following good housekeeping requirements shall be adhered to by all persons within the City.

(a) **Collection, Storage and Minimization of Runoff.**

(1) Water used for irrigation purposes shall not be allowed to run off of a site.

(2) Washing down paved areas shall be prohibited unless necessary for health or safety purposes and not in violation of any other provision of this Code. If washing down paved areas is authorized pursuant to this subdivision (2), BMP measures shall be implemented to remove solids, such as litter and debris, sediments and hydrocarbons and other organic chemicals.

(3) The uncovered outdoor storage of unsealed containers of building materials and lawn and automotive care products containing substances that may contribute pollutants to the storm water conveyance system is prohibited.

(4) Commercial tenants, multi-family building managers and industrial owners shall inspect trash receptacles and refuse storage areas on a weekly basis for loose garbage and liquid waste residue and shall not allow such garbage and residue to enter the storm drain system. Trash receptacles shall have solid covers and shall be closed to prevent the entry of rain and the exit of wind-blown litter. Trash receptacles shall be maintained without broken covers and leaks.

(5) Swimming pools, hot tubs and spas shall be drained to permeable surfaces and/or to the sewer and the water shall not be allowed to flow off the site.

(b) **Maintenance of Equipment.**

(1) Objects such as vehicle motor parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

(2) Any machine which is to be repaired or maintained in an uncovered outdoor area shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

(3) Machinery and equipment, including motor vehicles, which are leaking significant amounts of oil or fluid must be repaired.

(c) **Removal of Debris and Residue.**

(1) All motor vehicle parking lots susceptible to runoff shall be swept, at minimum, on a monthly basis to remove debris. Lots with more than ten parking spaces and all public parking facilities shall be vacuum swept, at minimum, on a quarterly basis. However, lots are not required to be vacuum swept for one month following a day when precipitation of one-half inch or more occurs.

(2) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed immediately and disposed of properly. Household hazardous waste may be disposed of at the City's household hazardous waste collection facility or at any other appropriate disposal site and shall not be placed in a trash container.

(3) Intentional disposal of any trash, litter, debris or hazardous material of any type into a storm drain is prohibited. Section 5.20.040 of this Code prohibits discharge of other types of pollutants into the storm drain.

(d) **Prohibition on Use of Pesticides and Fungicides Banned from Manufacture.**

Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, is prohibited. A list of these prohibited substances shall be maintained and made available to the public by the Environmental Programs Division (EPD). (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.050 Urban runoff reduction requirements for new development.

The following urban runoff reduction requirements shall apply to all persons submitting applications for new development within the City.

(a) At the time of submittal of an application for a new development project, an applicant shall be required to submit an Urban Runoff Mitigation Plan to the Department of Environmental and Public Works Management.

(b) In developing an Urban Runoff Mitigation Plan, an applicant shall infiltrate or treat projected runoff for the new development by an amount equal to or greater than the volume of runoff produced from a storm event through incorporation of design elements that address one or more of the goals set forth below in subdivisions (1), (2), and (3) of this subsection. The design elements utilized by an applicant may, but are not required to, include those provided on the list below so long as the required projected runoff infiltration or treatment is achieved:

(1) Maximize permeable areas to allow more percolation of runoff into the ground through such means as:

- (i) Biofilters;
- (ii) Green strips;
- (iii) Swales.

The use of permeable materials in lieu of or to replace hardscapes will increase the amount of runoff seepage into the ground.

(2) Maximize the amount of runoff directed to permeable areas and/or maximize stormwater storage for reuse or infiltration by such means as:

(i) Orienting roof runoff towards permeable surfaces, drywells, French drains, or other structural BMPs rather than directly to driveways or non-permeable surfaces so that runoff will penetrate into the ground instead of flowing off-site.

(ii) Grading the site to divert flow to permeable areas.

(iii) Using cisterns, retention structures or green rooftops to store precipitation or runoff for reuse.

(iv) Removing or designing curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

(3) Remove pollutants through installation of treatment control BMPs.

(4) For purposes of compliance with this Section, pools, hot tubs, and spas shall be considered impermeable surfaces.

(5) The Urban Runoff Mitigation Plan must also include the applicant's plan for the maintenance of all BMP's requiring ongoing maintenance.

(6) All Urban Runoff Mitigation Plans must include the applicant's signed statement accepting responsibility for all structural and treatment control BMP maintenance. The transfer of property subject to an Urban Runoff Mitigation Plan must include as a written condition to the transfer that the transferee assumes full responsibility for maintenance of any structural, and/or source or treatment control BMPs.

(c) The design elements established in this subsection (c) shall be required for all new development except single- family residences:

(1) Urban runoff shall not be allowed to come into contact with the following areas:

(i) Loading and unloading dock areas;

(ii) Repair and maintenance bays;

(iii) Vehicle and equipment wash areas;

(iv) Fueling areas.

(2) Where new development will include outdoor areas for the storage of material that may contribute pollutants to the storm water conveyance system, these materials must be:

(i) Placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or

(ii) Protected by secondary containment structures such as berms, dikes, or curbs.

(3) The outdoor storage area for materials subject to subdivision (2) of this Section must be:

(i) Paved and sufficiently impervious to contain leaks and spills;

(ii) Covered with a roof or awning to minimize collection of storm water within the secondary containment area.

(4) The area where a trash receptacle or receptacles are located for use as a repository for solid wastes must meet the following Structural or Treatment Control BMP requirements:

(i) Drainage from adjoining roofs and pavement must be diverted away from the trash storage areas.

(ii) The area must be covered with roof or awning (to prevent rain from entering the area and sewer or storm drain conveyance system), screened or walled to prevent off-site transport of trash, and connected to the sanitary sewer.

(iii) Trash bins must have solid covers and be covered at all times except while being emptied.

(d) Any construction project adding down spouts, gutters and subsurface pipes directing stormwater to the curb face shall have a French drain system of perforated pipe and gravel unless site-specific circumstances endanger public safety so as to prohibit its use as determined by the Director of the Department of Environmental and Public Works Management. The requirements of this subsection (d) shall apply even if the project does not constitute new development as defined by this Chapter.

(e) The City's evaluation of each Urban Runoff Mitigation Plan will ascertain if the proposed plan meets the standards set forth in subsection (b) of this Section. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

(f) The Director of the Department of Environmental and Public Works Management or his or her designee shall approve or disapprove the plan. If the plan is disapproved, the reasons for disapproval shall be given in writing to the developer. Any plan disapproved by the Director of Environmental and Public Works Management or his or her designee must be revised by the developer and resubmitted for approval. No building permit shall be issued until an Urban Runoff Mitigation Plan has been approved by the Department of Environmental and Public Works Management.

(g) A waiver from subsection (b) of this Section may be issued by the Director of the Department of Environmental and Public Works Management or his or her designee if the petitioner shows impracticability of implementing these requirements. Recognized circumstances demonstrating impracticability include: (i) extreme limitations of space for treatment; (ii) unfavorable or unstable soil conditions at a site to attempt infiltration; and (iii) risk of

groundwater contamination because a known unconfined aquifer lies beneath the land surface or an existing or potential underground source of drinking water is less than ten feet from the soil surface. Any other justification for impracticability must be separately petitioned by the City and submitted to the Regional Board for consideration.

(h) If a waiver is granted for impracticability, the petitioner will be required to transfer the savings in cost, as determined by the Director of the Department of Environmental and Public Works Management, to a City stormwater mitigation fund to be used to promote regional or alternative solutions for urban runoff pollution in the storm watershed, which may be operated by a public agency or a non-profit entity.

(i) Compliance with an approved Urban Runoff Mitigation Plan shall be a condition of any required planning approval. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.060 Urban runoff requirements for construction sites.

The following Best Management Practices, which address the problem of urban runoff, shall apply to all construction sites in the City. These requirements shall apply at the commencement of demolition of an existing structure and/or commencement of construction and until receipt of a certificate of occupancy.

(a) A copy of any Storm Water Pollution Prevention Plan (SWPPP) required to be submitted to the Regional Board shall be submitted to the City at the same time.

(b) Polluted runoff (runoff containing sediments and/or construction wastes) from construction sites shall not leave the site.

(c) Any sediments or other materials that are tracked off the site by vehicles and equipment shall be removed the same day as they are tracked off the site. Where determined to be necessary by the Director of the Department of Environmental and Public Works Management or his or her designated representative, a temporary sediment barrier shall be installed.

(d) For any painting removal, paint preparation, or sandblasting activities that will result in particles entering the air or landing on the ground, BMP steps shall be implemented to prevent or minimize to the maximum extent practicable such particle releases into the environment.

(e) Plastic covering shall be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.

(f) No washing of construction or other vehicles shall be allowed adjacent to a construction site. No polluted runoff from washing vehicles on a construction site shall be allowed to leave the site.

(g) Drainage controls shall be utilized depending on the extent of proposed grading and topography of the site, including but not limited to the following:

- (1) Detention ponds, sediment ponds, or infiltration pits;
- (2) Dikes, filter berms or ditches;
- (3) Down drains, chutes or flumes. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.070 Enforcement and penalties.

(a) The Director of the Department of Environmental and Public Works Management, or his or her designee, is authorized to enforce Sections 7.10.040, 7.10.050 and 7.10.060 as follows:

(1) For the first failure to comply with any provision of Sections 7.10.040, 7.10.050 and 7.10.060, the Department of Environmental and Public Works Management shall issue to the affected person a written notice that includes the following information:

- (i) A statement specifying the violation committed;
- (ii) A specified time period within which the affected person must correct the failure or file a written notice disputing the notice of failure to comply;
- (iii) A statement of the penalty for continued noncompliance.

(2) For each subsequent failure to comply with any provision of Sections 7.10.040, 7.10.050 and 7.10.060 following written notice pursuant to this Section, the Director of the Department of Environmental and Public Works Management may levy a penalty not to exceed five hundred dollars. Any statement informing a violator of a citation shall include a notice setting forth the hearing rights provided in subsection (a)(3) below.

(3) Any person assessed a penalty pursuant to subsection (a)(2) may dispute the penalty by requesting a hearing on a form provided by the City within the time and manner set forth in Section 6.16.030, provided that no hearing request shall be deemed timely filed and no hearing shall be held unless, within the time period to request a hearing, the person deposits with the City Treasurer money in the amount of any unpaid penalty due under this Section. If as a result of the hearing it is determined that the penalty was wrongly assessed, the City shall refund any money deposited to the person. The decision of the Hearing Examiner shall be final except for judicial review and shall not be appealable to the City Council.

(4) It shall not be a defense to the assessment of any penalty or to any other civil enforcement action provided for under this Section for a person to assert that any violation of

Sections 7.10.040, 7.10.050 and 7.10.060 was caused by the actions of a person other than the person assessed except if the violation was caused by the criminal or negligent action of a person who was not an agent, servant, employee or family member of the person.

(5) Any penalty collected hereunder shall be deposited in the City's Stormwater Fund to be used as reimbursement for the Department of Environmental and Public Works Management's costs and expenses of administration and enforcement of this Chapter.

(b) Any violation of this Chapter shall constitute an infraction punishable by a fine of five hundred dollars. Each day that a violation occurs shall constitute a separate offense.

(c) A violation of any provision of this Chapter is declared to be a public nuisance and may be abated pursuant to Santa Monica Municipal Code Chapter 8.96 or by means of a civil action.

(d) The City may enforce the provisions of this Chapter by means of a civil action. The burden of proof in such cases shall be preponderance of the evidence.

(e) Any person who commits an act, proposes to commit an act, or engages in any pattern and practice which violates this Chapter may be enjoined therefrom by any court of competent jurisdiction.

(f) The penalties and remedies established by this Chapter are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.080 Citywide urban runoff pollution prevention education program.

The Department of Environmental and Public Works Management, along with other City departments, shall conduct an informational program to educate the public about the dangers of urban runoff pollution and the means of preventing such pollution. The program shall educate residents and business persons who operate within the City about the contents of this Chapter. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)

7.10.090 Additional best management practices requirements.

If a determination is made by the Director of the Department of Environmental and Public Works Management that the public health and safety may be compromised through the release of contaminants or pollutants from a construction site or an existing parcel or as a result of new development, the Director or his or her designee shall have the authority to require additional BMPs besides those already required by this Chapter and/or by an Urban Runoff Mitigation Plan. (Added by Ord. No. 1992CCS § 1 (part), adopted 11/28/00)