ORDINANCE NO. 3452

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, PROTECTING PUBLIC HEALTH AND SAFETY AND CITY PROPERTY WITH RESPECT TO CONTROL OF DISCHARGES OF POLLUTANTS AND THE PROHIBITION OF ILLICIT DISCHARGES AND ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM BY AMENDING DIVISION 4 OF THE TORRANCE MUNICIPAL CODE BY ADDING A NEW CHAPTER 10, "STORM WATER AND URBAN RUNOFF POLLUTION CONTROL"

WHEREAS, The 1972 amendments to the Federal Water Pollution Control Act (referred to as the Clean Water Act or "CWA"), 33 U.S.C. §§ 1251-1387, prohibit the discharge of any Pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") required by CWA § 402, 33 U.S.C. §§ 1342; and

WHEREAS, Municipal separate storm sewer systems ("MS4s") which convey urban runoff, including, but not limited to Storm Water runoff, are within the definition of point sources under the CWA; and

WHEREAS, Pursuant to the CWA, the United States Environmental Protection Agency ("US EPA") has defined the term "Municipal separate storm sewer system" to mean a conveyance, or system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, catch basins, and storm drains owned or operated by a city, used for collecting Storm Water; and

WHEREAS, The US EPA, under the National Urban Runoff Program ("NURP") has funded and guided studies of water quality from MS4s which drain residential, commercial and light industrial sites; and

WHEREAS, NURP and other studies (cited at, among other places, 55 Fed.Reg. 47900) demonstrate the presence of Pollutants in urban runoff discharged to receiving waters through MS4; and

WHEREAS, The US EPA reports that in some municipalities illicit connections of sanitary, commercial and industrial discharges to storm sewer systems have had a significant adverse impact on the water quality of receiving waters; and

WHEREAS, CWA § 402(p) requires that the City obtain a permit for Storm Water and urban discharges through the City's MS4; and

WHEREAS, Pursuant to the CWA, the US EPA has defined "illicit discharges" to describe any discharge through a MS4 that is not covered by an NPDES permit and illicit discharges to MS4s are not authorized under the CWA; and

WHEREAS, Section 402(p)(3)(B) of the CWA requires that NPDES permits for discharges from MS4s are to include a requirement to "effectively prohibit" non-Storm Water discharges into MS4s; and

WHEREAS, Section 402(p)(3)(B) of the CWA further provides that NPDES permits must require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and other provisions as appropriate for the control of Pollutants; and

WHEREAS, US EPA regulations implementing the CWA require the City to demonstrate that it has the legal authority to control, through ordinance or other authority, contribution of Pollutants to the MS4 by Storm Water discharged from sites of industrial activity; and

WHEREAS, US EPA regulations implementing the CWA require the City to demonstrate that it has the authority to prohibit illicit discharges to the MS4; and

WHEREAS, US EPA regulations implementing the CWA require the City to demonstrate that it has the authority to control, through ordinance or other authority, discharge to the MS4 of spills, dumping or disposal of materials other than Storm Water; and

WHEREAS, The City, as the owner and operator of its MS4, has the right and the duty to protect the integrity of its MS4 against Pollutants and contamination; and

WHEREAS, The City has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the state; and

WHEREAS, Under the California Constitution and the California Government Code, the City has the authority to define public nuisances and to protect the public health and safety of the residents of and visitors to the City, and the environment, by abating public nuisances; and

WHEREAS, The City Council is obligated to take prudent steps to protect the City's property and its funds and taxpayers from exposure to liability, including the potentially enormous costs of litigation regarding natural resources allegedly damaged by Pollutants allegedly transported through the City's MS4.

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

In order to protect public health, safety and well-being; to carry out obligations imposed on it by the Congress through the Clean Water Act; to "effectively prohibit" non-Storm Water discharges from MS4s; to demonstrate that the City has the authority to control, through ordinance or other authority, contribution of Pollutants to the MS4 by Storm Water discharged from sites of industrial activity; to demonstrate that the City has the authority to prohibit illicit discharges to the MS4; to demonstrate that the City has the authority to control, through ordinance or other authority, discharge to the MS4 of spills, dumping or disposal of materials other than Storm Water; Division 4 of the Torrance Municipal Code is hereby amended to add Chapter 10, "STORM WATER AND URBAN RUNOFF POLLUTION CONTROL," to read in its entirety as follows:

"CHAPTER 10 - STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

410.1.010 DEFINITIONS GENERALLY.

For the purposes of this Chapter the following words and phrases will have the meanings respectively ascribed to them by this Chapter. Words and phrases not ascribed a meaning by this Chapter will have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act § 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board - Los Angeles ("CRWQCB-LA"), as such permits may be amended from time to time.

(a) Best Management Practices or BMPs mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce Discharges. BMPs include, but are not limited to, public education and outreach, proper planning of development projects, proper clean-out of catch basins, and proper waste handling and disposal.

(b) Civic Litter Container means a trash container used for municipal trash disposal as defined in the regulations of the California Integrated Waste Management Board, typically located on public streets and in parks.

(c) Discharge means any release, spill, leak, pump, flow, escape, dumping or disposal into the environment, including waters of the United States, and City's MS4, of any Pollutant.

(d) Hazardous Material means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code.

(e) Hazardous Substance means any substance designated pursuant to 40 C.F. R. Part 302.

(f) Illicit Connection means any device or artifice, excluding roof drains and other similar connections, into the Municipal Separate Storm Sewer System, without a permit, through or by which an Illicit Discharge may be discharged.

(g) Illicit Discharge means any discharge to the MS4 that is not composed entirely of Storm Water except discharges pursuant to a NPDES permit, discharges which are exempt or conditionally exempt in accordance with any applicable order of the CRWQCB-LA, and discharges resulting from fire fighting activities. "Illicit Discharge" includes, but is not limited to wash waters from gas stations, auto repair garages and similar automotive repair facilities, wastewaters from mobile auto washing, steam cleaning and mobile carpet cleaning, untreated discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, are undertaken, discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials, untreated runoff from the washing of Toxic Materials from paved or unpaved areas, discharge of untreated runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes, and discharge from washing out of concrete trucks, discharged to the MS4.

(h) Municipal Separate Storm Sewer System or MS4 is defined as a conveyance or system of conveyances, including municipal streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities owned, operated, maintained or controlled by the City and used for the purpose of collecting, storing, transporting or disposing of Storm Water.

(i) Non-Storm Water Discharge means any discharge to a municipal storm sewer system that is not composed entirely of Storm Water. See "Illicit Discharge" above.

(j) NPDES means "National Pollutant Discharge Elimination System" established by § 402 of the Clean Water Act, 33 U.S.C. § 1342, as it, from time to time, may be amended.

(k) Pollutant means a "Pollutant" as defined in § 502(6) of the Clean Water Act, 33 U.S.C. 1362(6)or incorporated into California Water Code § 13373, discharged into water but does not mean Storm Water, potable water or reclaimed water generated by a lawfully permitted water treatment facility, or any

substance, the discharge of which into the MS4, through Best Management Practices, has been reduced to the maximum extent practicable. Subject to the foregoing, "Pollutant" also includes but is not limited to untreated wash waters from gas stations, auto repair garages and similar automotive repair facilities, untreated wastewaters from mobile auto washing, steam cleaning and mobile carpet cleaning, discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken, discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials, commercial/municipal swimming pool filter backwash, untreated runoff from the washing of Toxic Materials from paved or unpaved areas, discharge of untreated runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes, discharge from washing out of concrete trucks, or Solid Waste, discharged to the MS4.

(l) Solid Waste has the meaning ascribed by Public Resources Code § 40191, as it, from time to time, may be amended.

(m) Storm Water means Storm Water runoff, snow melt runoff, and surface runoffand drainage.

(n) Toxic Material means any material or combination of materials which directly or indirectly cause either acute or chronic toxicity in the water column.

410.1.020 ILLICIT DISCHARGES.

No person may cause any Illicit Discharge to enter the MS4.

410.1.030 ILLICIT CONNECTIONS.

No person may use or suffer any Illicit Connection to convey an Illicit Discharge from premises of which that person is an owner or is in day-to-day charge to the MS4.

410.1.040 CONTROL OF POLLUTANTS FROM SITES OF INDUSTRIAL ACTIVITY.

(a) It is a violation of this Chapter for any person or entity required under federal or state law to have a NPDES Storm Water Permit for a facility or activity in the City to operate such a facility or activity in the City which discharges to the City's MS4 without a NPDES Storm Water Permit.

(b) Any person or entity in the City required to have a NPDES Storm Water Permit for a facility or activity in the City that discharges to the City's MS4 must retain at the facility or activity the following documents that evidence compliance with permit requirements: (i) a copy of the Notice of Intent to comply with the State Permit to Discharge Storm Water Associated with Industrial Activity where appropriate; (ii) a waste discharge identification number issued by the State Water Resources Control Board ("SWRCB") where appropriate; (iii) a Storm Water Pollution Prevention Plan ("SWPPP") (iv) any Storm Water quality data; and (v) a plan containing urban runoff mitigation features where appropriate.

(c) Any person or entity in the City required to have a NPDES Storm Water Permit for a facility or activity in the City that discharges to the City's MS4, upon request from a duly authorized officer of the City, must make available to the City all of the documents described in paragraph (b) of this Section during any City Storm Water-related inspection and to demonstrate compliance with the NPDES Storm Water Permit, including but not limited to the adequacy of and compliance with any SWPPP required thereunder.

410.1.050 DUMPING AND DISPOSAL.

(a) No person may dump, cause or allow unintentionally, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury or dispose into the environment any Solid Waste or liquid waste, including any Pollutant, in or upon any part of the MS4, or upon any public or private premises in the City, or to cause, suffer, or permit any Solid Waste or liquid waste or other Pollutant to come to be located upon, in, on or under any premises in the City, except in an authorized or permitted solid waste container or at an authorized or permitted solid waste facility or publicly owned or privately owned treatment works.

(b) No person may dispose of leaves, dirt or other landscape debris into any part of the MS4.

(c) No person may dispose of any pesticide, fungicide, or herbicide banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation, or its successor, into any part of the MS4.

(d) No person may dispose of any Hazardous Substance or Hazardous Material into any Civic Litter Container.

410.1.060 BEST MANAGEMENT PRACTICES.

The owner, occupant or other person in charge of day-to-day operation of each premises within the City must implement Best Management Practices or use Good Housekeeping Practices, as applicable, as follows:

(a) For premises with parking lots with more than 25 parking spaces exposed to Storm Water which parking lots are associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, the owner, occupant or other person in charge of day-to-day operation must use BMPs to reduce the discharge of Pollutants to the maximum extent practicable. These measures may include regular sweeping or other measures, if effective.

(b) For premises where machinery or other equipment that is repaired or maintained at facilities or activities associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, the owner, occupant or other person in charge of day-to-day operations must use BMPs or other steps to prevent discharge of maintenance or repair related Pollutants to the MS4.

(c) For other premises exposed to Storm Water, the owner, occupant or other person in charge of day-to-day operations must use BMPs, if they exist, or other steps to reduce the discharge of Pollutants to the maximum extent practicable, including the removal and lawful disposal of any Solid Waste or any other substance which, if it were to be discharged to the MS4, would be a Pollutant, including fuels, waste fuels, chemicals, chemical wastes and animal wastes, from any part of the premises exposed to Storm Water.

410.1.070 CONSTRUCTION STORM WATER MEASURES.

(a) On and after June 1, 1998, each person applying to the City for a grading permit for projects with disturbed areas of five or more acres must submit satisfactory proof to City (i) that a Notice of Intent ("NOI") to comply with a State Construction Activity Storm Water Permit has been filed and (ii) that a SWPPP has been prepared before the City will issue any grading or building permit on the construction project.

(b) On and after the effective dates of Development Construction Guidance adopted by the CRWQCB-LA pursuant to an effective NPDES Storm Water Permit, as adopted by the City, applicants for approval of projects to which the Development Construction Guidance applies must prepare and submit to the City, and implement appropriate wet weather erosion control and Storm Water Pollution Prevention Plans that include all applicable BMPs.

410.1.080 VIOLATION.

Violation of any provision of this Chapter, any Storm Water Pollution Prevention Plan or any permit issued pursuant to this Chapter is a misdemeanor.

410.1.090 NOTICES OF VIOLATION; ADMINISTRATIVE ORDERS.

The City Manager, or the City Manager's designees, may issue Notices of Violation and Administrative Orders to achieve compliance with the provisions of this Chapter, any approved Storm Water Pollution Prevention Plan or any permit issued pursuant to this Chapter. Failure to comply with the terms and conditions of a Notice of Violation or an Administrative Order will constitute a violation of this Chapter.

410.1.100 NUISANCE.

The violation of any provision of this Chapter is hereby declared to be a nuisance, and may be abated by the City in accordance with its authority to abate nuisances.

410.1.110 REMEDIES NOT EXCLUSIVE.

The remedies listed in this Chapter are not exclusive of any other remedies available to the City under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

410.1.120 INSPECTIONS; SEARCHES.

Whenever necessary to make an inspection to enforce any provisions of this Chapter, the enforcement officer for the City may enter any property in the City regulated by this Chapter in a manner authorized by State law.

410.1.130 FEES.

The City Council may establish fees for the services provided under this Chapter and the fees will be fixed and established from time to time by the City Council by resolution."

SECTION 2.

This Ordinance will not take effect until thirty days after its final passage. This Ordinance is subject to the provisions for referendum applicable to a City as set forth in § 4050 of the Elections Code of the State of California.

SECTION 3.

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

SECTION 4.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof are declared invalid or unconstitutional.

SECTION 5.

Within fifteen days following adoption this ordinance will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the 2nd day of June, 1998.

ADOPTED AND PASSED this 9th day of June, 1998.

/s/ Dee Hardison
Mayor of the City of Torrance

ATTEST:

/s/ Sue Herbers
Sue Herbers, City Clerk

APPROVED AS TO FORM:
John L. Fellows III, City Attorney

By /s/ Ronald T. Pohl
Ronald T. Pohl, Assistant City Attorney

TORRANCE CITY COUNCIL ORDINANCE NO. 3452

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Sue Herbers, City Clerk of the City of Torrance, California, do hereby certify that the foregoing Ordinance was duly introduced and approved by the City Council of the City of Torrance at a regular meeting held on the 2nd day of June, 1998, and adopted and passed by said Council at a regular meeting held on the 9th day of June, 1998, by the following roll call vote:

AYES:	COUNCILMEMBERS:	Cribbs, Lee, Messerlian, Nakano, O'Donnell, Walker and Hardison.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

/s/ Sue Herbers
City Clerk of the City of Torrance

ORDINANCE NO. 3492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, IMPLEMENTING THE STANDARD URBAN STORM WATER MITIGATION PLAN OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD FOR THE LOS ANGELES REGION BY AMENDING THE TORRANCE MUNICIPAL CODE TO ADD NEW CHAPTER 11 TO DIVISION 4 TITLED, "STANDARD URBAN STORM WATER MITIGATION PLAN IMPLEMENTATION"

WHEREAS, on March 8, 2000, the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region issued a Final Approved STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES COUNTY (the "SUSMP") setting forth the requirements to be implemented by all jurisdictions discharging storm water under the Permit, and

WHEREAS, the SUSMP provides that "Permitees shall amend codes and promulgate ordinances not later than September 8, 2000, to give legal effect to the SUSMP requirements;" and

WHEREAS, On October 5, 2000, the State Water Resources Control Board, in Order WQ 2000-11, modified the SUSMP by revising the definition of "Redevelopment," excluding Retail Gasoline Outlets from certain design standards, deleting the applicability of the SUSMP to "Environmentally Sensitive Areas," limiting the applicability of the SUSMPs to only those discretionary development and redevelopment projects in specified categories, making the SUSMPs applicable to Redevelopment projects only if they result in creation or addition of 5,000 square feet of impervious surfaces, deleting the requirement for funding by project proponents who receive waivers, and extended the effective date deadline to February 15, 2001; and

WHEREAS, The 1972 amendments to the Clean Water Act (or "CWA"), 33 U.S.C. §§ 1251-1387, (sometimes referred to as the Federal Water Pollution Control Act) prohibit the discharge of any Pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") required by CWA § 402, 33 U.S.C. §§ 1342; and

WHEREAS, Municipal separate storm sewer systems ("MS4s") which convey urban runoff, including, but not limited to Storm Water runoff, are within the definition of point sources under the CWA; and

WHEREAS, Pursuant to the CWA, the United States Environmental Protection Agency ("US EPA") has defined the term "Municipal separate storm sewer system" to mean a conveyance, or system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, catch basins, and storm drains owned or operated by a city, used for collecting Storm Water; and

WHEREAS, The US EPA, under the National Urban Runoff Program ("NURP") has funded and guided studies of water quality from MS4s which drain residential, commercial and light industrial sites; and

WHEREAS, NURP and other studies (cited at, among other places, 55 Fed.Reg. 47900) demonstrate the presence of Pollutants in urban runoff discharged to receiving waters through MS4 systems; and

WHEREAS, CWA § 402(p) requires that the City obtain a permit for Storm Water and urban discharges through the City's MS4; and

WHEREAS, Section 402(p) of the CWA further provides that NPDES permits shall require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and such other provisions as appropriate for the control of Pollutants; and

WHEREAS, the US EPA, in partial implementation of § 402(p) of the federal Clean Water Act, 33 U.S.C. § 1344(p); has adopted final rules, known as the "Phase I and Phase II Storm Water Regulations" at several places in Parts 9, 122, 123, and 124 of Title 40 of the Code of Federal Regulations ("CFR"), and

WHEREAS, the State Water Resources Control Board ("SWRCB") has developed a plan to implement the requirements of section 402(p), § 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 ("CZARA") and certain parts of the California Water Code, and

WHEREAS, in partial implementation of § 402(p) of the federal Clean Water Act, 33 U.S.C. § 1344(p); the Phase I Storm Water Regulations, the requirements of section 402(p), § 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 and the California Water Code, the California Regional Water Quality Control Board – Los Angeles ("RWQCB-LA") issued a National Pollutant Discharge Elimination System ("NPDES") permit and Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, Regional Board Order No. 96-054, NPDES No. CAS614001 (the "Permit"), on July 15, 1996 to each City in Los Angeles County, including the City of Torrance; and

WHEREAS, pursuant to the Permit, and in partial implementation of § 402(p) of the federal Clean Water Act, 33 U.S.C. § 1344(p); the Phase I and Phase II Storm Water Regulations, the requirements of § 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 and the California Water Code, the RWQCB-LA Board adopted Resolution No. R-00-02, approving and directing the Executive Officer of the RWQCB-LA to issue a Standard Urban Storm Water Mitigation Plan for Municipal Storm Water And Urban Runoff Management Programs in Los Angeles County ("SUSMP") setting forth the requirements to be implemented by all jurisdictions discharging storm water under the Permit, and

WHEREAS, this City is a permittee under the Permit and therefore is required by federal and state law to implement all requirements of the Permit, including the SUSMP, and

WHEREAS, this City has authority under Article XI, section 7 of the California Constitution to adopt ordinances needed to implement these requirements, and

WHEREAS, this City also has authority under the California Water Code to adopt and enforce ordinances conditioning, restricting, and limiting activities that might degrade the quality of the waters of the State of California,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE HEREBY ORDAINS THAT:

SECTION 1. Division 4 of the Torrance Municipal Code is amended to add new Chapter 11, "STANDARD URBAN STORM WATER MITIGATION PLAN IMPLEMENTATION," to take effect on February 15, 2001 and to read in its entirety as follows:

"CHAPTER 11

STANDARD URBAN STORM WATER MITIGATION PLAN IMPLEMENTATION

Sections:

411.1.010 LIMITS OF CHAPTER
411.1.020 SCOPE OF CHAPTER
411.1.030 DEFINITIONS
411.1.040 INCORPORATION BY REFERENCE
411.1.050 WAIVER

§ 411.1.010. Limits of Chapter

Nothing in this Chapter shall be interpreted to:

(a) infringe any right or power guaranteed by the California Constitution, including any vested property right; or

(b) require any action inconsistent with any applicable and lawfully adopted General Plan, Specific Plan, Plan Amendment, or Building Code that conforms to the laws of California and the requirements of this Chapter; or

(c) restrict otherwise lawful land use except as authorized by the laws of California, subject to the limitations of this Chapter.

§ 411.1.020. Scope of Chapter

This Chapter shall take effect on February 15, 2001 and shall apply only to approval of discretionary (within the meaning of the California Environmental Quality Act, Public Resources Code §§ 21000 *et seq.*) New Development or Redevelopment projects in the following categories (as those terms are defined in this Chapter) submitted to the City for approval on or after the effective date of this Chapter:

(a) single-family residences on graded Hillside sites;

(b) 100,000 square foot Commercial Developments;

(c) Automotive Repair Shops (SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539);

(d) Retail Gasoline Outlets;

(e) Restaurants (SIC code 5812);

(f) Home subdivisions of ten or more dwelling units;

(g) Parking Lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff, as defined in this Chapter.

§ 411.1.030. Definitions

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Chapter, unless clearly inapplicable. Words and phrases not ascribed a meaning by this Chapter shall have the meanings ascribed by the "STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES COUNTY" approved by the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region, on March 8, 2000, as modified by the State Water Resources Control Board in order WQ 2000-11, of October 5, 2000, if defined therein, and if not, by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act § 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board - Los Angeles, as such permits may be amended from time to time.

"100,000 square foot Commercial Development" means "any Commercial Development that creates at least 100,000 square feet of impermeable area, including, but not limited to parking areas. (See "Commercial Development" as defined below.)

"Automotive Repair Shop" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.

"Best Management Practice" ("BMP") means "any schedule of activities, prohibition of practices, maintenance procedure, program, technology, process, siting criteria, operational methods of measures, or other management practices or engineered systems, which when implemented prevent, control, remove, or reduce pollution.

"Commercial Development" means any development on private land that is not residential or a site of an industrial activity, as defined in 40 C.F.R. § 122.26(b)(14). "Commercial Development" includes, but is not limited to, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes not within the scope of 40 C.F.R. § 122.26(b)(14)

"Directly Connected Impervious Area" ("DCIA") means a land area made impermeable to water from which runoff may enter a storm drainage system without first flowing across a permeable land area.

"Greater Than Nine Unit Home Subdivision" means any subdivision where at least ten (10) single-family or multi-family dwelling units are to be developed.

"Hillside" means a parcel in an area with known erosive soil conditions, where the development will require grading on any natural slope which is twenty-five per cent (25%) or greater.

"New Development" means the subdivision of land, or the construction of structures, or other impervious surfaces, or both.

"Parking Lot" means an area or facility for the temporary parking or storage of motor vehicles used personally or for business or commerce, which contains 5,000 square feet, or more, or twenty-five (25) or more parking spaces, and which is potentially exposed to storm water.

"Redevelopment" means, on an already developed site, the creation or addition of at

least 5,000 square feet of impervious surfaces. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. Where redevelopment results in an increase of less than fifty percent (50%) of the impervious surfaces of a previously existing development, and the existing development was not subject to these SUSMPs, the Design Standards apply only to the addition, and not to the entire development.

"Restaurant" means a stand-alone facility where prepared food and drinks are sold for consumption, including stationary lunch counters and refreshments stands selling prepared food and drinks for immediate consumption. (See SIC Code 5812). "Restaurant" does not include co-located stalls or food counters in general purpose establishments such as markets and grocery stores.

"Retail Gasoline Outlet" means any facility where gasoline and lubricating oils are sold.

"Source Control BMP" means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

"Storm Event" means a rainfall event that produces more than 0.1 inch of precipitation separated from the previous storm event by at least 72 hours of dry weather.

"Structural Control BMP" means any structural facility designed and constructed to mitigate the adverse impacts of urban runoff pollution (e.g., a canopy, structural enclosure). This category may include both Treatment Control BMPs and Source Control BMPs.

"Treatment" means the use of physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Treatment Control BMP" means any engineered system designed to remove pollutants by simple gravity setting of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

§ 411.1.040. Incorporation by Reference

(a) The "REQUIREMENTS" provisions of paragraphs 1 through 14 of the "STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES COUNTY" approved by the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region, on March 8, 2000, as modified by the State Water Resources Control Board in order WQ 2000-11, October 5, 2000, are incorporated in this Chapter by reference and shall have the same force and effect as if set forth fully in this Chapter.

(b) The requirements set forth in paragraphs 1 through 14 of the "STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES COUNTY" approved by the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region, on March 8, 2000, as modified by the State Water Resources Control Board in order WQ 2000-11, as applicable, shall apply to projects subject to this chapter.

§ 411.1.050. Waiver

(a) Any person required under this Chapter to implement a Structural or Treatment Control Best Management Practice may petition to the City Council to waive that requirement as impractical, provided the petitioner has in good faith considered and rejected as not feasible all such practices available.

(b) The City Manager, or the City Manager's designee may waive a Structural or Treatment Control Best Management Practice as impractical if:

(1) inadequate space for treatment exists on a redevelopment project or
(2) soil conditions strongly disfavor the use of infiltration or
(3) the natural land surface where the BMP would be located lies:

(A) above a known unconfined aquifer or
(B) less than ten (10) feet above an existing or potential source of drinking water.

(c) Any petition for waiver not falling within the foregoing categories shall be forwarded to the Regional Board for consideration.

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance."

INTRODUCED AND APPROVED this 9th day of January, 2001.

Adopted and passed this 16th day of January, 2001.

/s/ Dee Hardison
Dee Hardison, Mayor

ATTEST:

/s/ Sue Herbers
Sue Herbers
City Clerk of the City of Torrance

APPROVED AS TO FORM:
JOHN L. FELLOWS III
City Attorney

By: /s/ Ronald T. Pohl
Ronald T. Pohl
Assistant City Attorney

URGENCY ORDINANCE NO. 3518

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, IMPLEMENTING THE STANDARD URBAN STORM WATER MITIGATION PLAN OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD FOR THE LOS ANGELES REGION BY AMENDING THE TORRANCE MUNICIPAL CODE IN ITS ENTIRETY REPEALING CHAPTER 11 OF DIVISION 4 AND ENACTING IN ITS ENTIRETY A NEW CHAPTER 11 TO DIVISION 4, TITLED, "STANDARD URBAN STORM WATER MITIGATION PLAN IMPLEMENTATION"

WHEREAS, The 1972 amendments to the Federal Water Pollution Control Act (commonly known as and referred to as the Clean Water Act or "CWA"), 33 U.S.C. §§ 1251-1387, prohibit the discharge of any Pollutant to waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") required by CWA § 402, 33 U.S.C. § 1342; and

WHEREAS, Municipal separate storm sewer systems ("MS4s") which convey urban runoff, including, but not limited to Storm Water runoff, are within the definition of point sources under the CWA; and

WHEREAS, Pursuant to the CWA, the United States Environmental Protection Agency ("US EPA") has defined the term "Municipal separate storm sewer system" to mean a conveyance, or system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, catch basins, and storm drains owned or operated by a city, used for collecting Storm Water; and

WHEREAS, CWA § 402(p) requires that the City obtain a permit for Storm Water and urban discharges through the City's MS4; and

WHEREAS, Section 402(p) of the CWA further provides that NPDES permits shall require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and such other provisions as may be appropriate for the control of Pollutants; and

WHEREAS, the US EPA, in partial implementation of CWA § 402(p) has adopted final rules, known as the "Phase I and Phase II Storm Water Regulations" at several places in Parts 9, 122, 123, and 124 of Title 40 of the Code of Federal Regulations ("CFR"), and

WHEREAS, in partial implementation of § 402(p) of the federal Clean Water Act, 33 U.S.C. § 1344(p); the Phase I Storm Water Regulations and the California Water Code, the California Regional Water Quality Control Board – Los Angeles ("RWQCB-LA") issued a National Pollutant Discharge Elimination System ("NPDES") Permit and Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, Regional Board Order No. 96-054, NPDES No. CAS614001 (the "1996 Permit"), on July 15, 1996 to each City in Los Angeles County, including the City; and

WHEREAS, pursuant to the 1996 Permit, and in partial implementation of § 402(p) of the federal Clean Water Act, 33 U.S.C. § 1344(p); the Phase I and Phase II Storm Water Regulations and the California Water Code, the RWQCB-LA Board adopted Resolution No. R-00-02, approving and directing the Executive Officer of the RWQCB-LA to issue a Standard

Urban Storm Water Mitigation Plan for Municipal Storm Water And Urban Runoff Management Programs in Los Angeles County setting forth the requirements to be implemented by all jurisdictions discharging storm water under the 1996 Permit, and

WHEREAS, on March 8, 2000, the Executive Officer of the RWQCB-LA issued a Final Approved STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES COUNTY (the "SUSMP") setting forth the requirements to be implemented by all jurisdictions discharging storm water under the 1996 Permit, and

WHEREAS, the State Water Resources Control Board, in Order WQ 2000-11, modified the SUSMP by revising the definition of "Redevelopment," excluding Retail Gasoline Outlets from certain design standards, deleting the applicability of the SUSMP to "Environmentally Sensitive Areas," limiting the applicability of the SUSMPs to discretionary development and redevelopment in specified categories, applying the SUSMPs to Redevelopment projects only if they result in creation or addition of 5,000 square feet or more of impervious surfaces, deleting the requirement for funding by project proponents who receive waivers, and extended the SUSMP effective date deadline to February 15, 2001; and

WHEREAS, in partial implementation of CWA § 402(p) the Phase I and Phase II Storm Water Regulations and the California Water Code, RWQCB-LA issued "ORDER NO. 01-182 NPDES PERMIT NO CAS004001 WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES AND THE INCORPORATED CITIES THEREIN, EXCEPT THE CITY OF LONG BEACH" (the "2001 Permit") on December 13, 2001, to cities in Los Angeles County, including the City; and

WHEREAS, the 2001 Permit revised the SUSMPs to again revise the definition of "Redevelopment," to restore the applicability of the SUSMPs to Retail Gasoline Outlets, to restore the applicability of the SUSMP to "Environmentally Sensitive Areas," to delete the limitation of the applicability of the SUSMPs to discretionary development and redevelopment and apply the SUSMPs to all project approvals in specified categories, and extended the deadline for the effective date of ordinances implementing the SUSMP to September 2, 2002; and

WHEREAS, this City is a permittee under the 2001 Permit and therefore is required by federal and state law to implement all requirements of the 2001 Permit, including the SUSMP, as amended by the 2001 Permit, and

WHEREAS, this City has authority under Article 11, section 7 of the California Constitution to adopt ordinances needed to implement these requirements, and

WHEREAS, this City also has authority under the California Water Code to adopt and enforce ordinances conditioning, restricting, and limiting activities that might degrade the quality of the waters of the State of California,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE HEREBY ORDAINS THAT:

SECTION 1. Chapter 11 of Division 4 of the Torrance Municipal Code is hereby repealed in its entirety and a new Chapter 11, Division 4 is added to take effect immediately, and to read in its entirety as follows:

"CHAPTER 11

STANDARD URBAN STORM WATER MITIGATION PLAN IMPLEMENTATION

Sections:

411.1.010 LIMITS OF CHAPTER
411.1.020 SCOPE OF CHAPTER
411.1.030 DEFINITIONS
411.1.040 INCORPORATION BY REFERENCE
411.1.050 BEST MANAGEMENT PRACTICES (BMP)
411.1.060 SITE-SPECIFIC MITIGATION REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT WITH POTENTIAL ADVERSE IMPACTS ON POST-DEVELOPMENT STORM WATER QUALITY
411.1.070 INSPECTIONS
411.1.080 FEES
411.1.090 WAIVER

§ 411.1.010. Limits of Chapter

Nothing in this Chapter shall be interpreted to:

(a) infringe any right or power guaranteed by the California Constitution, including any vested property right; or

(b) require any action inconsistent with any applicable and lawfully adopted General Plan, Specific Plan, Plan Amendment, vesting tentative map, or Building Code that conforms to the laws of California and the requirements of this Chapter; or

(c) restrict otherwise lawful land use except as authorized by the laws of California, subject to the limitations of this Chapter.

§ 411.1.020. Scope of Chapter

This Chapter shall take effect immediately and shall apply only to ministerial as well as discretionary approvals of the following New Development or Redevelopment (as those terms are defined in this Chapter) projects:

(a) single-family residences on graded Hillside sites;

(b) 100,000 square foot Commercial Developments;

(c) Automotive Service Facilities (SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539);

(d) Retail Gasoline Outlets;

(e) Restaurants (SIC code 5812);

(f) Home subdivisions of ten or more dwelling units;

(g) Parking Lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff, as defined in this Chapter.

(h) All projects in, Directly Adjacent to or discharging storm water directly to an Environmentally Sensitive Area as defined in this Chapter if the development would create 2,500 or more square feet of impervious area and would discharge storm water or urban runoff likely to impact a sensitive biological species or habitat.

Each of the foregoing shall meet the requirements of this Chapter, the Standard Urban Storm Water Mitigation Plan, as defined below, and the provisions of any applicable municipal storm water permit issued by the Regional Water Quality Control Board for the Los Angeles Region.

§ 411.1.030. Definitions

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Chapter, unless clearly inapplicable. Words and phrases not ascribed a meaning by this Chapter shall have the meanings ascribed by "ORDER NO. 01-182 NPDES PERMIT NO CAS004001 WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES AND THE INCORPORATED CITIES THEREIN, EXCEPT THE CITY OF LONG BEACH" (the "2001 Permit"), or other applicable NPDES permit, if defined therein, and if not, by the STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES COUNTY approved by the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region, on March 8, 2000, as modified by the State Water Resources Control Board in Order WQ 2000-11, if defined therein, and if not, by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act § 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein.

"100,000 square foot Industrial/Commercial Facility" means "any Development or Redevelopment of an Industrial/Commercial Facility that creates at least 100,000 square feet of impermeable area, including, but not limited to parking areas. (See "Commercial Development" and "Industrial/Commercial Facility" as defined below.)

"Automotive Service Facility" means a facility that is in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.

"Best Management Practice" ("BMP") means "any schedule of activities, prohibition of practices, maintenance procedure, program, technology, process, siting criteria, operational methods of measures, or other management practices or engineered systems, which when implemented prevent, control, remove, or reduce pollution. BMPs include structural and nonstructural controls and operation and maintenance procedures which can be applied before, during and after pollution-producing activities.

"Commercial Development" means any development on private land that is not residential or a site of an industrial activity as defined in 40 C.F.R. § 122.26(b)(14). "Commercial Development" includes, but is not limited to, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes not within the scope of 40 C.F.R. § 122.26(b)(14).

"Construction" means constructing, clearing, grading, or excavation that results in soil disturbance. Construction also includes structure demolition. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility; emergency construction activities required immediately to protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; or sign permit work.

"Development" means any Construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. See California Public Resources Code § 30106. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency construction activities required to protect immediately public health and safety.

"Directly Adjacent to an Environmentally Sensitive Area" means any parcel or part of any parcel within 200 feet of the contiguous zone required for continued maintenance, function, or structural stability of an Environmentally Sensitive Area.

"Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation.

"Environmentally Sensitive Area" means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be disturbed or degraded by human activities and developments. See California Public Resources Code § 30107.5. Areas subject to storm water mitigation requirements are: any area designated as Significant Ecological Areas by the County of Los Angeles (*Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976)* and amendments); any area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that the area has been field verified by the Department of Fish and Game; any area listed in a Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and any area identified by the City as environmentally sensitive.

"Hazardous Materials" means any materials, wastes or mixture of wastes defined as a "Hazardous Substance" or "Hazardous Waste" pursuant to the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 *et seq.*, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 *et seq.*, or the Carpenter-Presley-Tanner Hazardous Substance Account Act, ("HSAA"), California Health and Safety Code §§ 25300, *et seq.*, and all future amendments to any of them, or as defined by the California Integrated Waste Management Board. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term "Hazardous Waste" shall be construed to have the broader, more encompassing definition.

"Hillside" means a parcel in an area with known erosive soil conditions, where the development will require grading on any natural slope which is twenty-five per cent (25%) or greater and where grading will result in cut or filled slopes.

"Industrial/Commercial Facility" means any facility which is the site of the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the owner or operator of the facility are not factors in this definition.

"New Development" means the subdivision of land, or the construction of structures, or other impervious surfaces, or both.

"Parking Lot" means an area or facility for the temporary parking or storage of motor vehicles used personally or for business or commerce, which contains 5,000 square feet, or more, or twenty-five (25) or more parking spaces, and which is exposed to storm water.

"Redevelopment" means a) land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not the entire development. b) Redevelopment does not include routine

maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety. c) Existing single-family structures are exempt from the Redevelopment requirements.

"Restaurant" means a facility where prepared food and beverages are sold for consumption, including stationary lunch counters and refreshment stands selling prepared food and beverages for immediate consumption. (See SIC Code 5812). "Restaurant" does not include co-located stalls or food counters in general purpose establishments such as markets and grocery stores.

"Retail Gasoline Outlet" means any facility with 5,000 or more square feet of impervious surface and projected Average Daily Traffic of 100 or more vehicles, where gasoline and lubricating oils are sold.

"Significant Ecological Area (SEA)" means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan or the City's General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of a rare, endangered or threatened plant or animal species;
2. Biotic communities, vegetative associations, and habitats of plan and animal species that are either one of a kind, or are restricted in distribution on a regional basis;
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either unique or are restricted in distribution in Los Angeles County;
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and which is limited in availability either regionally or within Los Angeles County;
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent in unusual variation in a population or community;
6. An area as important as game species habitat or as fisheries;
7. An area that provides for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County;
8. Special areas; or

A Significant Natural Area.

"Significant Natural Area (SNA)" means an area defined by the California Department of Fish and Game (DFG), Significant Natural Areas Program, as an area that contains an important example of California biological diversity. These areas are identified using the following biological criteria only, irrespective of any administrative or jurisdictional considerations:

1. Areas supporting extremely rare species or habitats;
2. Areas supporting associations or concentrations of rare species or habitats; and
3. Areas exhibiting the best examples of rare species and habitats in the state.

"Source Control Best Management Practice" or "Source Control BMP" means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution. See also Structural BMP and Treatment Control BMP, below.

"Storm Event" means a rainfall event that produces more than 0.1 inch of precipitation separated from the previous storm event by at least 72 hours of dry weather.

"Storm Water Discharge Associated with Industrial Activity" means industrial discharge as defined in 40 CFR § 122.26(b)(14).

"Structural Best Management Practice" or "Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of urban runoff pollution (e.g., a canopy, structural enclosure). This category may include both Treatment Control BMPs and Source Control BMPs.

"Standard Urban Storm Water Mitigation Plan" or "SUSMP" means the Los Angeles Countywide Standard Urban Storm Water Mitigation Plan" adopted by the Regional Water Quality Control Board for the Los Angeles Region by Resolution No. R-00-02, approving and directing the Executive Officer of the RWQCB-LA to issue a Standard Urban Storm Water Mitigation Plan for Municipal Storm Water And Urban Runoff Management Programs in Los Angeles County, as modified by the State Water Resources Control Board in Order WQ 2001-11, and as further modified and reaffirmed by the California Regional Water Quality Control Board for the Los Angeles Region, in ORDER NO. 01-182 NPDES PERMIT NO CAS004001 WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES AND THE INCORPORATED CITIES THEREIN, EXCEPT THE CITY OF LONG BEACH" adopted December 13, 2001 (the 2001 Permit").

"Ten or More Unit Home Subdivision" means any subdivision where at least ten (10) single-family or multi-family dwelling units are to be developed.

"Treatment" means the use of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Treatment Control Best Management Practice" or "Treatment Control BMP" means any engineered system designed to remove pollutants by simple gravity setting of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

§ 411.1.040. Incorporation by Reference

(a) The "SUSMPS PROVISIONS APPLICABLE TO ALL CATEGORIES" set forth in paragraphs 1 through 14 of the Los Angeles Countywide Standard Urban Storm Water Mitigation Plan adopted by the Regional Water Quality Control Board for the Los Angeles Region by Resolution No. R-00-02, approving and directing the Executive Officer of the RQQCB-LA to issue a Standard Urban Storm Water Mitigation Plan for Municipal Storm Water and Urban Runoff Management Programs in Los Angeles County, as modified by the State Water Resources Control Board in Order WQ 2001-11, and as further modified and reaffirmed by the California Regional Water Quality Control Board for the Los Angeles Region, in ORDER NO. 01-182 NPDES PERMIT NO. CAS004001 WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES AND THE INCORPORATED CITIES THEREIN, EXCEPT THE CITY OF LONG BEACH adopted December 13, 2001 (the "2001 Permit") and Appendix D (Standard Urban Storm Water Mitigation Plan "SUSMPS PROVISIONS APPLICABLE TO ALL CATEGORIES" set forth in paragraphs 1 through 14) of the Developmental Planning for Stormwater Management Model Program are incorporated in this Chapter by reference, and shall have the same force and effect as if set forth fully in this Chapter.

(b) The "SUSMPS PROVISIONS APPLICABLE TO ALL CATEGORIES" set forth in paragraphs 1 through 14 of the Los Angeles Countywide Standard Urban Storm Water Mitigation Plan adopted by the Regional Water Quality Control Board for the Los Angeles Region by Resolution No. R-00-02, approving and directing the Executive Officer of the RWQCB-LA to issue a Standard Urban Storm Water Mitigation Plan for Municipal Storm Water and Urban Runoff Management Programs in Los Angeles County, as modified by the State Water Resources Control Board in Order WQ 2001-11, and as further modified and reaffirmed by the California Regional Water Quality Control Board for the Los Angeles Region, in ORDER NO. 01-182 NPDES PERMIT NO. CAS00401 WASTE WATER DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES AND THE INCORPORATED CITIES THEREIN, EXCEPT THE CITY OF LONG BEACH adopted December 13, 2001 (the "2001 Permit") and Appendix D (Standard Urban Storm Water Mitigation Plan "SUSMPS PROVISIONS APPLICABLE TO ALL CATEGORIES" set forth in paragraphs 1 through 14) of the Developmental Planning for Stormwater Management Model Program are incorporated in this Chapter by reference, and shall have the same force and effect as if set forth fully in this Chapter as applicable, shall apply to projects subject to this Chapter.

§ 411.1.050. Best Management Practices (BMP)

(a) On the date this Chapter takes effect, those Best Management Practices which are listed in Tables 1 and 2 of the Standard Urban Storm Water Mitigation Plan shall be deemed to be incorporated by reference and adopted by this City and shall remain in effect until the City Council shall adopt by resolution a "BMP Guidebook" prepared or recommended by the City Manager and such Officers as the City Manager designates, categorizing development and Best Management Practices for each category.

(b) The City Manager may from time to time revise the BMP Guidebook, and the City Council may adopt these revisions by resolution.

(c) No Best Management Practice other than a Structural or Treatment Control Best Management Practice shall be used in New Development or Redevelopment regulated under this Chapter, unless listed in the SUSMP or the BMP Guidebook.

(d) No Structural or Treatment Control Best Management Practice may be used in New Development or Redevelopment regulated under this Chapter unless listed in the SUSMP or the BMP Guidebook.

§ 411.1.060. Site-Specific Mitigation Requirements for New Development and Redevelopment with Potential Adverse Impacts on Post-Development Storm Water Quality.

On and after the effective date of this Chapter, all projects for Development or Redevelopment not requiring a SUSMP which have the potential to have adverse impacts on post-development storm water flows from the site, shall include the submission of a site-specific plan adequate to mitigate post development storm water quality if the project has any one or more of the following characteristics:

(a) a vehicle or equipment fueling area;

(b) a vehicle or equipment maintenance area, including washing and repair;

(c) any commercial or industrial waste handling or storage area;

(d) an area for outdoor handling or storage of Hazardous Materials, as defined in this Chapter;

(e) an outdoor manufacturing area;

(f) an area where outdoor food handling or processing occurs;

(g) an area where outdoor animal care, confinement or slaughter occurs, or

(h) an area of outdoor horticultural activity.

§ 411.1.070. Inspections

(a) The City Manager and such other officers as the City Manager may designate shall enforce the provisions of this chapter.

(b) As necessary, these officers may, at a reasonable time and in a manner authorized by the laws of California, enter and make inspections on any property regulated under this chapter.

§ 411.1.080. Fees

The City Council may establish and fix the amount of fees for services provided under this Chapter, as authorized under sections 66016 and 66018 of the California Government Code.

§ 411.1.090. Waiver

(a) Any person required under this Chapter to implement a Structural or Treatment Control Best Management Practice may petition to the City Council to waive that requirement as impractical, provided the petitioner has in good faith considered and rejected as not feasible all such practices available.

(b) The City Manager, or the City Manager's designee, may waive a Structural or Treatment Control Best Management Practice as impractical if:

(1) inadequate space for treatment exists on a Redevelopment project or

(2) soil conditions strongly disfavor the use of infiltration, or

(3) the natural land surface where the BMP would be located lies:

(A) above a known unconfined aquifer or

(B) less than ten (10) feet above an existing or potential source of drinking water.

(c) Any petition for waiver not falling within the foregoing categories shall be forwarded to the Regional Board for consideration."

SECTION 2. The facts upon which this ordinance has been declared to be urgency measure are as follows: The protection of the Storm Water System and water bodies preserves the health and safety of the public by improving water quality through the reduction of urban runoff and pollutants. The Los Angeles County Standard Urban Storm Water Mitigation Plan (SUSMP), which the City of Torrance is adopting by reference, was not adopted by the County until August 2, 2002. The NPDES Permit is a state-mandated program. The City is required by state law to have an amended SUSMP ordinance in effect on September 2, 2002. Adoption of this ordinance as an urgency measure is the only means of accomplishing that state-mandated requirement.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. This ordinance will take effect and be in full force immediately after its passage and adoption. The City Clerk will certify to the passage and adoption of this ordinance. Within fifteen days following adoption, this ordinance will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

Adopted and passed this 27th day of August, 2002.

/s/ Dan Walker
Mayor Dan Walker

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

by /s/ Ron Pohl
Ronald T. Pohl, Assistant City Attorney

ATTEST:

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk

TORRANCE CITY COUNCIL URGENCY ORDINANCE NO. 3518

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Sue Herbers, City Clerk of the City of Torrance, California, do hereby certify that the foregoing Ordinance was duly adopted and passed by the City Council of the City of Torrance at a regular meeting held on the 27th day of August 2002 by the following roll call vote:

AYES:	COUNCILMEMBERS:	Lieu, Mauno, McIntyre, Nowatka, Scotto, Witkowsky, and Mayor Walker.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk of the City of Torrance

URGENCY ORDINANCE NO. 3531

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, PROTECTING PUBLIC HEALTH AND SAFETY AND CITY PROPERTY BY CONTROLLING DISCHARGES OF POLLUTANTS AND PROHIBITING ILLICIT DISCHARGES AND ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND WATERS OF THE UNITED STATES BY REPEALING IN ITS ENTIRETY CHAPTER 10 OF DIVISION 4 OF THE TORRANCE MUNICIPAL CODE, REPEALING SECTION 43.4.3 OF THE TORRANCE MUNICIPAL CODE AND ADDING A NEW CHAPTER 10 OF DIVISION 4 OF THE TORRANCE MUNICIPAL CODE "STORM WATER AND URBAN RUNOFF POLLUTION CONTROL" AND ADDING A NEW SECTION 43.4.3 OF THE TORRANCE MUNICIPAL CODE RELATING TO SWEEPING LITTER ONTO PUBLIC PROPERTY.

WHEREAS, The 1972 amendments to the Federal Water Pollution Control Act (commonly known as the Clean Water Act or "CWA"), 33 U.S.C. §§ 1251-1387, prohibit the discharge of any "Pollutant" (as defined in the CWA) to waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES"); and

WHEREAS, Pursuant to the CWA, the United States Environmental Protection Agency ("US EPA") has defined the term "Municipal separate storm sewer system" ("MS4") to mean a conveyance, or system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, catch basins, and storm drains owned or operated by a city, used for collecting Storm Water; and

WHEREAS, The US EPA reports that in some municipalities illicit connections of sanitary, commercial and industrial discharges to MS4s have had a significant adverse impact on the water quality of receiving waters; and

WHEREAS, CWA § 402(p), 33 U.S.C. § 1342(p), requires that the City obtain a NPDES permit for Storm Water and urban discharges through the City's MS4; and

WHEREAS, Section 402(p) of the CWA, 33 U.S.C. § 1342(p), further provides that NPDES permits shall require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and such other provisions as may be appropriate for the control of Pollutants; and

WHEREAS, in partial implementation of CWA § 402(p), 33 U.S.C. § 1342(p), the US EPA has adopted final rules, known as the "Phase I and Phase II Storm Water Regulations" at several places in Parts 9, 122, 123, and 124 of Title 40 of the Code of Federal Regulations ("CFR"), and

WHEREAS, Pursuant to the CWA, the US EPA has defined "illicit discharges" to describe any discharge through a MS4 that is not covered by a NPDES permit and illicit discharges to MS4s are not authorized under the CWA; and

WHEREAS, Section 402(p)(3)(B) of the CWA, 33 U.S.C. § 1342(p)(3)(B), requires that NPDES permits for discharges from MS4s are to include a requirement to "effectively prohibit" non-Storm Water discharges into MS4s; and

WHEREAS, Section 402(p)(3)(B) of the CWA, 33 U.S.C. § 1342(p)(3)(B), further provides that NPDES permits shall require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and such other provisions as appropriate for the control of Pollutants; and

WHEREAS, in partial implementation of § 402(p) of the federal Clean Water Act, 33 U.S.C. § 1344(p); the Phase I Storm Water Regulations and the California Water Code, the California Regional Water Quality Control Board – Los Angeles ("RWQCB-LA") issued a National Pollutant Discharge Elimination System ("NPDES") Permit and Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, "ORDER NO. 01-182 NPDES PERMIT NO CAS004001 WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES AND THE INCORPORATED CITIES THEREIN, EXCEPT THE CITY OF LONG BEACH" (the "2001 Permit") on December 13, 2001, to cities in Los Angeles County, including the City; and

WHEREAS, US EPA regulations implementing the CWA and the 2001 Permit require the City to demonstrate that it has the legal authority, through ordinance or other authority, to control contribution of Pollutants to the MS4 by Storm Water discharged from sites of industrial activity; and

WHEREAS, US EPA regulations implementing the CWA and the 2001 Permit require the City to demonstrate that it has the authority to prohibit illicit discharges to the MS4; and

WHEREAS, US EPA regulations implementing the CWA and the 2001 Permit require the City to demonstrate that it has the authority, through ordinance or other authority, to control discharge to the MS4 of spills, dumping or disposal of materials other than Storm Water; and

WHEREAS, the City has authority under Article 11, section 7 of the California Constitution to adopt ordinances needed to implement these requirements, and

WHEREAS, the City also has authority under § 13002 of the California Water Code to adopt and enforce ordinances conditioning, restricting, and limiting activities that might degrade the quality of the waters of the State of California,

WHEREAS, the City, as the owner and operator of its MS4, has the right and the duty to protect the integrity of its MS4 against Pollutants and contamination; and

WHEREAS, Under the California Constitution and the California Government Code, the City has the authority to define public nuisances and to protect the public health and safety of the residents of and visitors to the City, and the environment, by abating public nuisances.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE DOES ORDAIN AS FOLLOWS:

SECTION 1. In order to protect public health, safety and well-being; to carry out obligations imposed on it by the Congress through the Clean Water Act, the US EPA regulations implementing the CWA and the 2001 Permit to "effectively prohibit" non-Storm Water discharges from MS4s; to demonstrate that the City has the authority to control, through ordinance or other authority, contribution of Pollutants to the MS4 by Storm Water discharged from sites of industrial activity; to demonstrate that the City has the authority to prohibit illicit discharges to the MS4; to demonstrate that the City has the authority, through ordinance or other authority, to control discharge to the MS4 of spills, dumping or disposal of materials other than Storm Water; CHAPTER 10 OF DIVISION 4 of the TORRANCE Municipal Code is hereby repealed in its entirety and a new Chapter 10, "STORM WATER AND URBAN RUNOFF POLLUTION CONTROL," is added to take effect immediately to read in its entirety as follows:

"Chapter 10

STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

Sections:

410.1.010 DEFINITIONS.
410.1.015 AUTHORITY TO ENFORCE AND IMPLEMENT
410.1.020 ILLICIT DISCHARGES PROHIBITED.

410.1.030 ILLICIT CONNECTIONS PROHIBITED.
410.1.040 CONTROL OF POLLUTANTS FROM SITES OF INDUSTRIAL ACTIVITIES.
410.1.050 SPILLS, DUMPING AND DISPOSAL PROHIBITED.
410.1.060 BEST MANAGEMENT PRACTICES REQUIRED.
410.1.070 CONSTRUCTION ACTIVITY STORM WATER MEASURES.
410.1.080 VIOLATIONS.
410.1.090 NOTICE OF VIOLATION; ADMINISTRATIVE ORDERS.
410.1.100 NUISANCES.
410.1.110 REMEDIES NOT EXCLUSIVE.
410.1.120 INSPECTIONS; SEARCHES.
410.1.130 FEES.

410.1.010 Definitions.

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Chapter. Words and phrases not ascribed a meaning by this Chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act § 402, 33 U.S.C. § 1342(p), including, but not limited to 40 C.F.R. § 122.2 and 40 C.F.R. § 122.26(b), and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board - Los Angeles, as such permits may be amended from time to time.

Automotive Service Facility means a facility in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 5511, 7532-7534, or 7536-7539.

Best Management Practices or **BMPs** means methods, measures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce Pollutants in discharges to the MS4 and thence into waters of the United States. BMPs include treatment requirements, operating procedures and practices to control runoff, spillage or leaks, sludge or waste disposal and drainage from raw material storage; public education and outreach; proper planning of development projects; structural and non-structural controls; and operations and maintenance procedures which can be applied before, during and after pollution-producing activities, including, but not limited to proper clean-out of catch basins and proper waste handling and disposal. See 40 C.F.R. § 122.2.

Discharge means any release, spill, leak, pump, flow, escape, dumping or disposal, of any Pollutant, from any point source, into the environment, including waters of the United States, and City's MS4.

Hazardous Materials means any materials, wastes or mixture of wastes defined as a "Hazardous Substance" or "Hazardous Waste" pursuant to § 311(b)(2) of the Clean Water Act, 33 U.S.C. § 1321(b)(2), or the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 *et seq.*, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 *et seq.*, or the Carpenter-Presley-Tanner Hazardous Substance Account Act, ("HSAA"), California Health and Safety Code §§ 25300, *et seq.*, and all future amendments to any of them, or as defined by the State Water Resources Control Board or the California Regional Water Quality Control Board - Los Angeles. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous waste or water pollution, the terms "Hazardous Materials" and "Hazardous Waste" shall be construed to have the broader, more encompassing definition.

Illicit Connection means any device or artifice, excluding roof drains and other similar connections, connected to the Municipal Separate Storm Sewer System, without a permit, through or by which an Illicit Discharge may be discharged. Examples include channels, pipelines, pipes, conduits, inlets and outlets connected directly to the Municipal Separate Storm Sewer System.

Illicit Discharge means any discharge to the MS4 that is not composed entirely of Storm Water except discharges pursuant to a NPDES permit, Permitted Discharges (which are exempt or conditionally exempt in accordance with any applicable order of the RWQCB-LA) and discharges resulting from fire fighting activities. "Illicit Discharge" includes but is not limited to wash waters from the cleaning of Retail Gasoline Outlets, auto repair garages and similar Automotive Service Facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, but not limited to motor vehicles which are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any Restaurant or Automotive Service Facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters. "Illicit Discharge" also includes any other discharge to the MS4 that is prohibited by this Code, or any state or federal law.

Industrial/Commercial Facility means any facility involved used for the production, manufacture, storage, transportation, distribution, exchange or sale of goods or commodities, and any facility used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility's owners or operators are not factors in this definition.

Municipal Separate Storm Sewer System or **"MS4"** means a conveyance or system of conveyances including municipal streets, alleys, catch basins, curbs, gutters, ditches, man-made channels, storm drains, conduits, or other facilities owned, operated, maintained or controlled by City and used for the purpose of collecting, storing, transporting or disposing of Storm Water, which are not part of a Publicly Owned Treatment Works, and which discharges directly or indirectly (through another agency's MS4) to waters of the United States.

Non-Storm Water Discharge means any discharge to a Municipal Separate Storm Sewer System that is not composed entirely of Storm Water. See Illicit Discharge above, and Permitted Discharge, below.

NPDES means the "National Pollutant Discharge Elimination System" established by § 402 of the Clean Water Act, 33 U.S.C. § 1342, as it, from time to time, may be amended.

Permitted Discharge means the following non-storm water discharges:

1. Discharges covered by a separate individual or general NPDES permit;
2. Natural flows, including the following:
   a. Natural springs and rising ground water;
   b. Flows from riparian habitats or wetlands;
   c. Stream diversions, permitted by the State Board; and
   d. Uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)].
3. Flows from emergency fire fighting activity.

4. Flows incidental to urban activities, including the following:
    a. Reclaimed and potable landscape irrigation runoff;
    b. Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
    c. Drains for foundations, footings, and crawl spaces;
    d. Air conditioning condensate;
    e. Dechlorinated/debrominated swimming pool discharges;
    f. Dewatering of lakes and decorative fountains;
    g. Non-commercial car washing by residents or by non-profit organizations; and
    h. Sidewalk rinsing.

Pollutant means a "Pollutant" as defined in § 502(6) of the Clean Water Act, 33 U.S.C. 1362(6), or incorporated into California Water Code § 13373, discharged into water but shall not mean uncontaminated Storm Water, potable water or reclaimed water generated by a lawfully permitted water treatment facility, or any substance, the discharge of which into the MS4, through Best Management Practices, has been reduced to the maximum extent practicable. Subject to the foregoing, "Pollutant" also includes but is not limited to wash waters from the cleaning of Retail Gasoline Outlets, auto repair garages and similar Automotive Service Facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, but not limited to motor vehicles which are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any Restaurant or Automotive Service Facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters.

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

Retail Gasoline Outlet or **RGO** means, for the purpose of this Chapter, any facility engaged in selling gasoline and lubricating oils.

Solid Waste shall have the meaning ascribed by Public Resources Code § 40191, as it, from time to time, may be amended.

Storm Drain (see Municipal Separate Storm Sewer System or "MS4," above).

Storm Water means Storm Water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Pollution Prevention Plan or SWPPP means a plan, as required by a State General Permit issued by the State Water Resources Control Board ("SWRCB"), identifying potential Pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent non-Storm Water Discharges and to reduce Pollutants in Storm Water Discharges during activities covered by the General Permit.

Structural BMP means 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 Treatment Control BMPs and Source Control BMPs.

Treatment Control BMP means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

Wet Season means the period beginning on October 1st and ending at midnight on April 15th, annually.

410.1.015 . Authority to Enforce and Implement

Under the Torrance City Charter, Article 11, Section 7 of the California Constitution, the California Government Code, and the California Water Code, the City Manager, or the City Manager's designee, shall have the authority to take all actions necessary to enforce and implement all NPDES Permits and waste discharge requirements

410.1.020 Illicit Discharges Prohibited.

No person shall cause any Illicit Discharge to enter the MS4 unless such discharge: (1) is authorized by an NPDES permit; or (2) is associated with emergency fire fighting activities; or (3) is a Permitted Discharge which is exempt or conditionally exempt in accordance with an applicable order of the California Regional Water Quality Control Board - Los Angeles. No Pollutant in Storm Water may be discharged to the MS4 unless the Pollutant has been reduced to the maximum extent practicable.

410.1.030 Illicit Connections Prohibited.

No person shall use or suffer the use of any Illicit Connection to convey an Illicit Discharge or any Pollutant to the MS4 from premises of which that person is an owner or is the person in charge of day-to-day activities. Illicit Connections are prohibited by the Clean Water Act, NPDES MS4 Storm Water Permits issued by the California Regional Water Quality Control Board - Los Angeles and this Chapter. The owner and the person in charge of day-to-day activities of premises at which an Illicit Connection is located shall obtain a permit for, or remove, the Illicit Connection within one hundred and eighty (180) days of confirmation of discovery of the Illicit Connection.

410.1.040 Control of Pollutants from Sites of Industrial Activity

A. It shall be a violation of this Chapter for any person or entity required under federal or state law to comply with the requirements for a NPDES General Industrial Activities Storm Water Permit (GIASP) for a facility or activity in the City to operate such facility or activity in the City which discharges to the City's MS4 without complying with all applicable requirements for a General Industrial Activities Storm Water Permit.

B. Any person or entity in the City required to have a General Industrial Activities Storm Water Permit for a facility or activity in the City which discharges to the City's MS4 shall retain at such facility or activity the following documents which evidence compliance with General Industrial Activities Storm Water Permit requirements: (i) a copy of the Notice of Intent to comply with the General Industrial Activities Storm Water Permit; (ii) a waste discharge identification number (WDID)

issued by the State Water Resources Control Board; (iii) a Storm Water Pollution Prevention Plan (SWPPP) (iv) any required Storm Water quality data; and (v) a plan containing urban runoff Best Management Practices (BMPs).

C. Any person or entity in the City required to have a General Industrial Activities Storm Water Permit for a facility or activity in the City which discharges to the City's MS4, upon request from a duly authorized officer of the City, shall make available to the City for review, copying and inspection all of the documents described in Subsection B of this Section during any City Storm Water-related educational program or inspection and shall demonstrate compliance with such General Industrial Activities Storm Water Permit, including but not limited to demonstration of the adequacy of, and compliance with, any required SWPPP and all applicable BMPs.

410.1.050 Spills, Dumping and Disposal Prohibited

A. No person shall dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury or dispose into the environment any Solid Waste or liquid waste, including any Pollutant, in or upon any part of the MS4, or upon any public or private premises in the City, or to cause, suffer, or permit any Solid Waste or liquid waste or other Pollutant to come to be located upon, in, on or under any premises in the City, except in an authorized or permitted solid waste container or at an authorized or permitted solid waste facility or publicly owned or privately owned treatment works.

B. No person shall dispose of leaves, grass or other clippings, dirt or any other landscape debris into any part of the MS4.

C. No person shall dispose of any pesticide, fungicide, or herbicide banned by, or not registered with, the United States Environmental Protection Agency or the California Department of Pesticide Regulation, or its successor, into any part of the MS4.

D. No person shall dispose of any Hazardous Material into any Civic Litter Container or any other trash receptacle accessible to the public.

E. No person shall pour oil or grease, or the residue of oil or grease onto any parking lot, or any part of the MS4.

F. No person shall place any washout water or other liquid in any container for the disposal of Solid Waste.

G. No person shall wash Restaurant or Automotive Service Facility floor mats in any place where the wash or rinse water may flow into any part of the MS4.

410.1.060 Best Management Practices Required.

The owner, occupant or other person in charge of day-to-day operation of each premises within the City shall implement Best Management Practices as follows:

(a) The owner or other person in charge of day-to-day operation of parking lots with more than 25 parking spaces exposed to Storm Water which parking lots are associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, shall use BMPs to reduce the discharge of Pollutants to the maximum extent practicable. Such measures may include regular sweeping or other measures, if effective.

(b) The owner or other person in charge of day-to-day operation of premises where machinery or other equipment which is repaired or maintained, at facilities or activities associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, shall use BMPs or other steps to prevent discharge of maintenance related or repair related Pollutants to the MS4.

(c) For other premises exposed to Storm Water, the owner, occupant or other person in charge of day-to-day operations shall use BMPs, if they exist, or other steps to reduce the discharge of Pollutants to the maximum extent practicable, including the removal and lawful disposal of any Solid Waste or any other substance which, if it were to be discharged to the MS4, would be a Pollutant, including fuels, waste fuels, chemicals, chemical wastes and animal wastes, from all parts of the premises exposed to Storm Water.

410.1.070 Construction Activity Storm Water Measures.

A. Each person applying to the City for a grading or building permit for projects for which compliance with regulations governing State Construction Activity Storm Water Permits ("GCASPs") is required, must submit satisfactory proof to City (i) that a Notice of Intent (NOI) to comply with the GCASP has been filed and (ii) that a Storm Water Pollution Prevention Plan has been prepared, before the City shall issue any grading or building permit on the construction project. A copy of the NOI and the SWPPP shall be maintained on-site during grading and construction and shall be made available for inspection, review and copying upon the request of any City inspector.

B. It shall be a violation of this Chapter for any person or entity required under federal or state law to comply with the requirements for a State Construction Activity Storm Water Permits (GCASP) for construction activity in the City to conduct, authorize or permit construction activities in the City at any facility which discharges to the City's MS4 without complying with all applicable requirements for a GCASP.

C. Each person applying for a grading or building permit for any project for which compliance with regulations governing State Construction Activity Storm Water Permits is not required, shall submit to the City for information, and shall implement a grading and construction activity runoff control program adequate to accomplish all of the following:

1. Retain on-site the sediments generated on or brought to the project site, using Treatment Control or Structural BMPs;
2. Retain construction-related materials and wastes, spills and residues at the project site and prevent discharges to streets, drainage facilities, the MS4, receiving waters or adjacent properties;
3. Contain non-Storm Water runoff from equipment and vehicle washing at the project site; and
4. Control erosion from slopes and channels through use of effective BMPs, such as limitation of grading during the wet season, inspection of graded areas during rain events; planting and maintenance of vegetation on slopes, if any, and covering any slopes susceptible to erosion.

D. No person generating or producing pavement sawcutting wastes in any street, curb or sidewalk in the City shall fail to recover and properly dispose of such sawcutting wastes, and in no case shall such wastes be permitted or suffered to enter any part of the MS4, including, but not limited to any storm drain.

E. No person performing street and road maintenance in any street in the City shall fail to manage street and road maintenance materials in a manner which prevents such materials from being discharged to the MS4.

F. No person shall wash any concrete truck or any part of any concrete truck, including, but not limited to any chute, pump or tools, in any place in the City except an area designated for that purpose by the City, if the City has designated such a place. No person shall permit or suffer any concrete rinseate or washwater from any truck, pump, tool or equipment to enter any drain, open ditch, street or road or any catch basin or any other part of the MS4.

410.1.080 Violations.

Violation of any provision of this Chapter, any Storm Water Pollution Prevention Plan, any provision of any permit issued pursuant to this Chapter, or any Administrative Enforcement Order issued pursuant to this Chapter shall be a misdemeanor.

410.1.090 Notices of Violation; Administrative Orders; and Enforcement.

A. The City Manager, or the City Manager's designees, may issue Notices of Violation and Administrative Enforcement Orders to achieve compliance with the provisions of this Chapter, any approved Storm Water Pollution Prevention Plan or any permit issued pursuant to this Chapter. Failure to comply with the terms and conditions of such a Notice of Violation or an Administrative Order shall constitute a violation of this Chapter.

B. The City Attorney may bring civil and criminal actions to enforce this chapter, including, but not limited to, the provisions of any Administrative Enforcement Order, any Storm Water Pollution Prevention Plan or any permit issued pursuant to this Chapter.

410.1.100 Nuisance.

The violation of any provision of this Chapter is hereby declared to be a nuisance, and may be abated by the City in accordance with its authority to abate nuisances.

410.1.110 Remedies not Exclusive.

The remedies listed in this Chapter are not exclusive of any other remedies available to the City under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

410.1.120 Inspections; Searches.

Whenever necessary to make an inspection to enforce any provisions of this Chapter and to conduct all inspections required by any applicable NPDES permit, the enforcement officer for the City may enter any property in the City regulated by this Chapter in a manner authorized by State law and take samples; inspect, review and copy records relevant to any Illicit Connection, Illegal Discharge or the Discharge of any Pollutant. The owner or other person in charge of day-to-day activities at the premises, upon request of any City inspector, shall make available for inspection, review and copying any required GIASP, GCASP, NoI, BMPs, SWPPP and any permit relevant to the reduction of the Discharge of any Pollutant to the maximum extent practicable.

410.1.130 Fees.

The City Council may establish fees for the services provided under this Chapter. Such fees shall be fixed and established from time to time by the City Council by resolution."

SECTION 2. Section 43.4.3 of the Torrance Municipal Code is hereby repealed in its entirety and a new Section 43.4.3 is added to take effect immediately, and to read in its entirety as follows:

"43.4.3 Sweeping Litter onto Public Property

No person shall sweep or otherwise move any litter from private property into or onto any public street, park or place."

SECTION 3. The facts upon which this ordinance has been declared to be an urgency measure are as follows: The protection of the Storm Water System and water bodies preserves the health and safety of the public by improving water quality through the reduction of urban runoff and pollutants. The NPDES Permit is a state-mandated program. The City is required by state law to have an amended Storm Water pollution control ordinance in effect. Adoption of this ordinance as an urgency measure is the only means of accomplishing that state-mandated requirement in a timely fashion.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. This ordinance will take effect and be in full force immediately after its passage and adoption. The City Clerk will certify as to the passage and adoption of this ordinance. Within fifteen days following adoption, this ordinance will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

ADOPTED and PASSED this 18th day of March, 2003.

/s/ Dan Walker
Mayor Dan Walker

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

by /s/ Ron Pohl
Ronald T. Pohl, Assistant City Attorney

ATTEST:

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk

TORRANCE CITY COUNCIL URGENCY ORDINANCE NO. 3531

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Sue Herbers, City Clerk of the City of Torrance, California, do hereby certify that the foregoing Ordinance was duly adopted and passed by said Council at a regular meeting held on the 18th day of March 2003 by the following roll call vote:

AYES:	COUNCILMEMBERS:	Lieu, Mauno, McIntyre, Nowatka, Scotto, Witkowsky, and Mayor Walker.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk of the City of Torrance