APPENDIX 6.5-C – WATERSHED PROTECTION, STORMWATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE

CHAPTER 8. WATERSHED PROTECTION, STORMWATER MANAGEMENT AND DISCHARGE CONTROL*

***Editor's note**--Repealed and new Chapter, Stormwater and Discharge Contol, §§ 67.801--67.825, added by Ord. No. 9424 (N.S.), effective 2-20-02; Chapter 8 amended (with new title Watershed Protection, Stormwater Management and Discharge Control) by Ord. No. 9926 (N.S.), effective 4-11-08.

SEC. 67.801. PURPOSE AND INTENT.

(a) The purpose of this chapter is to protect water resources and to improve water quality by controlling the non-stormwater conveyance system and receiving waters; to cause the use of management practices by the County and its citizens that will reduce the adverse effects of polluted run-off discharges on waters of the state; to secure benefits from the use of stormwater as a resource; and to ensure the County is compliant with applicable state and federal law.

(b) The requirements of this chapter are intended to:

(1) Prohibit polluted non-stormwater discharges to the stormwater conveyance system and receiving waters.

(2) Establish requirements to prevent and reduce pollution to water resources.

(3) Establish requirements for development project site design to reduce stormwater pollution and erosion.

(4) Establish requirements for the management of stormwater flows from development projects to prevent erosion and to protect and enhance existing water-dependent habitats.

(5) Establish standards for the use of off-site facilities for stormwater management to supplement on-site practices at new development sites.

(6) Establish notice procedures and standards for adjusting stormwater and non-stormwater management requirements, where necessary.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9926 (N.S.), effective 4-11-08)

SEC. 67.802. DEFINITIONS.

For purposes of this Chapter, the following definitions shall apply:

(a) "Advanced treatment" shall have the same meaning as defined in California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C.

(b) "Authorized enforcement official" means the Director of Public Works, the Director of the Department of Planning and Land Use, the Director of Environmental Health, the Agricultural Commissioner, Department of Agriculture, Weights and Measures, or their designees.

(c) "Authorized non-stormwater discharge" means a discharge allowed to enter the stormwater conveyance system or receiving waters in accordance with a permit under the National Pollutant Discharge and Elimination System program.

(d) "Best management practices" (BMPs) shall have the same meaning as defined in California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C. Best management practices may include any type of pollution prevention and pollution control measure that achieves compliance with this chapter.

(e) "Business activity" has the same meaning as those activities or facilities listed in section D.3.b.1 of the California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758; and also means airplane mechanical repair, maintenance, fueling, or cleaning; motor vehicle (or other vehicle) parking lots and storage facilities; motor vehicle and other vehicle body repair or painting; motor vehicle mechanical repair, maintenance, fueling, or cleaning; boat mechanical repair, maintenance, fueling, or cleaning; botanical or zoological gardens and exhibits; cement mixing or cutting; cemeteries; food facilities,

including, but not limited to, restaurants, taverns, markets, booths, mobile vendors, and commissaries; equipment repair, maintenance, fueling, or cleaning; golf courses, parks and other recreational facilities; landscaping; marinas; masonry storage or installation; mobile motor vehicle or other vehicle washing; mobile carpet, drape or furniture cleaning; nurseries and greenhouses; painting and coating; pest control services; pool, spa, and fountain cleaning; portable sanitary toilet servicing; retail or wholesale fueling; animal facilities; building material retail, wholesale, and storage; power washing services; and also means a facility that is involved in manufacturing; oil and gas mining; hazardous waste treatment, storage, or disposal; solid waste disposal (landfills, land application sites, and open dumps); recycling facilities; steam electric- generation; transportation; sewage or wastewater treatment; or is subject to stormwater effluent limitations guidelines, new source performance standards, or toxic Pollutant effluent standards (40 Code of Federal Regulations Subchapter N), as described in the statewide General Industrial Permit (Water Quality Order No. 97-03-DWQ); and also means any commercial, industrial, or institutional use, as described in the County of San Diego Zoning Ordinance, notwithstanding the zone in which the activity or facility is located.

(f) "Detention" means the temporary storage of storm run-off in a manner that controls peak discharge rates and provides some gravity settling of pollutants.

(g) "Detention facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface run-off and gradual release of stored water at controlled rates.

(h) "Development project" means any land disturbance activity, construction or installation of a structure, the creation of impervious surfaces, or land subdivision.

(i) "Discharge", when used as a verb, means to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the stormwater conveyance system or receiving waters, from an activity or operations which one owns or operates. When used as a noun, "discharge" means the pollutants, stormwater or non- stormwater that are discharged.

(j) "Discharger" means any person or entity engaged in activities or operations or owning facilities, which will or may result in pollutants entering stormwater, the stormwater conveyance system, or receiving waters or the owners of real property on which such activities, operations or facilities are located, except that a local government or public authority is not a discharger as to activities conducted by others in public rights of way.

(k) "Environmentally sensitive area" means impaired water bodies, as defined by the federal Clean Water Act, section 303(d) areas designated as Areas of Special Biological Significance or with the RARE beneficial use by the SWRCB in the Water Quality Control Plan for the San Diego Basin (1994 and amendments), areas designated as preserves for species- protection purposes by the State of California or a local government, and pre-approved mitigation areas identified in agreements between the County and state or federal natural resources agencies.

(l) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, and technological factors as determined in the sole discretion of the County.

(m) "Illicit connection" means a pipe, facility, or other device connected to the stormwater conveyance system or receiving waters, which has not been authorized by the County; or a permitted/authorized pipe, facility, or other device, which conveys unauthorized discharges.

(n) "Impervious surface area" means the ground area covered or sheltered by an impervious surface, measured in plan view. For example, the "impervious surface area" for a pitched roof is equal to the ground area it shelters, rather than the surface area of the roof itself.

(o) "Infiltration BMPs" means any treatment BMP designed primarily to percolate water into the subsurface. These include infiltration trench, infiltration basin, dry wells, permeable pavements without an under-drain, and sub-surface reservoir beds without an under-drain. BMPs that have some incidental infiltration but which are designed primarily to retain water or to treat water, such as bioretention, filter strips, permeable pavements with an under-drain, or vegetated/rock swales are not infiltration BMPs.

(p) "Land disturbance activity" means any activity, whether or not a stormwater management plan or County permit or approval is required, that moves soils or substantially alters the land such as grading, digging, cutting, scraping, stockpiling or excavating of soil; placement of fill materials; paving, pavement removal, exterior construction; substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing; clearing or road- cutting associated with geotechnical exploration and assessment, percolation testing, or any other activity that is a condition of a permit application; or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Land disturbance activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, emergency construction activities required to protect public health and safety; or tilling or cultivating land exclusively for the purpose of growing plants or animals, provided that all disturbed material remains on the same site, the tilling or cultivating will not block or divert any natural drainage way, and the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.

(q) "Maximum extent practicable" (MEP) shall have the same meaning as defined in California Regional Water Quality Control

Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C.

(r) "Natural drainage" means a drainage consisting of native soils such as a natural swale or topographic depression which gathers or conveys run-off to a permanent or intermittent watercourse or waterbody.

(s) "Non-stormwater" shall have the same meaning as defined in California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C.

(t) "Performance standard" means a requirement under this chapter that specifies a result that must be achieved (e.g., "minimize impervious surface area" or "do not impair receiving water quality") without specifying the means that must be used to achieve that result.

(u) Pollutant: means any agent introduced to stormwater or non-stormwater through human activity that may cause, potentially cause, or contribute to the degradation of water quality such that public health, the environment, or beneficial uses of waters may be affected. The term includes dredged spoil, rock, sand, or silt (excluding sediment, silt, or substances in quantities which would enter stormwater from a natural undeveloped watershed); solid waste, sewage, garbage, or medical waste; wrecked or discarded equipment; radioactive materials; industrial waste; fecal coliform, fecal streptococcus, and enterococcus bacteria and other pathogens that pose a threat to human health; volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides; and any contaminant which can significantly degrade the quality of receiving waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.

(v) "Pollution prevention" means the practices and processes that reduce or eliminate the generation of pollutants such as the use of smaller quantities of toxic materials or substitution of less toxic materials; changes to production processes to reduce waste; decreases in waste water flows; recycling of wastes as part of the production process; segregation of wastes, and treatment of wastes on site to decrease volume or toxicity.

(w) Priority development project means:

(1) a new development project that falls within any of the following categories:

(A) Residential subdivisions of 10 or more dwelling units. This category includes single-family homes, multi-family homes, condominiums, and apartments.

(B) Commercial developments greater than one acre. This category is any development on private land that is not for heavy industrial or residential uses where the land area for development is greater than one acre. The category includes: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; airfields; and other light industrial facilities.

(C) Heavy industry developments greater than one acre. This category includes: manufacturing plants, food processing plants, metal working facilities, printing plants, and fleet, such as buses or trucks storage areas.

(D) Automotive repair shops. This category is a facility that is described in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

(E) Restaurants. This category is any food establishment 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), where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SUSMP requirements except for structural treatment BMP, numeric sizing criteria requirement, and hydromodification requirement.

(F) All hillside development greater than 5,000 square feet. This category is defined as any development which creates 5,000 square feet of impervious surface which is located in an area with known erosive soil conditions and where the development will grade on any natural slope that is 25% or greater.

(G) Environmentally sensitive areas. This category is any development located within or directly adjacent to or discharging directly to an environmentally sensitive area (where discharges from the development or redevelopment will enter receiving waters within the environmentally sensitive area), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. For purposes of this definition, "directly adjacent" means situated within 200 feet of the environmentally sensitive area and "discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.

(H) Parking lots 5,000 square feet or more or with 15 or more parking spaces and potentially exposed to urban run-off.

Parking lot is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

(I) Street, roads, highways, and freeways. This category is the construction of any paved surface which is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.

(J) Retail gasoline outlets (RGOs). This category is a retail establishment that sells gasoline and is 5,000 square feet or greater in size or encounters 100 average daily trips or more per day.

(2) A redevelopment project that creates, adds or replaces at least 5,000 square feet of impervious surfaces to a developed site described in section 67.802(w)(1) (A) - (E), (H) and (I).

(x) "Public improvement projects" shall have the same meaning as defined in the Labor Code or Public Contract Code.

(y) "Rainy season" means from November 11 through April 30.

(z) "Receiving waters" shall mean Waters of the State as defined in California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C.

(aa) "Redevelopment" means creation, addition, or replacement of impervious surface on an already developed site. Examples include the expansion of building footprints, road widening, the addition or replacement of a structure, and creation or addition of impervious surfaces. Replacement of existing impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed exposing underlying soil during construction. Redevelopment does not include trenching and resurfacing associated with utility work, resurfacing and reconfiguring surface parking lots and existing roadways, new sidewalk construction, pedestrian ramps, or bike lane on existing roads; and routine replacement of damaged pavement, such as pothole repair.

(bb) "Residential discharger" means the occupant, real property owner(s), manager, caretaker, or association board officer of a single-family dwelling, a multiple-family dwelling, mobile home park, condominium complex, or board-and-care house, or other housing structure.

(cc) "Source control BMP" shall have the same meaning as defined in California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C.

(dd) "Stormwater conveyance system" means private and public drainage facilities other than sanitary sewers within the unincorporated area of San Diego County by which urban run-off may be conveyed to receiving waters, and includes but is not limited to roads, streets, constructed channels, aqueducts, storm drains, pipes, street gutters, inlets to storm drains or pipes, or catch basins.

(ee) "Stormwater management" means the use of structural (treatment control) or non-structural (source control) BMPs that are designed to reduce urban run-off pollutant loads, discharge volumes, and/or peak discharge flow rates or velocities. When applied to the County or another municipality, stormwater management also includes planning and programmatic measures.

(ff) "Stormwater management plan" means a plan, submitted on a County form or in a County approved format with an application for a County permit or other County approval, identifying the measures that will be used for stormwater and non-stormwater management during the permitted activity.

(gg) "Stormwater BMP implementation plan" means a document which meets the requirements for a total maximum daily load (TMDL) study, and is submitted and approved by the San Diego Regional Water Quality Control Board.

(hh) "Stormwater pollution prevention plan" (SWPPP) means an approved site-specific plan that (1) identifies and evaluates sources of pollutants associated with activities that may affect the quality of stormwater discharges and authorized non-stormwater discharges from a facility or site, and (2) identifies and implements site-specific BMPs to reduce to the MEP or to prevent pollutants in stormwater or authorized non-stormwater discharges.

(ii) "SUSMP standard urban stormwater mitigation plan for land development projects and public improvement projects" means the SUSMP standard urban stormwater mitigation plan for land development projects and public improvement projects adopted by the County Board of Supervisors on November 13, 2002, as it may thereafter be revised by the Director, Department of Public Works.

(jj) "Treatment control BMP" shall have the same meaning as defined in California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C.

(kk) Tributary to an impaired water body means a facility or activity is tributary to an impaired water body if urban run-off from that facility or activity enters (1) the stormwater conveyance system at a place and in a manner that will carry pollutants for which that water body is impaired in that discharge to the impaired water body; (2) a flowing stream that will carry pollutants for which that water body is impaired in that discharge to the impaired water body; or (3) an ephemeral stream that reaches the impaired water body during

storm events and that will carry pollutants for which that water body is impaired from the facility or activity to the impaired water body during such storm events.

(ll) "Water quality standards" shall have the same meaning as defined in California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Attachment C.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9589 (N.S.), effective 9-5-03; amended by Ord. No. 9926 (N.S.), effective 4-11-08)

SEC. 67.803. GENERAL PROVISIONS.

(a) Interpretation of this chapter shall be consistent with the provisions of the California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES Permit No. CAS0108758. The requirements of this chapter are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter are minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

(b) Except as set forth in section 67.805, this chapter shall apply to any development project in the County, whether or not a permit or other approval is required.

(c) County Permits and Approvals.

(1) An application for any of the following discretionary permits or approvals shall be accompanied by plans demonstrating how the development project will comply with the requirements of this chapter. The permit or approval shall not be granted unless the decision maker determines that the development project complies with the applicable requirements of this chapter.

(A) Administrative permit for clearing.

(B) Final map modification.

(C) Grading plans or grading permits, if approval is discretionary, including Modification or Renewal.

(D) Improvement Plan, including Modification.

(E) Landscape Plan.

(F) Major Use Permit, including modification, minor deviation, or extension.

(G) Minor Use Permit, including modification, minor deviation, or extension.

(H) Parcel map modification.

(I) Reclamation plan.

(J) Site plan, including modification, minor deviation, or extension.

(K) Solid waste facility permit.

(L) Tentative map, including resolution amendment, time extension, expired tentative map and revised tentative map.

(M) Tentative parcel map, including resolution amendment, time extension, expired tentative parcel map and revised tentative parcel map.

(N) Watercourse permit.

(2) An application for any of the following ministerial permits or approvals shall be accompanied by plans demonstrating how the development project will comply with the requirements of this chapter. The permit or approval shall not be granted unless the decision-maker determines that the development project complies with the requirements of this chapter.

(A) Building permit.

(B) Construction right of way permit.

(C) Encroachment permit.

(D) Excavation permit.

(E) Grading plans or grading permits, if approval is ministerial, including modification or renewal.

(F) On-site wastewater system permit.

(G) Underground tank permit.

(H) Well permit.

(d) A priority development project shall not receive final approval until the developer has installed and implemented the required BMPs in accordance with the requirements of this chapter.

(e) If the authorized enforcement official identifies a discharge or category of facility or activity that is a significant source of contaminants to waters of the United States, despite compliance with this chapter, the discharger may be ordered by the authorized enforcement official to install, implement and maintain additional source control or treatment control BMPs to prevent or reduce contamination in stormwater and non-stormwater to the MEP. Any such order shall specify a reasonable date by which those BMPs must be put in place. Failure to install, implement, or maintain additional BMPs as required by such order, is a violation of this chapter.

(f) Areas within which facilities and sources will be presumed to be tributary to an impaired water body are identified on the most current listing in the Clean Water Act, section 303(d). The presumption that a discharge is tributary to an impaired water body can be overcome for a particular discharge based on specific facts and analysis presented by a discharger. In making a site-specific determination as to whether a discharge is tributary to an impaired water body, consideration may be given to the amount of water and pollutant discharged; to whether the pollutant for which the water body is impaired is a suspended or dissolved pollutant; to whether the pollutant is volatile or degradable; and to whether the pollutant is substantially removed during transport by any natural or man-made features (sinks, infiltration areas, ponds or impoundments, vegetated swales or wetlands, media filtration devices, etc.) located between the site and the impaired water body. Any such analysis must consider common mechanisms for pollutant mobilization, remobilization, and transport over time.

(g) An Authorized Enforcement Official may modify any requirement imposed by this chapter to allow the on-site collection and use of stormwater, or the collection of stormwater for delivery to and use at County-designated sites, provided the modified requirements are enforceable and provide equivalent environmental protection.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9589 (N.S.), effective 9-5-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.804. DISCHARGE PROHIBITIONS.

(a) It is unlawful for any person to discharge or cause the discharge of pollutants directly or indirectly into the stormwater conveyance system or receiving waters, except as set forth in section 67.805 or as otherwise authorized by law.

(b) It is unlawful for any person to construct, use or maintain a connection to the stormwater conveyance system that discharges any matter other than stormwater, except as set forth in section 67.805(a). This section expressly supersedes any previously issued permit or authorization granted by the County and expressly prohibits any previously legal non-conforming connection.

(c) It is unlawful to throw, deposit, leave, abandon, maintain, or keep materials or wastes on public or private lands in a manner and place where they may result in a discharge.

(d) Stormwater discharges from the site may not contain sediments in amounts in excess of the sediments that would have been discharged from the site in an undisturbed condition.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9589 (N.S.), effective 9-5-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.805. EXEMPTIONS FROM DISCHARGE PROHIBITIONS.

Except as described in section 67.805(f), the following are exempt from the prohibitions in section 67.804:

(a) Any discharge or connection regulated under a valid facility-specific NPDES permit or facility-specific Regional Water Quality Control Board Waste Discharge Requirements permit, not including a state General permit, provided that the discharge or connection is in compliance with all relevant permit conditions to the satisfaction of the Regional Water Quality Control Board.

(b) Stormwater discharges regulated under the State General Industrial Stormwater Permit or State General Construction Stormwater permit, are exempt from discharge prohibitions established by this chapter, provided that the discharger is in compliance with all relevant general permit conditions to the satisfaction of the Regional Water Quality Control Board.

(c) Non-stormwater agricultural discharges that the State Water Resources Control Board or Regional Water Quality Control Board explicitly allows pursuant to a written waiver, waste discharge requirement, or formal policy, provided that the discharger can demonstrate compliance with all relevant permit, waiver or policy conditions to the satisfaction of the State Water Resources Control Board or Regional Water Quality Control Board.

(d) Except as described in section 67.806(g), the following categories of non-stormwater discharges, if the discharger installs, implements and maintains BMPs or other appropriate action to reduce the discharge of pollutants to the MEP using the best available technology and if the discharge does not degrade the stormwater conveyance system:

(1) Diverted stream flows, provided required permits are obtained.

(2) Flows from riparian habitats and wetlands.

(3) Foundation drains, not including active groundwater dewatering systems.

(4) Individual residential washing of vehicles.

(5) Irrigation water including recycled water used for irrigation.

(6) Landscape irrigation.

(7) Lawn watering.

(8) Rising ground water.

(9) Swimming pool, spa, or fountain discharges (if the disinfectant concentration is reduced to 0.0 ppm chlorine or bromine and the pH adjusted to 7.2 - 8.0 pH) excluding filter backwash, acid wash, and algicide-treated other process water discharges.

(10) Uncontaminated ground water infiltration to storm drains.

(11) Uncontaminated pumped ground water.

(12) Water from crawl space pumps.

(13) Water from footing drains, not including active groundwater dewatering systems.

(14) Springs.

(15) Air conditioning condensation.

(16) County pre-approved diversions of potable water as part of utility line maintenance, provided that the discharge does not cause erosion or contain sediment or other pollutants.

(17) Discharges from potable water sources not subject to NPDES Permit No. CAG679001, other than water main breaks.

(e) Exemptions to protect public health and safety. Discharges of trauma scene post-cleanup residues, and other discharges provided that it is in conformance with the California RWQCB's Conditional Waiver of Waste Discharge Requirements, Resolution No. R9-2007-0104, adopted October 10, 2007.

(f) Any discharge category described in section 67.805(d) that the authorized enforcement official determines is a significant source of pollutant to waters of the United States shall be prohibited from entering the stormwater conveyance system or receiving waters, or the discharger shall implement additional BMPs to reduce pollutants in that discharge to the MEP, using the best available technology.

(1) The authorized enforcement official may issue a written notice to the discharger imposing a schedule to cease the discharge or implement the additional BMPs.

(2) The schedule may take into account the nature and severity of any effects caused by the discharge and the time required to design, engineer, fund, procure, construct and make appropriate BMPs or interim BMPs operational.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.806. GENERAL BEST MANAGEMENT PRACTICE REQUIREMENTS.

The following requirements apply to all dischargers:

(a) All dischargers must perform and maintain the following BMPs:

(1) Prior to the rainy season, remove or secure any significant accumulations of eroded soils from slopes previously disturbed by landscaping, clearing or grading, if those eroded soils could otherwise enter and impact the stormwater conveyance system or receiving waters during the rainy season.

(2) Implement, as practicable, those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.

(3) Eliminate illicit connections.

(4) Protect, from erosion, those slopes that have been disturbed by clearing, grading, or landscaping and are more than three feet in height or steeper than 3:1 (run-to-rise). Slope protection shall occur prior to the first rainy season following the clearing, grading or landscaping of the slope and continuously thereafter.

(5) Store all materials and wastes with the potential to pollute stormwater in a manner that either prevents contact with rainfall and run-off from storm flows or contains contaminated run-off for treatment and disposal.

(6) Locate, configure, and manage stockpiles of soil, green waste and compost to prevent the release of materials to the stormwater conveyance system or receiving waters.

(7) Use all materials with the potential to pollute run-off, such as outdoor cleaning and maintenance products, fertilizers, pesticides and herbicides in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the stormwater conveyance system.

(8) Use dry methods such as sweeping, vacuuming, raking, and application of absorbents to cleanup pollutants, unless wet cleanup methods are otherwise allowed in this chapter.

(b) All applications to the County for a permit or approval associated with a development project must be accompanied by a stormwater management plan on a form or in a format specified by the County. The plan shall describe the manner in which the BMPs required by this chapter will be implemented.

(c) All development projects with the potential to add pollutants to stormwater or to affect the flow rate or velocity of stormwater run-off after construction is completed shall employ the following post-construction BMPs, where feasible, to ensure that pollutants and run-off from the development will be reduced to the MEP and will not significantly degrade receiving water quality:

(1) Source control BMPs. Source control BMPs include storm drain system stenciling and posting of signs; posting of signs or other form of notification at storm drain inlets and access points to creeks and channels discouraging illegal dumping and stating the receiving water by name; properly designed outdoor material storage areas; properly designed trash storage areas; and implementation of efficient irrigation systems.

(2) Low Impact Development (LID) BMPs. LID BMPs shall maximize infiltration, provide retention, slow run-off, minimize impervious footprint and constructed widths and direct run-off from impervious areas into landscaping.

(3) Buffer zones. A project shall be designed to include a buffer zone for natural water bodies. Where buffer zones are not feasible, other equally serving methods may be implemented such as trees or access restrictions.

(4) Construction BMPs. Implement land disturbance BMPs described in section 67.811.

(5) Maintenance agreement.

(d) BMPs at construction facilities shall be inspected by the discharger before and following predicted rain events.

(e) BMPs shall be maintained to function as intended and designed. BMPs which fail shall be repaired or replaced as soon as it is safe or practicable. If BMPs fail notwithstanding their intent or design, the BMPs shall be modified or upgraded to prevent any further failure in the same or similar circumstances.

(f) Notwithstanding the provisions of this chapter, an authorized enforcement official may require a discharger to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) for approval by the authorized enforcement official as follows:

(1) If the discharger fails to comply with any applicable requirement of this chapter after one or more written notifications or other enforcement action, because BMPs have been determined to be inadequate or are not being adequately maintained.

(2) The activity at issue is considered a significant source of contaminants to the stormwater conveyance system or receiving waters despite compliance with this chapter. Any discharger required to submit and to obtain approval of a SWPPP shall install, implement and maintain the BMPs specified in the approved SWPPP.

(3) The SWPPP shall identify the BMPs or corrective measures will be used by the discharger to prevent or control pollution of stormwater to the MEP. If the facility operates under the State NPDES General Industrial Stormwater Permit, the SWPPP submitted to the County shall at a minimum meet the requirements of that permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the County shall, at a minimum, meet the requirements of the State NPDES General Construction Stormwater permit. If a facility discharges non-stormwater to ground water, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.

(g) Notification of Spills, Releases and Illegal Discharges.

(1) Spills, releases, or discharges of pollutants to receiving waters or to the stormwater conveyance system shall be reported by the discharger as required by all applicable state and federal laws.

(2) Any such spills, releases or discharges with the potential to endanger health, safety or the environment shall be reported to the Director or Assistant Director, Department of Public Works, within 24 hours after discovery of the spill, release or discharge. Spills that have been completely contained and cleaned up on-site are not considered significant unless they pose a threat to human health or safety.

(3) If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or discharge to the MEP

(h) Sampling, Testing, Monitoring, and Reporting.

(1) Dischargers shall perform the sampling, testing, monitoring and reporting required by this chapter.

(2) An authorized enforcement official may order a discharger to conduct testing or monitoring and to report the results to the County if one or more of the following occurs:

(A) The authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the MEP.

(B) Testing or monitoring is needed to determine whether the facility is a significant source of contaminants to receiving waters.

(C) The authorized enforcement official determines that testing or monitoring is needed to assess the impacts of a discharge on the public's health, safety or the environment.

(D) A discharge has not been eliminated after written notice by an authorized enforcement official.

(E) The RWQCB requires the County to provide any information related to the discharger's activities.

(3) Sampling, testing or monitoring ordered pursuant to section 67.808(b)(2)(D) may include one or more of the following:

(A) Visual monitoring of dry weather flows, wet weather erosion, discharge points or conditions of BMPs.

(B) Visual monitoring of premises for spills or discharges.

(C) Laboratory analyses of stormwater or non-stormwater discharges for pollutants.

(D) Background or baseline monitoring or analysis.

(E) Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger or by a group of dischargers including the discharger.

(4) The authorized enforcement official may direct the manner in which the results of required testing and monitoring are reported, and may determine that sampling, testing or monitoring may discontinue.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9589 (N.S.), effective 9-5-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.807. ADDITIONAL MINIMUM BEST MANAGEMENT PRACTICE REQUIREMENTS FOR RESIDENTIAL ACTIVITIES AND USES.

Residential dischargers shall install, implement and maintain the following additional minimum BMPs, where applicable:

(a) Motor Vehicle or Boat Repair and Maintenance.

(1) All repair and maintenance activities shall be performed under a permanent roof or other permanent cover, where feasible.

(2) All maintenance and repair activities conducted without cover or without BMPs to prevent discharges are prohibited during times of precipitation.

(3) Any release of fluids, including boat bilge water, during repair or maintenance shall be promptly contained and cleaned up. Any absorbent materials used shall be disposed of as required by law.

(4) Degreasing or pressure washing of engines and other parts is prohibited unless the liquid wastes are contained and properly disposed of as required by law.

(5) Automotive and boat materials and wastes shall be stored indoors, under cover, or in secure and watertight containers.

(b) Motor Vehicle Washing.

(1) Individual motor vehicles shall be washed over porous surfaces such as lawns and gravel areas where feasible.

(2) Unused detergent solutions shall not be disposed of directly or indirectly into the stormwater conveyance system or receiving waters. Disposal to the sanitary sewer, such as a sink, toilet or floor drain or to a porous surface, where allowed by this chapter, is required.

(3) The use of "hose off" or single use engine degreasing chemicals is prohibited, unless captured and disposed of properly.

(4) Motor vehicle washing other than individual residential motor vehicle washing is prohibited, unless all wash and rinse water is diverted to a porous area, or the sanitary sewer, or contained and disposed of in the same manner.

(5) Degreasing or pressure washing of engines and other parts is prohibited unless the liquid wastes are contained and properly disposed of as required by law.

(c) Motor Vehicle Parking.

(1) Residential dischargers shall remove excessive accumulations of oil and grease deposited by vehicles they own from parking areas, using dry clean up methods such as absorbents, scraping, vacuuming, sweeping, mop and bucket.

(2) Residential dischargers shall move vehicles from streets when notified to allow street cleaning.

(d) Home and garden care activities and product use.

(1) Residential dischargers or their contractors shall adjust irrigation systems to avoid excessive run-off.

(2) Residential dischargers or their contractors shall clean up and properly dispose of spills from gardening chemicals, fertilizers or soils to non- porous surfaces.

(3) Lawn and garden care products shall be stored in closed, labeled containers, such as in covered areas, off the ground, or under protective tarps, and in a manner that will not lead to a discharge.

(4) Disposal of household hazardous directly or indirectly to the trash or to the street, gutter or storm drain is prohibited.

(e) Home care and maintenance.

(1) Cleaning of painting equipment in or over streets, sidewalks, gutters, or yard drains is prohibited.

(2) Action shall be taken to minimize and contain all spills of hazardous materials, if it is safe to do so.

(3) Household hazardous materials shall be stored indoors or under cover, and in closed and labeled containers.

(f) Manure and pet waste management.

(1) Where practicable, all areas, where livestock, horses or other large animals are confined, shall be bermed or curbed to contain animal waste where it is produced or managed in a manner that avoids a discharge to the stormwater conveyance system or receiving waters. If compliance is not practicable, manure shall be cleaned up at least twice weekly and must be composted or properly stored prior to disposal.

(2) Areas used for storing or composting manure shall be located, configured or managed to prevent run-off to stormwater conveyance system or receiving waters.

(g) Private sewer laterals and on-site wastewater systems.

(1) Private sewer laterals shall be cleaned, maintained and when necessary replaced to prevent seepage and spills. On-site wastewater systems shall be pumped, maintained and when necessary modified or replaced to prevent spills.

(2) Spills from private sewer laterals and on-site wastewater systems shall be contained and cleaned-up in a manner that minimizes any release of pollutants to the stormwater conveyance system or receiving waters.

(3) Any release from a private sewer lateral that enters the stormwater conveyance system or receiving waters shall be immediately reported to the County.

(4) Failed on-site wastewater systems shall be repaired or replaced.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9589 (N.S.), effective 9-5-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.808. ADDITIONAL MINIMUM BEST MANAGEMENT PRACTICE REQUIREMENTS FOR BUSINESS ACTIVITIES .

The following requirements apply to all business activities:

(a) The owner or operator shall install, implement, and maintain BMPs appropriate to the activity, as specified in the following areas and manner:

(1) Stormwater BMP training and documentation.

(A) Provide training at least annually to all operators, employees, and workers with responsibility for activities that could result in unauthorized discharges.

(B) Maintain, on site, documented evidence of training and provide the documentation upon request of the authorized enforcement official.

(C) The following categories shall be included in training and documentation:

i. Preventive maintenance.

ii. Good housekeeping.

iii. Proper waste disposal.

iv. Non-stormwater disposal alternatives.

v. Equipment/vehicle maintenance and repair.

vi. Spill response, containment, and recovery.

vii. Recycling.

viii. BMP maintenance.

(2) Where required to implement a SWPPP, retain on site a copy of a current, complete, site-specific SWPPP and make it available for review by the authorized enforcement official, upon request.

(3) Signage.

(A) Post signs prohibiting discharges to the stormwater conveyance system or receiving waters, when required by the authorized enforcement official.

(B) Signs requiring the use of concrete washout facilities shall be installed adjacent to each concrete washout facility.

(4) Review the operations and procedures relating to protecting the stormwater conveyance system and receiving waters from pollutants at least annually. Maintain, on site, documented evidence of the annual review, and provide the documentation of the authorized enforcement official upon request.

(5) Implement pollution prevention methods or those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business to eliminate or reduce pollutants in run-off to the MEP.

(6) Housekeeping.

(A) The property on which the business activity is located shall be inspected for accumulations of debris, litter, waste, organic matter, such as leaves or cut grass or other materials. Such accumulations shall be removed and disposed of in accordance with this chapter.

(B) Areas where work is being actively conducted shall be cleaned daily using dry clean-up methods such as sweeping, wiping, vacuuming, or raking. Wet clean-up methods such as hosing may only be used if precautions have been taken to prevent the discharge of wash water or other materials to the stormwater conveyance system or receiving waters.

(7) Liquid waste management

(A) Wet cleanup methods such as hosing, steaming or pressure washing is prohibited except where adequate precautions have been taken to prevent the discharge of wash water or other pollutants into the stormwater conveyance system or receiving waters. Adequate measure may include filtering all pollutants from the water prior to discharge.

(B) Cleaning by using wet methods such as hosing, steam-cleaning, pressure-washing is prohibited unless adequate precautions have been taken to prevent the entry of wash water and other contaminants into the stormwater conveyance system or receiving waters.

(C) Disposal of slurries to the stormwater conveyance system or receiving waters is prohibited.

(D) Rinse water shall be confined to a designated area such as a sanitary sewer, dead-end sump, process treatment system, or hole where water percolates or evaporates and solids are removed for collection and disposal. Rinse water and solids shall be re-used, recycled, or disposed of in accordance with this chapter.

(E) Wash water shall be directed to an approved sanitary sewer or landscaped locations.

(F) Wash racks.

i. Wash rack areas shall have perimeter control and be properly sloped to a grated floor drain.

ii. Wash rack areas shall drain to the sanitary sewer or to a holding tank, except that wash racks for animals may drain to the ground in accordance with this chapter.

(G) Disposal of wastewater to the stormwater conveyance system, receiving waters, or the ground, is prohibited.

(H) If provided, pump-out services for boats, portable toilets, or other holding tanks shall be conducted in a manner that prevents the release of sewage to the stormwater conveyance system or receiving waters.

(I) Wastewater shall be disposed to the sanitary sewer at the job site or to a holding tank. Disposal of wastewater contained in holding tanks shall be disposed of to the sanitary sewer at the business's company headquarters or at an approved location.

(J) Discharging backwash wastewater to the stormwater conveyance system or receiving waters is prohibited. Backwash wastewater may be disposed to the sanitary sewer; to a holding tank or settling pond; or where allowed by this chapter, by infiltration to the soil.

(K) Pool, spa, and fountain water intended for discharge to the stormwater conveyance system shall contain a concentration of zero ppm chlorine or bromine prior to discharge.

(L) Pool, spa, and fountain water discharged after acid washing shall be neutralized to a pH of 7.2 - 8.0.

(M) If rinse water from the cleaning of portable sanitary toilet closets cannot be properly disposed of to the sanitary sewer at a job site, it shall be contained prior to disposal at the service facility or other approved facility.

(N) Wash and rinse water from building and pavement washing that cannot be properly disposed of at the job site shall be collected and contained for recycling, reuse, or proper disposal.

(O) Where irrigation tail-water return ponds are used, the ponds shall be designed with the appropriate vertical separation between the base of the pond and the seasonal high groundwater mark and must be lined or managed to prevent the movement of water-soluble chemicals to the groundwater and to stormwater flows.

(8) Materials and waste management.

(A) Spill prevention and response.

i. Materials and equipment necessary for spill response shall be maintained and kept readily accessible.

ii. All operators, employees, and workers conducting potential discharge activities shall be trained in their proper use.

iii. Spills and leaks shall be promptly cleaned up and the generated waste disposed of in accordance with the applicable federal, state and local laws and regulations.

(B) Hazardous materials and hazardous wastes.

i. Hazardous materials and wastes shall be stored, managed, and disposed in accordance with applicable federal, state and local laws and regulations.

ii. Hazardous materials and wastes shall be stored above the ground. Where practicable, provide overhead coverage for all outside hazardous materials or waste storage areas. If overhead coverage is not available, stored materials shall be covered with an impervious material such as a tarp or other similar method.

iii. Paints, coatings, thinners, and other materials shall be disposed of in accordance with this chapter.

iv. Secondary containment of hazardous waste shall be provided around storage areas from which a significant potential exists to discharge materials or wastes to the stormwater conveyance system or receiving waters.

v. Hazardous waste storage areas shall be inspected by the owner or operator, at least once prior to the rainy season and monthly during the rainy season.

vi. Pesticides and other chemical products shall be used, stored, and disposed of in accordance with applicable federal, state, and local laws and regulations.

vii. The outdoor application of fertilizers and pesticides is prohibited during rainfall.

viii. Pesticide use shall be reduced to the MEP in areas where recurring applications of pesticides are performed.

(C) Solid, non-hazardous waste.

i. Trash storage and disposal areas shall be kept clean and free of debris.

ii. Dumpsters, grease bins, and other containers shall be maintained in a clean and leak proof condition and shall be kept securely closed when not in use.

iii. Materials and equipment necessary for the clean-up of trash and debris shall be maintained and kept readily accessible.

iv. Loose aggregate, mortar, and dust shall be routinely cleaned up using dry cleanup methods such as sweeping or vacuuming. Wet methods may be used only if necessary to adequately clean equipment for reuse, or where water must be used to lubricate and flush a cut, but only if performed in accordance with this chapter.

v. All areas where livestock, horses or other large animals are confined shall be bermed or curbed in a manner that avoids a discharge to the stormwater conveyance system or receiving water. If berms or curbs are not practicable, manure shall be cleaned up at least twice weekly and must be composted or properly stored prior to disposal.

(D) Loading and unloading.

i. Storm drain inlets located within or down-gradient of loading or unloading areas shall be covered or otherwise protected during loading and unloading activities to prevent the entry of pollutants into the stormwater conveyance system or receiving waters.

ii. Equipment and supplies stored in loading and unloading areas shall be properly maintained to prevent leaks and spills to the stormwater conveyance system or receiving waters, and to prevent their contact with rainfall and run-on.

(E) Storage.

i. Outdoor storage areas of materials and equipment shall be configured using berms, dikes, or other diversion structures or other measures that elevate stored materials and equipment from site surfaces.

ii. Containers shall be kept in a leak-proof condition, securely closed when not in use, and stored in a manner that protects them from contact with stormwater.

iii. Storage of cement and masonry materials shall be above ground and covered.

iv. Placement of stock piles within any drainage system is prohibited.

v. Stockpiles and bulk materials, such as soil, fertilizer, and potting mixture shall be covered during windy and rainy conditions where practicable. Prior to the onset of predicted rain, stockpiles shall be covered and bermed to prevent contact with stormwater.

(9) Vehicles and equipment.

(A) All vehicles and equipment shall be properly maintained and inspected to ensure their proper functioning.

(B) Vehicles and equipment shall not be washed in areas where wash water or rinse water will drain to the stormwater conveyance system or receiving waters.

(C) Infiltration of wash or rinse water to pervious surfaces is allowed with a minimum of 10 feet separation between the groundwater and the pervious surface, except that wash or rinse water generated from cleaning engines, mechanical parts, or heavy equipment shall not infiltrate a pervious surface.

(D) The use of hose-off or single-use engine degreasing chemicals is prohibited, unless captured and properly disposed.

(E) Maintenance and repair equipment shall be kept clean to avoid the build up of grease and oil.

(F) Fluids shall be drained from any retired vehicles or equipment stored on site.

(G) Vehicle and equipment maintenance and repair work such as body work shall be conducted indoors or under cover, where practicable. If work cannot be conducted indoors or under cover, other BMPs shall be implemented to prevent the discharge of pollutants into the stormwater conveyance system or receiving waters.

(H) Major repair and maintenance work on boats over or in the water is prohibited. Touch-up painting, tune ups, or other similar activities are not considered major repair or maintenance work, but may only be conducted over or in the water if adequate precautions have been taken to prevent the entry of pollutants into the water.

(10) Outdoor areas--housekeeping and grounds keeping practices.

(A) Storm drain inlets located within or down gradient of the activity shall be covered or otherwise protected from the entry of pollutants during hours of operation.

(B) Landscaping and grounds keeping.

i. Exposed slopes shall be stabilized as soon as possible.

ii. Paved surfaces such as sidewalks shall be cleaned regularly using dry clean-up methods such as sweeping or vacuuming. Hosing is permissible only after surfaces have previously been cleaned using dry methods, and only if precautions have been taken to prevent the discharge of run-off to the storm drain.

(C) Parking lots and vehicle storage areas.

i. Wet clean-up methods may only be used where adequate precautions have been taken to prevent the entry of wash water and other contaminants into the stormwater conveyance system or receiving waters.

ii. Vehicle maintenance and repair operations with the potential to release pollutants are prohibited at commercial parking lots and storage facilities.

(D) Rooftops.

i. Materials which may contaminate stormwater shall not be stored on rooftops unless adequate precautions have been taken to prevent their contact with stormwater.

ii. Equipment such as emergency generators, HVAC systems and other similar items located on rooftops shall be inspected and preventive maintenance conducted to prevent leaks and spills.

iii. Substances such as bird droppings, grease, leaves, that have accumulated on rooftops shall be removed, as practicable, to prevent or reduce the discharge of contaminants directly or indirectly to the stormwater conveyance system or receiving waters.

iv. Where feasible, roof downspouts shall be routed away from work areas and toward pervious areas such as lawns, except where required under section 67.812.

(b) Other requirements.

(1) Any business activity operating under the statewide General Industrial permit shall provide the following documents for on-site review by the authorized enforcement official:

(A) The Notice of Intent letter or a Waste Discharge Identification Number issued by the SWRCB.

(B) A SWPPP satisfying the requirements of the General Industrial permit.

(C) A monitoring program satisfying the requirements of the General Industrial permit.

(D) Training records satisfying the requirements of the General Industrial permit.

(2) Any business activity identified in section D.3.b.1(c) of the California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758 and is tributary to an impaired water body segment or ESA, as defined in Section 303(d) of the Clean Water Act, shall perform the following:

(A) Prepare and submit a SWPPP for approval.

(B) Prepare and submit, for approval, a site-specific spill response plan that describes the areas where spills are likely to occur, the location of on-site storm drains and discharge points, the type and location of spill-response materials to be used, and the person(s) responsible for spill containment and cleanup.

(C) Install, implement, and maintain the additional BMPs in accordance with the approved SWPPP.

(D) Conduct sampling, testing, monitoring, and reporting as described in section 67.806(h)(3).

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.809. MINIMUM BEST MANAGEMENT PRACTICE REQUIREMENTS FOR MUNICIPAL AND COUNTY OF SAN DIEGO ACTIVITIES AND FACILITIES.

(a) Stormwater Standards Manual. The Stormwater Standards Manual is a guidance document addressing the use of pollution prevention practices and BMPs for specific activities or facilities, connections for, and disposal of stormwater.

(b) Low Impact Development Handbook. The Low Impact Development Handbook is a guidance document that provides a comprehensive list of LID planning and stormwater management techniques that emphasize conservation and the use of on-site natural features integrated with engineered, small scale hydrologic controls to more closely reflect pre-development hydrologic functions.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.810. COUNTY STORMWATER STANDARDS MANUALS.

(a) Stormwater Standards Manual. The Stormwater Standards Manual is a guidance document addressing the use of pollution prevention practices and BMPs for specific activities or facilities, connections for, and disposal of stormwater.

(b) Low Impact Development Handbook. The Low Impact Development Handbook is a guidance document that provides a comprehensive list of LID planning and stormwater management techniques that emphasize conservation and the use of on-site natural features integrated with engineered, small scale hydrologic controls to more closely reflect pre-development hydrologic functions.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.811. ADDITIONAL REQUIREMENTS FOR LAND DISTURBANCE ACTIVITIES.

(a) The following requirements apply to all persons performing land disturbance activities and the owners of land on which land disturbance activities are performed, except that a local government or public authority is not a discharger for purposes of land disturbance activities conducted by others in public rights-of-way.

(b) Where applicable to the project, the following additional BMPs shall be installed, implemented and maintained:

(1) Erosion control or prevention of sedimentation of run-off from flat areas.

(2) Protection of the grading site perimeter, all environmentally sensitive areas, all watercourses and all operational internal inlets to the storm drain system.

(3) Show drainage flows on a site plan and how drainage will not be negatively impacted by any development activities.

(4) Reduction of run-off velocity.

(5) Offsite sediment tracking control.

(6) Waste Management.

(7) Vehicle and equipment management.

(8) Water conservation.

(9) Structure construction and painting.

(10) Paving operations.

(11) Dewatering operations.

(12) Planned construction operations.

(13) Downstream erosion control.

(14) Prevention of non-stormwater discharges.

(15) Protection of ground water.

(16) Well development.

(17) Hydromodification management requirements.

(18) Low impact development.

(19) Stabilize temporary channel crossings.

(20) Advanced treatment for sediment at construction sites that pose an exceptional threat to water quality.

(A) For purposes of section 67.817(b)(20), exceptional threat to water quality shall be defined as a site which meets all of the following criteria:

i. All or part of the site is within 200 feet of waters named on the CWA Section 303(d) list of Water Quality Limited Segments as impaired for sedimentation and/or turbidity;

ii. The disturbance area is greater than five acres, including all phases of the development;

iii. The disturbed slopes are steeper than 4:1 with at least 10 feet of relief, and drain toward a Section 303(d) listed receiving water for sedimentation or turbidity;

iv. The site contains a predominance of soils with USDA-NRCS Erosion factors k_f greater than or equal to 0.4.

(B) Advanced treatment may be required on sites that do not meet all four of the criteria for exceptional threat to water quality listed above at the discretion of the Director of the Department of Public Works based on a record of non-compliance.

(C) As an alternative to advanced treatment, an applicant may perform a MUSLE, RUSLE2, or similar analysis to establish that advanced treatment is not necessary at the proposed project site and submit it to the Director of the Department of Public Works, who, in his sole discretion, may determine that advanced treatment is not necessary.

(D) Treatment effluent water quality shall meet or exceed the water quality objectives for sediment, turbidity, pH, and toxicity as listed in the Water Quality Control Plan for the San Diego Basin (9) for inland surface waters and lagoons and estuaries for the appropriate hydrologic unit.

(E) Prior to obtaining a grading permit, the applicant shall submit, to the satisfaction of the Director of the Department of Public Works, the following:

i. An operations and maintenance schedule for all proposed work deemed necessary to achieve project water quality goals.

ii. A monitoring plan for all required BMPs and water quality for all proposed work deemed necessary to achieve project water quality goals.

iii. A written training plan for certification and documentation of necessary training and refreshers of staff.

(c) BMPs shall be inspected routinely by the person performing the land disturbance activity and the property owner to ensure the BMPs are maintained and continue to function as intended, especially before and following predicted rain events.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.812. ADDITIONAL PLANNING, DESIGN AND POST-CONSTRUCTION REQUIREMENTS FOR PRIORITY DEVELOPMENT PROJECTS.

All priority development projects shall install, implement and maintain the following BMPs:

(a) Low impact development. All priority development projects shall install, implement and maintain the following low impact development BMPs, where feasible:

(1) Minimize directly connected impervious surfaces.

(2) If developed with landscaped or other pervious areas, drain a portion of impervious areas such as rooftops, parking lots, sidewalks, walkways, and patios into pervious areas prior to discharge to the stormwater conveyance system. The amount of run-off from impervious areas that drains to pervious areas shall correspond with the total capacity of the project's pervious areas to infiltrate or treat run-off, taking into consideration the pervious areas' soil conditions, slope, and other pertinent factors.

(3) If developed with landscaped or other pervious areas, properly design and construct the pervious areas to effectively receive and infiltrate or treat run-off from impervious areas, taking into consideration the pervious areas' soil conditions, slope, and other pertinent factors.

(4) If developed with low traffic areas and appropriate soil conditions, construct a portion of walkways, trails, overflow parking lots, alleys, or other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.

(5) Conserve natural areas, including existing trees, other vegetation, and soils, where feasible.

(6) Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised, where feasible.

(7) Minimize the impervious footprint of the project, where feasible.

(8) Minimize soil compaction, where feasible.

(9) Minimize disturbances to natural drainages, such as natural swales, or topographic depressions, where feasible.

(10) Implement buffer zones for natural water bodies, where feasible.

(b) Hydromodification management.

(1) Post-construction peak run-off flow rates and velocities from the project site shall be maintained at levels that will not cause a significant increase in downstream erosion.

(2) Measures to control flow rates and velocities shall not disrupt flows and flow patterns that are necessary to support downstream wetlands or riparian habitats. Diversion of run-off to regional facilities shall not be allowed to deprive immediate downstream habitats of the necessary natural low flows levels experienced during the dry weather season or over-bank flow events.

(3) Hardening natural downstream areas to prevent erosion is prohibited, except where pre-development conditions are shown, to the satisfaction of the County, to be so erosive that hardening would be required even in the absence of the proposed development.

(4) Interim hydromodification criteria for priority development projects disturbing 50 or more acres.

(A) Estimated post-project run-off durations and peak flows shall not exceed pre-project durations and peak flows.

(B) The project proponent must use a continuous simulation hydrologic computer model such as US EPA's Hydrograph Simulation Program-Fortran (HSPF) to simulate pre-project and post-project run-off, including the effect of proposed BMPs, detention basins, or other stormwater management facilities utilizing the entire rainfall record, and shall show the following criteria are met:

i. For flow rates from 20% of the pre-project 5-year run-off event (0.2Q5) to the pre-project 10-year run-off event (Q10), the post-project discharge rates and durations shall not deviate above the pre-project rates and durations by more than 10% over more than 10% of the length of the flow duration curve.

ii. For flow rates from 0.2Q5 to Q5, the post-project peak flows shall not exceed pre-project peak flows. For flow rates from Q5 to Q10, post-project peak flows may exceed pre-project flows by up to 10% for a 1-year frequency interval. For example, post-project flows could exceed pre-project flows by up to 10% for the interval from Q9 to Q10 or from Q5.5 to Q6.5, but not from Q8 to Q10.

(C) Priority development projects disturbing 50 acres or more are exempt from the requirements of section 67.812(b)(4) if:

i. The project would discharge into channels that are concrete-lined or significantly hardened, such as with rip-rap or sackcrete, downstream to their outfall in bays or the ocean.

ii. The project would discharge into underground storm drains discharging directly to bays or the ocean.

iii. The project would discharge to a channel where the watershed areas below the project's discharge points are highly impervious (>70%).

iv. The project proponent conducts an assessment incorporating sediment transport modeling across the range of geomorphically- significant flows that demonstrates to the County's satisfaction that the project flows and sediment reductions will not detrimentally affect the receiving water.

(c) Treatment control BMPs.

(1) All treatment control BMPs shall be designed to meet the design storm criteria required under the California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES Permit No. CAS 108758.

(2) One or more structural treatment BMPs may be used for a single project or combination of projects. Any such shared BMPs shall be operational prior to the use of any dependent development or phase of development. The shared BMPs shall only be required to treat the dependent developments or phases of development that are in use. Interim stormwater BMPs that provide equivalent or greater treatment than is required by this chapter may be implemented by a dependent development until each shared BMP is operational. If interim BMPs are utilized, the BMPs shall remain in use until permanent BMPs are operational.

(d) Whether or not a County permit or approval is required, and whether or not a post- construction stormwater management plan is required to be submitted, all dischargers engaged in land development or significant redevelopment activities shall implement post-construction BMPs in the following areas, if applicable, to the project:

(1) These BMPs can include structures to convey run-off safely from the tops of slopes, vegetation or alternative stabilization of all disturbed slopes, the use of natural drainage systems to the MEP, flow and velocity controls upstream of sites; and stabilization or permanent channel crossings, unless the crossing is not publicly accessible and is not frequently used.

(2) BMPs to control flows, velocity and erosion may include the use of energy dissipaters, such as riprap, at the outlets of storm drains, culverts, conduits, or lined channels that enter unlined channels to minimize erosion; installation of retention or equalization basins; or other measures. Flow control and downstream erosion protection measures shall prevent any significant increase in downstream erosion as a result of the new development, but shall not prevent flows needed to sustain downstream riparian habitats or wetlands.

(3) Stabilize permanent channel crossings.

(e) Structural BMPs to treat or to infiltrate stormwater where a development project would otherwise cause or contribute to a violation of water quality standards in receiving waters. Off-site structural BMPs may be used for treatment and infiltration necessary to meet water quality standards only if the conveyance of run-off to those facilities prior to treatment will not cause or contribute to an exceedance of water quality standards, or deprive wetlands or riparian habitats of needed flows.

(f) When an infiltration BMP is used, the following requirements apply:

(1) Infiltration BMPs shall not cause or contribute to an exceedance of applicable groundwater quality objectives as set out in the RWQCB "Basin Plan" for the San Diego area.

(2) Infiltration BMPs shall be designed to protect groundwater by providing 10 feet of vertical separation between the base of the infiltration BMP and the seasonal high groundwater mark, unless otherwise authorized by the RWQCB.

(3) Infiltration BMPs shall be setback horizontally 100 feet from any water supply wells and 100 feet from septic systems.

(4) Infiltration BMPs must be designed to completely drain within 72 hours after a storm. If the infiltration rates of the underlying soils are slow, depth and footprint of the infiltration BMP must be adjusted to achieve this standard.

(5) Restrictions to infiltration BMPs shall be in compliance with Section D.1.d.(12) of the California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES Permit No. CAS0108758.

(g) The authorized enforcement official with responsibility for the principal permits or approvals sought for a priority development project, may waive the requirements of section 67.812(a), if compliance would be infeasible. A waiver shall only be granted if all available structural treatment BMPs have been considered and rejected as infeasible. If a waiver is granted, the authorized enforcement official may impose alternative, feasible run-off treatment requirements, or may impose other conditions consistent with state law and County ordinances to facilitate the construction of a shared treatment facility in the future.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.813. MAINTENANCE OF BMPs.

(a) All existing and new development shall maintain the construction and permanent BMPs relied upon to achieve and maintain compliance with this chapter. BMPs shall remain effective and function in the manner intended.

(b) The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of this chapter shall ensure the maintenance of those BMPs, and shall themselves maintain those BMPs if other persons or entities who are also obliged to maintain those BMPs fail to do so.

(c) Primary responsibility to maintain a BMP may be transferred through a contract or other agreement. If that contract provides that it will be submitted to the County pursuant to this chapter as part of a development permit application, and if that contract is so submitted, the person or entity accepting a maintenance obligation in such a contact or agreement will also be legally obliged to maintain that BMP pursuant to this chapter.

(d) For purposes of County enforcement, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this chapter.

(e) Any developer who transfers ownership of land on which a BMP is located or will be located, or who otherwise transfers ownership of a BMP or responsibility for the maintenance of a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer.

(f) The proponents of any land disturbance activity described in sections 67.803(c)(1) and 67.803(c)(2) shall provide to the County

for review and approval prior to issuance of such permit, a plan for maintenance of all post-construction structural BMPs associated with the project. The plan shall specify the persons or entities responsible for maintenance activity, the persons or entities responsible for funding, schedules and procedures for inspection and maintenance of the BMPs, worker training requirements, and any other activities necessary to ensure BMP maintenance. The plan shall provide for servicing of all post-construction structural BMPs at least annually, and for the retention of inspection and maintenance records for at least three years.

(g) The proponents of any development project that requires a discretionary County permit shall provide to the County for review and approval prior to issuance of such permit, an executed, permanent easement onto the land on which post-construction BMPs will be located, and across other lands as necessary for access, to allow inspection and maintenance of those BMPs.

(h) Except as allowed in section 67.813(i), the proponents of any project that requires a discretionary County permit shall provide to the County prior to issuance of such permit, proof of a mechanism acceptable to the County which will ensure ongoing long-term maintenance of all post-construction BMPs associated with the proposed project. The proponents shall be responsible for maintenance, repair and replacement of BMPs unless and until an alternative mechanism for ensuring maintenance is accepted by the County and becomes effective.

(i) The County or another public entity may accept responsibility for maintenance of any BMP, under such conditions as the County or other public entity determines are appropriate. Where a maintenance obligation is proposed to be accepted by a public entity other than the County, the County shall be involved in the negotiations with that agency, and in negotiations with the resource agencies responsible for issuing permits for the construction or maintenance of the BMP. The County must be identified as a third party beneficiary empowered to enforce any such maintenance agreement.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9518 (N.S.), effective 1-10-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

SEC. 67.814. INSPECTION/SAMPLING.

(a) Authorized enforcement officials may inspect facilities, activities and residences subject to this chapter at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If entry for a regulatory inspection is refused by the owner or operator, or by the occupant of a residence, an inspection warrant shall be obtained prior to inspection.

(b) When any new structural BMP is installed on private property as part of a project that requires a County permit, in order to comply with this chapter, the property owner shall grant to the County an easement to enter the property at reasonable times and in a reasonable manner to ensure that the BMP is working properly. This includes the right to enter the property without prior notice once per year for routine inspections, to enter as needed for additional inspections when the County has a reasonable basis to believe that the BMP is not working properly, to enter for any needed follow-up inspections, and to enter when necessary for abatement of a nuisance or correction of a violation of this chapter.

(c) Inspections may include all actions necessary to determine whether any illegal discharges or illicit connections exist, whether the BMPs installed and implemented are adequate to comply with this chapter, whether those BMPs are being properly maintained, and whether the facility or activity complies with the other requirements of this chapter. This may include but may not be limited to sampling, metering, visual inspections, and records review. Where samples are collected the owner or operator may request and receive split samples. Records, reports, analyses, or other information required under this chapter may be inspected and copied, and photographs taken to document a condition and/or a violation of this chapter.

(Added by Ord. No. 9424 (N.S.), effective 2-20-02; amended by Ord. No. 9589 (N.S.), effective 9-5-03; amended by Ord. No. 9926 (N.S), effective 4-11-08)

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