

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
3.35
(ID # 10864)

MEETING DATE:

Tuesday, September 24, 2019

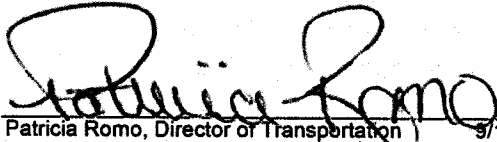
FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Initiation of Ordinance Amendment to Ordinance No. 754 Stormwater / Urban
Runoff Management and Discharge Controls, All Districts. [\$10,000 Total Cost -
100% Comprehensive Transportation Plan Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order initiating an amendment to Ordinance No. 754 regarding irrigation water runoff discharges; and
2. Direct the Transportation & Land Management Agency, the Executive Office, and the Office of County Counsel to prepare and process the ordinance amendment.


ACTION: Policy


Patricia Romo, Director of Transportation 9/10/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: September 24, 2019
xc: Transp.

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 10,000	\$ 0	\$ 10,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Comprehensive Transportation Plan Fund (100%).			Budget Adjustment: No	
			For Fiscal Year: 19/20	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Riverside County's Stormwater/Urban runoff management and discharge control ordinance, Ordinance No. 754, protects and enhances the water quality of County watercourses, water bodies, ground water, and wetlands by reducing pollutants in stormwater discharges and regulating illicit connections and non-stormwater discharges to the County's storm drain system.

On July 2018, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) conducted an audit of the County of Riverside Jurisdictional Runoff Management Program (JRMP), an element of the County's Municipal Separate Storm Sewer System (MS4) compliance program. As part of this audit, the San Diego Water Board reviewed Ordinance No. 754, where they discovered the ordinance language to be inconsistent with the requirements of most current Regional MS4 Permit.

Following this audit, the San Diego Water Board, in March of 2019, issued the County Notice of Violation No. R9-2019-0071 and Technical Report Order No. R9-2019-0072 for failure to comply with National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region, Order No. 2013-0001, as Amended (Regional MS4 Permit).

The Regional MS4 Permit that was adopted on November 18, 2015 added new requirements that are applicable to 39 municipal agencies in San Diego, Orange, and Riverside Counties. One of the significant changes that occurred was the removal of irrigation runoff as an exempt non-storm water discharge. As a result, 16 municipal agencies, including Riverside County, were directed by the San Diego Water Board, through Notice of Violation, to amend their Ordinances as they relate to irrigation runoff, to be consistent with the MS4 Permit.

Impact on Residents and Businesses

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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The proposed amendments to Ordinance No. 754 will change Ordinance No. 754 to be consistent with, and in compliance with, the Regional MS4 Permit and is not expected to impact residents and businesses.

Additional Fiscal Information

The amount of \$10,000 was budgeted for the staff time required to amend Ordinance No. 754.

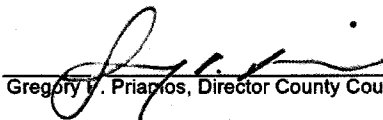
ATTACHMENTS:

Ordinance No. 754



Jason Farin, Senior Management Analyst

9/18/2019



Gregory V. Priamos, Director County Counsel

9/11/2019



Aaron Gettis, Deputy County Counsel

9/11/2019

**ORDINANCE NO. 754
(AS AMENDED THROUGH 754.2)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 754
ESTABLISHING STORMWATER/URBAN RUNOFF MANAGEMENT
AND DISCHARGE CONTROLS**

The Board of Supervisors of the County of Riverside Ordains as Follows:

**ARTICLE I
TITLE, PURPOSE AND GENERAL PROVISIONS**

Section 1. Title. This ordinance shall be known as the Riverside County Stormwater/Urban Runoff Management and Discharge Controls Ordinance and may be so cited.

Section 2. Purpose and Intent. The purpose of this ordinance is to ensure the future health, safety, and general welfare of County residents by:

- A.** Reducing pollutants in stormwater discharges to the maximum extent practicable;
- B.** Regulating illicit connections and discharges to the storm drain system; and
- C.** Regulating non-stormwater discharges to the storm drain system.
The intent of this ordinance is to protect and enhance the water quality of County watercourses, water bodies, ground water, and wetlands in a manner pursuant to and consistent with applicable requirements contained in the Federal Clean Water Act (Title 33 U.S.C. §§ 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code §§ 13000 et seq.), any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.

Section 3. Definitions. The terms as used in this ordinance shall have the following meanings:

- A.** Best Management Practice (BMPs) shall mean any activities, prohibitions, practices, procedures, programs, or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs shall include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity and those measures identified by the Director of TLMA.
- B.** County shall mean the County of Riverside.
- C.** Commercial and Industrial Facilities shall mean and refer to a facility or facilities that consist of any of the following:
 - 1.** Auto-Related – mechanical repair, maintenance, fueling or cleaning of automobiles, airplanes, boats and equipment, body repair or painting of automobiles

and other vehicles, retail or wholesale fueling, automobile parking lots and storage facilities.

2. Mobile-Related activities - mobile automobile or other motor vehicle washing; pest control services; mobile carpet, drape or furniture cleaning; concrete mixing or cutting; masonry; painting and coating; landscaping; pool and fountain cleaning; and Port-a-Potty or other portable toilet servicing.

3. Others – cemeteries, nurseries, greenhouses, golf courses, parks, other recreational areas/facilities, eating and drinking establishments.

4. Industrial – industrial facilities as defined within the Federal Clean Water Act, operating and closed municipal landfills, facilities subject to SARA Title III, hazardous waste treatment, disposal, storage and recovery facilities.

D. Illicit Discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana, San Diego, or Colorado River basin Regional Water Quality Control Board.

E. Illicit Connection shall mean any physical connection to a storm drain system which has not been permitted by Riverside County, the Riverside County Flood Control and Water Conservation District, or other appropriate public agency.

F. National Pollutant Discharge Elimination System (NPDES) Permit shall mean a stormwater discharge permit issued by the Santa Ana, San Diego, or Colorado River Basin Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

G. Municipal NPDES Permit shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of stormwater from a stormwater system. Such a permit is commonly referred to as a “MS4 Permit” (referring to “municipal separate storm sewer system”).

H. Non-Stormwater Discharge shall mean any discharge to the storm drain system that is not entirely composed of stormwater.

I. Person shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

J. Pollutant shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include but are not limited to paints, oil and other automotive fluids, soil, sand, dirt, rubbish, trash, garbage, debris, refuse, waste, fecal coliform, fecal streptococcus, enterococcus, other biological materials, radiological materials, suspended solids, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations,

animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

K. Premises shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

L. Storm Drain System shall mean any facility within the unincorporated areas of the County by which stormwater may be conveyed to waters of the United States. Storm drain system includes but is not limited to any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

M. Stormwater Runoff shall mean surface runoff and drainage associated with rain storm events and snow melt.

N. Suspended Solids shall mean solid materials or particles that either float on the surface of, or are in suspension in, stormwater, wastewater or other liquid.

O. Director of TLMA shall mean the Director of the County Transportation and Land Management Agency.

Section 4. Responsibility for Administration. This ordinance shall be administered for the County by the Director of TLMA.

Section 5. Regulatory Consistency. This ordinance shall be construed to assure consistency with the requirements of the Clean Water Act, Porter-Cologne Water Quality Control Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NPDES Permits and any amendments or revisions thereto or reissuance thereof.

Section 6. Severability. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

ARTICLE II

MANAGEMENT AND DISCHARGE CONTROLS

Section 1. Reduction of Pollutants in Stormwater.

A. General. It is a violation of this ordinance to throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private plot of land in the County. The only exception being where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this ordinance to cause or permit any dumpster, solid waste bin, or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin,

conduit or other drainage structures, business place, or upon any public or private plot of land in the County.

B. Construction Sites. Any person performing construction work in the County shall comply with the provisions of this ordinance, Sections 4.J.12 and 4.J.13 of Ordinance No. 457 and, Sections 5.1.D. and 5.2.E. of Ordinance No. 460.

C. New Development and Redevelopment. New development or redevelopment projects shall control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The Director of TLMA shall identify the BMP's that may be implemented to prevent such deterioration and shall identify the manner of implementation. The BMP's may, among other things, require new developments or redevelopments to do any of the following:

1. Increase Permeable Areas, by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping and open space into the project design; by using porous materials for or near driveways and walkways; and by incorporating detention ponds and infiltration pits into the project design.

2. Direct Runoff to Permeable Areas, by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of stormwater runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.

3. Maximize Stormwater Storage for Reuse, by using retention structures, subsurface areas, cisterns, or other structures to store stormwater runoff for reuse or slow release.

D. Existing Development. Existing development shall control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The Director of TLMA shall identify the BMP's that may be implemented to prevent such deterioration and shall identify the manner of implementation.

E. Commercial and Industrial Facilities. Any person or entity that owns or operates a commercial and/or industrial facility(s) shall comply with the provisions of this ordinance and Ordinance Nos. 457 and 857. All such facilities shall be subject to a regular program of inspection as required by this ordinance, Riverside County Ordinance Nos. 457 and 857, California Water Code §§ 13000 et seq. (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§ 1251 et seq. (Clean Water Act), any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.

Section 2. Illicit Connections/Discharges. It is a violation of this ordinance to establish, use, maintain, or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections

and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

Section 3. Non-Stormwater Discharges. The discharge of non-stormwater into the storm drain system is a violation of this ordinance except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES Permit or Waiver issued to the discharger and administered by the State of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this ordinance when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

Section 4. Discharges in violation of Permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this ordinance and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the County in any administrative or judicial enforcement action relating to such discharge.

B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, the Santa Ana Regional Water Quality Control Board, the Santa Ana Regional Water Quality Control Board, the San Diego Regional Water Quality Control Board or the Colorado River Basin Regional Water Quality Control Board, shall comply with all requirements of such permit. Such dischargers shall specifically comply with the following permits: the Industrial Stormwater General Permit, the Construction Activity Stormwater General Permit, and the Dewatering General Permit. Proof of compliance with said NPDES General Permits may be required in a form acceptable to the Director prior to issuance of any County grading, building, or occupancy permits.

Section 5. Right to Inspect. An inspector employed by the County may enter free of charge, at any time, any premises, grounds, facilities or structures for which compliance is required by this ordinance and inspect the premises, grounds, facilities and structures located therein for compliance with water quality requirements imposed by this ordinance, Riverside County Ordinance Nos. 457 and 857, California Water Code §§ 13000 et seq. (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§ 1251 et seq. (Clean

Water Act) and any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.

ARTICLE III
ENFORCEMENT

Any person in violation of this ordinance is subject to the procedures and penalties set forth in Ordinance No. 725. In addition, to the extent that the County makes any provision of this ordinance or identified BMP a condition of approval to the issuance of a permit, any person in violation of such condition is subject to the permit revocation and/or suspension procedures set forth in the ordinance governing permit issuance.

ARTICLE IV
EFFECTIVE DATE OF ORDINANCE

This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 754 Item 13.1d of 07/11/1995 (Eff: 08/10/1995)

Amended: 754.1 Item 3.31c of 12/03/1996 (Eff: 01/02/1997)

754.2 Item 3.34 of 11/07/2006 (Eff: 12/07/2006)