

ORDINANCE NO.9589(N.S.)

**AN ORDINANCE AMENDING THE COUNTY CODE OF
REGULATORY ORDINANCES RELATING TO
WATERSHED PROTECTION AND
STORMWATER DISCHARGE REGULATION**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose – Changes to state-mandated requirements for small construction sites have taken effect in the past year, and require amendments to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance have changes since that ordinance was last amended. Further amendments are appropriate to reflect experience gained in implementing this program. These amendments clarify and strengthen this program where needed, and add flexibility where possible.

Section 2. Section 67.803 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.803. DEFINITIONS.

The following definitions shall be applicable when the following words or phrases are used hereafter in this Ordinance (including use in the County Stormwater Standards Manual), whether or not these words or phrases are capitalized:

Accelerated Erosion: means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away. Erosion includes the movement or loss of soil by the action of water, wind, or chemical action.

Authorized Enforcement Staff: means any County employee supervised by an Authorized Enforcement Official, assigned to duties involving permits and other County approvals, inspections, and enforcement related to this Ordinance.

Authorized Enforcement Official: means the Director of Public Works; the Director of the Department of Planning and Land Use; the Director of Environmental Health; and the Agricultural Commissioner, Department of Agriculture, Weights and Measures.

Best Management Practices: means schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to Stormwater, Receiving Waters, or the Stormwater Conveyance System. Best Management Practices also include but are not limited to treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. Best

Management Practices may include any type of pollution prevention and pollution control measure that can help to achieve compliance with this Ordinance.

BMPs: means Best Management Practices.

Channel: means a natural or improved watercourse with a definite bed and banks that conducts continuously or intermittently flowing water.

Commercial Discharger: means a Discharger who operates a Regulated Commercial Facility.

Constructed Wetland: means a vegetated area that has been deliberately modified to provide or enhance habitat, to provide water quality benefits, or to moderate water flow rates or velocities, that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

County: means the County of San Diego.

County Stormwater Standards Manual: means the manual described in section 67.804(g) of this Ordinance, attached to this Ordinance as Appendix A.

County Urban Area: means that portion of the unincorporated area of the County that is within the service area boundary of a public water supply company or agency, as indicated on the map at Appendix B, plus any other land in the unincorporated area of the County which will, after proposed development is completed, route stormwater runoff into or through an underground conveyance other than a road-crossing culvert.

Detention: means the temporary storage of storm runoff in a manner that controls peak discharge rates and provides some gravity settling of pollutants.

Detention Facility: means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer: means a person who seeks or receives permits for or who undertakes land development activities.

Development Project Proponent: means Developer.

Discharge: when used as a verb, means to allow pollutants to directly or indirectly enter storm water, or to allow storm water 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, storm water and/or non-storm water that is discharged.

Discharger: means any person or entity engaged in activities or operations or owning facilities, which will or may result in pollutants entering storm water, the Storm Water Conveyance System, or Receiving Waters; and the owners of real property on which such activities, operations or facilities are located; provided however that a local government or public authority is not a discharger as to activities conducted by others in public rights of way.

Discharges Directly To: means that stormwater or non-stormwater enters Receiving Waters from a facility or activity, without mixing with any storm water or non-stormwater from another facility or activity prior to entering such Receiving Waters.

Drainage Easement: means a legal right granted by a land owner to a grantee allowing the use of private land for stormwater management purposes.

Environmentally Sensitive Area: means Impaired Water Bodies, 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), National Wildlife Refuges, 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.

Erosion and Sediment Control Plan: means a Stormwater Management Plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

ESA: means Environmentally Sensitive Area.

Household Hazardous Waste: means a household hazardous material that no longer has a use and is discarded or intended to be discarded. The term includes but is not limited to paint and paint-related materials; yard and garden products; household cleaners; used oil, motor vehicle fluids, batteries and oil filters; and household batteries.

Hydrologic Soil Group (HSG): means the classification system for soil erodability set out in "Soil Survey - San Diego Area, California" (December 1973), issued by the U.S. Department of Agriculture Soil Conservation Service and U.S. Forest Service. (In this system soils are categorized into four runoff potential groups. The groups range from "A" soils, which have high permeability and little runoff production, to "D" soils, which have low permeability rates and produce much more runoff.)

Illicit Connection: means a pipe, facility, or other device connected to the Stormwater Conveyance System or Receiving Waters, which has not been reviewed and authorized by the County; or a permitted/authorized pipe, facility, or other device, which conveys Illegal Discharges.

Illegal Discharge: means any discharge into Stormwater, the Stormwater Conveyance System, or Receiving Waters that is prohibited by this Ordinance. This includes but is not limited to discharges of non-stormwater that are not exempt discharges listed in Section 67.806, any discharge from an Illicit Connection, and any discharge that contains additional pollutants due to

the absence of a required BMP or the failure of a BMP unless it qualifies as an upset. Discharges that require a County permit or an RWQCB permit that has not been issued or has not been acknowledged by the Discharger to be applicable are Illegal Discharges. Discharges regulated under an applicable RWQCB or County permit or SWPPP are Illegal Discharges for purposes of this Ordinance unless compliance with all applicable permit and SWPPP conditions is maintained.

Impaired Water Body: means a water body that is listed by the SWRCB as impaired by a particular pollutant or pollutants, pursuant to section 303(d) of the Federal Clean Water Act. “303(d) listed water body” has the same meaning.

Impervious Cover or Impervious Surface: means constructed or modified surfaces that cannot effectively infiltrate rainfall. The term includes but is not limited to building rooftops, pavement, sidewalks, and driveways.

Impervious Surface Area: means the ground area covered or sheltered by an impervious surface, measured in plan view (i.e., as if from directly above). 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.

Industrial Activity: means manufacturing, processing, or raw materials storage at a commercial, industrial or municipal facility. The term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials; manufactured products, waste material, or by-product creation or storage; material handling; refuse storage or disposal; the application or disposal of process wastewaters; storage and maintenance of material handling equipment; treatment, storage or disposal of residuals; outdoor shipping and receiving; activities in manufacturing buildings; storage of raw materials and intermediate and finished products; and areas where significant industrial activity has taken place in the past and significant materials remain and are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.

Industrial Discharger: means a Discharger who operates a Regulated Industrial Facility.

Industrial Stormwater Permit: means the State General Industrial Stormwater Permit.

Infiltration: means the process of percolating storm water or non-storm water into the subsoil.

Infiltration BMP or Infiltration Facility: means any structural treatment BMP designed primarily to percolate water into the subsurface, such as an infiltration trench or infiltration basin. An infiltration facility may include filtering prior to or during infiltration. BMPs that infiltrate some water but which are designed primarily to retain water or to treat water, such as retention basins, constructed wetlands, or filtering swales are not infiltration facilities.

Jurisdictional Wetland: means an area that is naturally inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation

typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. This includes but is not limited to areas previously designated by the County as wetlands (e.g., in the County's Resource Protection Ordinance). Constructed wetlands are not jurisdictional wetlands.

Land Development Activity: means any activity or proposed activity that requires any of the permits or approvals listed in section 67.804(e) of this Ordinance.

Land Disturbance Activity: means any activity that moves soils or substantially alters the pre-existing vegetated or man-made cover of any land. This includes, but is not limited to, 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; 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, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.

Land Owner: means the holder of legal title to the land, and other persons or entities who exercise control over a land development project pursuant to rights granted in a purchase agreement, joint venture agreement, development agreement, or long-term lease.

Maintenance [of a BMP]: means periodic action taken to maintain the as-designed performance of a BMP, and includes but is not limited to repairs to the BMP as necessary, and replacement of the BMP by an equally effective or more effective BMP at the end of its useful life.

Maximum Extent Practicable ["MEP"]: is an acceptability standard for Best Management Practices (BMPs). When BMPs are required to meet this standard, the BMPs must be the most effective set of BMPs that is still practicable. A BMP is effective if it prevents, reduces or removes the pollutants that would otherwise be present in runoff due to human activity. A BMP is practicable if it complies with other regulations as well as stormwater regulations; is compatible with the area's land use, character, facilities, and activities; is technically feasible (considering area soil, geography, water resources, and other resources available); is economically feasible; and provides benefits that are reasonable in relation to costs.

MEP: means Maximum Extent Practicable.

Motor Vehicle: means any automobile, car, truck, bus, motor home or other self-propelled vehicle used or suited to use for on-road transportation; and any similar vehicle modified for off-road use.

Municipal Facility: means a facility owned or operated by the County of San Diego, by the Port Authority of San Diego, or by an incorporated City within San Diego County, that is used for a governmental purpose. Facilities on municipally owned land that are leased or rented to others to generate municipal revenues are not Municipal Facilities. (The commercial or industrial

lessees of such facilities may, however, be subject to this Ordinance as Commercial Dischargers or Industrial Dischargers.)

NPDES Permit: means a National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency, the SWRCB, or the RWQCB.

NPDES Permit No. CAS 0108758: means RWQCB Order No. 2001-01, NPDES Permit No. CAS 0108758, “Waste Discharge Requirements for Discharges of Urban Runoff From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District.”

Off-Site BMP: means a stormwater management measure located outside the subject property boundary of a facility or outside the boundary described in the permit application for a land development activity.

On-Site BMP: means a stormwater management measure located within the subject property boundary or a facility, or inside the boundary described in the permit application for a land development activity.

Performance Standard: means a requirement under this Ordinance 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. (This Ordinance applies performance standards only to certain land development and redevelopment projects that require discretionary County permits; those permits will typically include enforceable project-specific requirements intended to achieve the result required by the performance standard.)

Pollutant: means any agent introduced to stormwater or non-stormwater through human activity that may 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 does not include trauma scene post-cleanup residues. The term may include but is not limited to 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.

Primary Pollutant of Concern: means any of the following pollutants, if that pollutant may be discharged from a priority development project or significant redevelopment project, and is also a basis for a listing of the receiving water for the project as impaired pursuant to Section 303(d) of the federal Clean Water Act: sediments, nutrients, heavy metals, organic compounds, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides.

Priority Development Project: means a development project in the county urban area that falls within any of the following categories:

- i. *Home subdivisions of 100 housing units or more.* This category includes single-family homes, multi-family homes, condominiums, and apartments.
- ii. *Home subdivisions of 10-99 housing units.* This category includes single-family homes, multi-family homes, condominiums, and apartments.
- iii. *Commercial developments greater than 100,000 square feet.* This category is defined as any development on private land that is not for heavy industrial or residential uses where the land area for development is greater than 100,000 square feet. The category includes, but is not limited to: 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; commercial airfields; and other light industrial facilities.
- iv. *Automotive repair shops.* This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.
- v. *Restaurants.* This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet.
- vi. *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, where the development will grade on any natural slope that is twenty-five percent or greater.
- vii. *Environmentally Sensitive Areas: All development and redevelopment 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.* Environmentally sensitive areas include but are not limited to all Clean Water Act Section 303(d) impaired water bodies; areas designated as Areas of Special Biological Significance by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); water bodies designated with the RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); areas designated as preserves or their equivalent under the Multi Species Conservation Program within the Cities and County of San Diego; and any other equivalent environmentally sensitive

areas which have been identified by the Copermittees. “Directly adjacent” means situated within 200 feet of the environmentally sensitive area. “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.

- viii. *Parking lots 5,000 square feet or more or with 15 or more parking spaces and potentially exposed to urban runoff.* 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.
- ix. *Street, roads, highways, and freeways.* This category includes construction of any paved surface which is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.

Rainy Season: means, from October 1 through April 30.

Receiving Waters: means all waters that are “Waters of the State” within the scope of the State Water Code, including but not limited to natural streams, creeks, rivers, reservoirs, lakes, ponds, water in vernal pools, lagoons, estuaries, bays, the Pacific Ocean, and ground water.

Redevelopment: means any construction, alteration or improvement at an already developed site that will increase the total impervious surface area of that site, or that involves activities that could expose contaminants to rainfall. Redevelopment can include but is not limited to the expansion of building footprints, the addition or replacement of a structure, exterior construction and remodeling, replacement of existing impervious surfaces that is not part of a routine maintenance activity, and other activities that create additional impervious surface.

Regulated Commercial Facility: means all non-residential facilities engaged in business or commerce, whether for profit or not-for-profit, or publicly or privately owned, except for Regulated Industrial Facilities and Municipal Facilities; plus residences used for commercial repair, maintenance, cleaning, manufacturing, food preparation or painting activity if that activity has the potential to result in the discharge of non-storm water or the discharge of pollutants to storm water.

Regulated Industrial Facility: means any facility subject to the State General Industrial Stormwater Permit; any other facility primarily engaged in manufacturing, processing, storage or handling of raw materials, processed bulk materials, or refuse; and any other facility with a total outdoor uncovered area of more than two (2) acres that is used for an Industrial Activity. Municipal Facilities are not Regulated Industrial Facilities, unless they are subject to the State General Industrial Stormwater Permit.

Residential Discharger: means, for an occupied residence, the occupants; and for a vacant residence, the owner and the manager of the residence.

RWQCB: means the California Regional Water Quality Control Board for the San Diego Region.

Significant Redevelopment: means (1) any Redevelopment in the County Urban Area that creates or adds at least 2,500 net square feet of additional impervious surface area within or within 200 feet of an ESA, where runoff from the Redevelopment would Discharge Directly To receiving waters within the ESA; and (2) any Redevelopment in the County Urban Area that creates or adds at least 5,000 net square feet of additional impervious surface area, if that Redevelopment involves grading any natural slope with a total pre-construction height of 20 feet or more and an average pre-construction slope from toe to top of 25% or more in an area of known erosive soil conditions; and (3) any Redevelopment in the County Urban Area in a Priority Development Project Category that creates or adds at least 5,000 net square feet of additional impervious surface area.

Secondary Pollutant of Concern: means any of the following pollutants, discharged from a priority development project or significant redevelopment project, that is not a primary pollutant of concern for that project: sediments, nutrients, heavy metals, organic compounds, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides.

Standard Urban Stormwater Mitigation Plan: means the SUSMP.

State General Construction Stormwater Permit: means NPDES Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Associated with Construction Activities, and any amendments thereto.

State General Industrial Stormwater Permit: means NPDES Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities, and any amendments thereto.

Stop Work Order: means an order issued which requires that specifically identified activity or all activity on a site be stopped.

Storm Water: means surface runoff and drainage associated with storm events.

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.

Stormwater Management: means the use of structural or non-structural 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.

Stormwater Management Plan: means a plan, submitted on a County form or in a County-specific format in connection 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.

Stormwater Pollution Prevention Plan [“SWPPP”]: means a document (other than a Stormwater Management Plan), which meets the requirements for a Stormwater Pollution Prevention Plan set out in the State General Construction Stormwater Permit or State General Industrial Stormwater Permit. A Stormwater Pollution Prevention Plan submitted to the County must describe the BMPs to be implemented and other steps to be taken by the Discharger to meet the requirements of this Ordinance.

Storm Water Retrofit: means a stormwater management BMP designed for an existing development site or activity that previously had either no stormwater management BMPs in place or that relied on BMPs inadequate to meet the stormwater management requirements of the site or activity.

Structural BMP: means a BMP that relies on either a physical condition (other than an entirely natural and undisturbed condition), or on a constructed or installed device to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges. Constructed or enhanced BMPs that depend on natural materials and processes (e.g., constructed drainage swales or buffers, or constructed wetlands), and that require periodic maintenance to function as designed, are Structural BMPs.

Structural Post-Construction BMP: means a structural BMP (other than a temporary construction-related BMP) put in place in connection with a land development or redevelopment project to prevent or reduce contamination in stormwater or Receiving Waters, or to prevent or reduce erosion downstream from the project.

Structural Treatment BMPs: means a structural post construction BMP that treats or filters stormwater to remove pollutants, or that infiltrates stormwater to soils.

SUSMP: means 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.

SWPPP: means Stormwater Pollution Prevention Plan.

SWRCB: means the State Water Resources Control Board.

Trauma Scene Post-Clean Up Residues: means residues that remain at a trauma scene after trauma scene wastes are removed pursuant to the Trauma Scene Waste Management Act, and after any spilled materials and fluids from vehicles are cleaned up. Bleach and similar chemicals used to clean a trauma scene are not trauma scene post-clean up residues

Tributary To an Impaired Water Body: a facility or activity is tributary to an impaired water body if urban runoff 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; (2) a flowing stream that will carry pollutants for which that water body is impaired in that discharge to the impaired water; or (3) an ephemeral stream that reaches the impaired water 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.

Upset: means an exceptional incident in which there is unintentional and temporary noncompliance with technology based effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Urban Run-off: means all flows in a stormwater conveyance system in the County Urban Area other than point source discharges in violation of a site-specific NPDES permit. Urban run-off includes but is not limited to storm water, exempt non-stormwater discharges, and illicit discharges.

Water Main: means a potable or recycled water delivery line greater than or equal to four (4) inches in diameter.

Watercourse: means a permanent or intermittent stream or other body of water, either natural or improved, which gathers or carries surface water.

Water Quality Standards: are defined as the beneficial uses (e.g., swimming, fishing, municipal drinking water supply, etc.) of water and the water quality objectives adopted by the State or the United States Environmental Protection Agency to protect those uses.

Waters of the United States: means water subject to the regulatory jurisdiction of the United States under the Federal Clean Water Act and applicable case law. (In general, this includes “navigable” waters, waters tributary to “navigable” waters, and adjacent wetlands.)

Section 3. Section 67.804 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.804. GENERAL PROVISIONS.

- (a) Responsibility for Administration. This Ordinance shall be administered for the County of San Diego by its Authorized Enforcement Officials.
- (b) Effective Date. This Ordinance shall take effect on February 20, 2002.
- (c) Construction and Application. Interpretation of the meanings of parts of this Ordinance shall assure consistency with the purpose and intent of this Ordinance.

This includes but is not limited to consistency with the requirements of NPDES Permit No. CAS 108758. This Ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Ordinance should be considered minimum requirements, and where any provision of this Ordinance 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. Stormwater and non-stormwater discharges regulated under a valid facility-specific NPDES permit or facility-specific RWQCB Waste Discharge Requirements permit are not subject to this Ordinance, but shall instead be regulated exclusively by the RWQCB.

- (d) Exemption of Certain RWQCB-Permitted Discharges. Stormwater and non-stormwater discharges regulated under a valid facility-specific NPDES permit or facility-specific RWQCB Waste Discharge Requirements (WDR) permit (not including a state General Permit) are not subject to this Ordinance, but shall instead be regulated exclusively by the RWQCB, provided compliance with all relevant NPDES or WDR permit conditions is maintained to the satisfaction of the RWQCB. This subsection does not exempt Stormwater discharges at a facility with an NPDES or WDR permit that only addresses process discharges or non-stormwater discharges. This exemption also does not apply to County review of proposed development projects. These projects must still comply with County design requirements, even if future discharges from the project will be regulated under an RWQCB permit.
- (e) Recycled Water. This ordinance is not intended to prohibit or prevent the use of recycled water, or the discharge of recycled water after use. This ordinance is intended to require the use of BMPs for such uses and discharges as necessary to protect human health and the environment.
- (f) Severability and Validity. If any section of this Chapter is declared invalid by a court of law, the remaining sections shall remain valid.
- (g) County Permits and Approvals.
 - (1) An application for any of the following discretionary permits or approvals shall be accompanied by plans demonstrating how the requirements of this Ordinance will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with the requirements of this Ordinance:
 - 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 specifically applicable requirements, if any, set out in corresponding sections of Appendix A of this Ordinance will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with those requirements.
- 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
- (h) Stormwater Standards Manual. The Stormwater Standards Manual attached as Appendix A is a part of this Ordinance. In most cases, the manual provides a choice of compliance methods. Authorized Enforcement Officials may provide additional flexibility using the Guidance Documents authorized in subsection (i) below. The SUSMP is not a part of this Ordinance; it is a guidance document.

- (i) Guidance Documents. Any Authorized Enforcement Official may prepare, circulate for public comment, disseminate and maintain guidance documents addressing the use of pollution prevention practices and best management practices for specific activities or facilities, illicit connections, and illegal disposal.

These guidance documents may set out additional compliance alternatives that, in specified circumstances, can provide the same environmental protection that is afforded by the BMPs required by this Ordinance or specified in the Stormwater Standards Manual.

These guidance documents may also identify practices that have been determined by the Authorized Enforcement Official to be additional Best Management Practices that may be implemented for Land Disturbance Activities and Land Development Activities to prevent or control pollution to the Maximum Extent Practicable. These additional Best Management Practices shall become mandatory for affected Dischargers only after being adopted into the Code, unless an Order is issued pursuant to subsection 67.804(i) of this Ordinance.

Authorized Enforcement Officials and Authorized Enforcement Staff may also take these guidance documents into account when determining whether any practices used by a Discharger, or proposed in a grading plan, a SWPPP, an enforcement settlement offer, or any other submittal to the County, are Best Management Practices that will prevent or control pollution to the Maximum Extent Practicable. These case-specific discretionary decisions may involve circumstances that were not anticipated when general guidance documents were prepared. Therefore, these guidance documents do not confer rights on Dischargers in these circumstances and do not constrain the discretion of Authorized Enforcement Officials or Authorized Enforcement Staff. Where appropriate, and provided the same protection is provided to the environment, Authorized Enforcement Officials and Authorized Enforcement Staff may depart from these guidance documents when making case-specific decisions authorized by this Ordinance.

- (j) Significant Sources of Pollutants. Authorized Enforcement Officials shall identify Discharges and categories of facilities and activities that are a significant source of contaminants to Waters of the United States, despite compliance with this Ordinance. If any such contamination problem identified by the Authorized Enforcement Official involves more than five identified sources having similar characteristics, the Authorized Enforcement Official shall propose appropriate amendments to this Ordinance to better control the contamination at issue. If the contamination problem identified by the Authorized Enforcement Official is limited to fewer than five identified sources, the appropriate Dischargers shall be Ordered by the Authorized Enforcement Official or by Authorized Enforcement Staff to install, implement and maintain additional BMPs to prevent or reduce contamination in storm water and non-storm water to the maximum extent

practicable. Any such Order shall specify a reasonable date by which those BMPs must be put in place. A failure to install, implement, or maintain additional BMPs as required by any such Order is a violation of this Ordinance.

- (k) Determining Whether a Discharge is “Tributary To” an Impaired Water Body: Areas within which facilities and sources will be presumed to be tributary to an impaired water body are identified on the maps in Appendices C and D of this Ordinance. 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. Any such analysis and determination shall be disclosed for public review and comment to the extent required by CEQA or by County procedures for permit issuance.
- (l) Compliance Schedules: Existing facilities required to retrofit BMPs specified in the Stormwater Standards Manual shall complete those retrofits by July 1, 2003.
- (m) Collection and Use of Storm water. An Authorized Enforcement Official may modify any requirement imposed by this Ordinance to allow the on-site collection and use of storm water, or the collection of storm water for delivery to and use at County-designated sites, provided the modified requirements are enforceable and provide equivalent environmental protection.
- (n) Equivalent Methods Defense to asserted grading-related violations. Subject to the limitations set out in subsection (o) below, at sites where “major grading” activities as defined in section 87.208 of this code are undertaken pursuant to a valid County permit, any County-issued administrative citation or warning alleging that the absence or failure of a specific BMP at a construction site constitutes a violation of this Ordinance or an applicable County permit or approval, shall be subject to the following defenses:
 - i. The system of BMPs approved for use at the site in a County permit or other approval did not require that the missing or failed BMP be used;
 - ii. The absence or failure of the specific BMP was minor and temporary, and the “maximum extent practicable” standard in the Ordinance was met at all times because of the presence of other BMPs at the site;

- iii. The absence or failure of the specific BMP was minor and temporary, and would have been promptly corrected even in the absence of County enforcement under a previously existing program for inspection, repair and maintenance of BMPs, that ensured the timely correction of the condition; or
- iv. The absence or failure of the specific BMP was minor and temporary, and the other BMPs implemented at the site are shown, by reasonably contemporaneous sampling of stormwater runoff, to be reducing or eliminating pollutants as required by the ordinance.

(o) Limitations. The defenses set out in subsection (n) above shall not be available where the violation at issue consists of or was caused by any of the following:

- i. Substitution of a less reliable or effective BMP for a BMP expressly required by this Ordinance, taking any applicable permit into account;
- ii. Use of a BMP for slope erosion protection (e.g., an alternative spray) that has not been approved for use by the County;
- iii. Any failure to install slope erosion BMPs when and where required;
- iv. Significant violations, as determined by a hearing officer or court, that are also violations of the State General Construction Stormwater Permit, where applicable, excluding however violations of Number 5 of Section C of that permit, entitled “Special Provisions for Construction Activity”; or
- v. Violations that are the subject of a separate and formal valid written Order issued by an Authorized Enforcement Official pursuant to subsections (a)(2), (a)(3) or (a)(5) of section 67.823 of this Ordinance, after a reasonable opportunity to cure the violations in response to the Order is provided, excluding however Orders issued pursuant to subsection (a)(2) to comply with section 67.807(a).

Section 4. Section 67.805 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.805. DISCHARGE PROHIBITIONS.

- (a) Illegal Discharges. The discharge of Pollutants directly or indirectly into the Stormwater Conveyance System or Receiving Waters in non-stormwater is prohibited, except as exempted in Section 67.806 of this Ordinance. The discharge of Pollutants directly or indirectly into the Stormwater Conveyance System or Receiving Waters in stormwater is prohibited, unless the applicable requirements of this Ordinance have been met.

- (b) Illicit Connection. The establishment of Illicit Connections is prohibited. The use of Illicit Connections is prohibited, even if the connection was established pursuant to a valid County permit and was legal at the time it was constructed.
- (c) Litter, Dumps, and Stockpiles. Throwing, depositing, leaving, abandoning, maintaining or keeping materials or wastes on public or private lands in a manner and place where they may result in an Illegal Discharge is prohibited.

Section 5. Section 67.807 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.807. BEST MANAGEMENT PRACTICE REQUIREMENTS AND GENERAL REQUIREMENTS APPLICABLE TO ALL DISCHARGERS.

- (a) Applicable Requirements. All Dischargers in the County Urban Area must comply with the generally applicable prohibitions and requirements in sections 67.801 through 67.807 of this Ordinance, and must also comply with any other parts of this Ordinance (including relevant parts of Appendix A) that are applicable to the type of facility or activity owned or operated by that Discharger.
- (b) Minimum Best Management Practices for All Dischargers. All dischargers in the County Urban Area must install, implement and maintain at least the following minimum Best Management Practices:
 - (1) Eroded soils. Prior to the rainy season, Dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the Stormwater Conveyance System or Receiving Waters during the rainy season.
 - (2) Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that Discharger's industry or business as being effective and economically advantageous.
 - (3) Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.
 - (4) Slopes. Completed slopes that are more than five feet in height, more than 250 square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.

- (5) Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and storm water, or contains contaminated runoff for treatment and disposal.
- (6) Use of Materials. All materials with the potential to pollute urban run off (including but not limited to cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into Receiving Waters or the Stormwater Conveyance System.
- (c) Inspection, Maintenance, Repair and Upgrading of BMPs. BMPs at manned facilities must be inspected by the Discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the Discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs which fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.
- (d) Stormwater Pollution Prevention Plan. An Authorized Enforcement Official may require a Commercial, Industrial or Land Disturbance Activities Discharger to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) for approval by that official if (1) the Discharger does not come into compliance with this Ordinance after one or more warnings or other enforcement action, because BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to Receiving Waters despite compliance with this Ordinance. Any Discharger required to submit and to obtain approval of a SWPPP shall install, implement and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the Discharger to prevent or control pollution of storm water to the Maximum Extent Practicable. If the facility is an industrial facility, the SWPPP submitted to the County shall at a minimum meet the requirements of the State NPDES General Industrial Stormwater 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 required to submit a SWPPP to the County 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.

Whenever submission of a SWPPP is required pursuant to this ordinance, an Authorized Enforcement Official or Authorized Enforcement Staff may take

existing County guidance documents into account when determining whether the practices proposed in the SWPPP are best management practices that will prevent or control pollution to the required level of maximum extent practicable.

- (e) Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal 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. In addition, any such spills, releases and illegal 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. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

- (f) Sampling, Testing, Monitoring, and Reporting. Commercial, Industrial or Land Disturbance Activities Dischargers shall perform the sampling, testing, monitoring and reporting required by this Ordinance. In addition, an Authorized Enforcement Official or Authorized Enforcement Staff may order a Discharger to conduct testing or monitoring and to report the results to the County if (1) 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 maximum extent practicable, or to determine whether the facility is a significant source of contaminants to Receiving Waters; or (2) the Authorized Enforcement Official or Authorized Enforcement Staff determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an Illegal Discharge has not been eliminated after written notice by an Authorized Enforcement Official or Authorized Enforcement Staff; or (4) repeated violations have been documented by written notices from Authorized Enforcement Officials or Authorized Enforcement Staff; or (5) the RWQCB requires the County to provide any information related to the Discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

- (1) Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;
- (2) Visual monitoring of premises for spills or discharges;
- (3) Laboratory analyses of stormwater or non-stormwater discharges for Pollutants;
- (4) Background or baseline monitoring or analysis; and

- (5) 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).

The Authorized Enforcement Official or Authorized Enforcement Staff may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

- (g) Mitigation. All Illegal Discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The Authorized Enforcement Official or Authorized Enforcement Staff who issued notice to the Discharger that a discharge was illegal, or Authorized Enforcement Staff designated by that official, shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The Authorized Enforcement Official or Authorized Enforcement Staff shall require the Discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date.
- (h) Access for inspections. All dischargers shall provide access to authorized enforcement staff, upon reasonable notice, for inspection of facilities and discharges subject to this ordinance.

Section 6. Section 67.808 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.808. ADDITIONAL MINIMUM BEST MANAGEMENT PRACTICE REQUIREMENTS FOR RESIDENTIAL ACTIVITIES AND FACILITIES.

- (a) Applicable Requirements. The requirements in this section apply to all Residential Dischargers within the County Urban Area and within County-designated high priority non-urban residential discharge areas, as shown on the map at Appendix B. All Residential Dischargers in this mapped area must install, implement and maintain the BMPs identified in Section 67.807(b) for all Dischargers, and at least the additional minimum BMPs specified below for the category of activities conducted by that Discharger.
- (b) Motor Vehicle or Boat Repair and Maintenance.
 - (1) Motor Vehicle and boat repair and maintenance activity shall be performed under a permanent roof or other permanent cover, if such space is available. Maintenance and repair activities that are conducted without cover or without BMPs to prevent pollutant discharges are prohibited during times of precipitation.

- (2) Any release of fluids during repair or maintenance shall be promptly contained and cleaned up. Any absorbent materials used must be disposed of properly.
- (3) Automotive and boat materials and wastes must be stored indoors, or under cover, or in secure and watertight containers.

(c) Motor Vehicle Washing.

- (1) Vehicles shall be washed over porous surfaces such as lawns and gravel areas where feasible.
- (2) Remaining detergent solutions prepared for use in vehicle washing, but not used up in that process, may not be disposed by emptying buckets or other containers directly or indirectly to the stormwater conveyance system or Receiving Waters. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or to a porous surface 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 or contained and disposed to a porous area or the sanitary sewer.

(d) Motor Vehicle Parking.

- (1) Residents shall remove excessive accumulations of oil and grease deposited by vehicles they own from parking areas, using dry cleaning methods (e.g., absorbents, scraping, vacuuming, or sweeping).
- (2) Residents shall move vehicles from streets when notified to do so to allow street cleaning.

(e) Home and Garden Care Activities and Product Use.

- (1) Irrigation systems should be adjusted to avoid excessive runoff.
- (2) Spills of gardening chemicals, fertilizers or soils to non-porous surfaces must be cleaned up, and properly disposed.
- (3) Lawn and garden care products must be stored in closed labeled containers; or in covered areas; or off the ground under protective tarps.
- (4) Household hazardous waste may not be disposed directly or indirectly to the trash or to the street, gutter or storm drain.

(f) Home Care and Maintenance.

- (1) Painting equipment may not be cleaned out in or over streets, sidewalks or gutters.
- (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 must be stored indoors or under cover, and in closed and labeled containers.
- (4) Household wash waters (carpet cleaning, mop water, washing machine effluent, other gray water, paint wash-up water, etc.) may not be disposed of to the street, gutter or storm drain or to Receiving Waters. Washing machine effluent and sink wastes may not be discharged to the ground. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or (where not prohibited) to a porous surface is required.

(g) Manure and Pet Waste Management.

- (1) Manure deposited by confined livestock, horses or other large animals on uncovered areas, from which runoff could enter receiving waters or the stormwater conveyance systems, must be cleaned up at least twice weekly and either be composted, or be stored prior to disposal in a manner that prevents contact with runoff to receiving waters or the stormwater conveyance system.
- (2) Areas used for composting such manure must be located, configured or managed to prevent runoff to receiving waters or the stormwater conveyance system.
- (3) Pet waste shall not be disposed to the stormwater conveyance system or receiving waters.

(h) 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, after issuance of all required permits and approvals.

Section 7. Section 67.810 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.810. ADDITIONAL MINIMUM BEST MANAGEMENT PRACTICE REQUIREMENTS FOR INDUSTRIAL ACTIVITIES AND FACILITIES.

- (a) Priorities and Requirements. Regulated Industrial Facilities are classified in this section as High, Medium and Low priority, and additional requirements are imposed on those facilities by this section based on those classifications. All Industrial Dischargers must install, implement and maintain at least the additional minimum BMPs, if any, specified in this section or in the County Stormwater Standards Manual for the priority classification and category of activity or facility owned or operated by that Discharger. All Regulated Industrial Facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.
- (b) High Priority Industrial Facilities. Regulated Industrial Facilities that have one or more of the characteristics listed below are High Priority Industrial Facilities:
 - (1) The facility is subject to the State General Industrial Stormwater Permit, taking into account all of the provisions of that permit.
 - (2) The facility is a Regulated Industrial Facility and Stormwater or runoff from the facility is Tributary To an Impaired Water Body, and the facility generates a pollutant for which that water body is impaired. Appendix C maps areas that the County has determined are potentially tributary to impaired water bodies.
 - (3) The facility is a Regulated Industrial Facility and is located within or adjacent to (i.e., within 200 ft. of), or discharges directly to, a coastal lagoon or a receiving water body within an ESA. Appendix D maps coastal lagoons and receiving waters within ESAs, plus a 200-foot adjacent area.
 - (4) The facility is subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

- (5) The facility was notified in writing by an Authorized Enforcement Official or Authorized Enforcement Staff that it has been designated a High Priority Industrial Facility. Such designations shall take effect 90 days after mailing or service of notice. These designations shall be made where the facility discharges a pollutant load in stormwater or runoff that causes or contributes to the violation of water quality standards.
- (c) Medium Priority Industrial Facilities. Regulated Industrial Facilities that are not High Priority Industrial Facilities, but which employ 50 or more persons, are Medium Priority Industrial Facilities.
- (d) Low Priority Industrial Facilities. Regulated Industrial Facilities that are not High Priority Industrial Facilities or Medium Priority Industrial Facilities are Low Priority Industrial Facilities.
- (e) Additional Minimum BMPs and Other Additional Requirements for High Priority Industrial Facilities.
- (1) Notice of Intent. High Priority Industrial Dischargers required to comply with the State Industrial General Stormwater Permit shall maintain on site and make available for inspection on request by the County the state-issued Waste Discharge Identification Number (WDID) for the facility, and a copy of the Notice of Intent (NOI) filed with the SWRCB pursuant to that permit. The Discharger shall submit the WDID and a copy of that NOI to the County by mail if directed to do so by an Authorized Enforcement Official or Authorized Enforcement Staff.
- (2) Stormwater Pollution Prevention Plan. Dischargers required to prepare a SWPPP under the State General Industrial Stormwater Permit must prepare the Plan, implement the Plan and maintain it at the site readily available for review. If a High Priority Industrial Facility is not required to prepare a state SWPPP, the facility shall prepare a SWPPP, submit that SWPPP for County approval or modification and approval, implement the SWPPP, and maintain it on site. Failure to comply with an applicable state-required or County-required SWPPP is a violation of this Ordinance.
- (3) Pollution Prevention Practices. High Priority Industrial Facilities shall consider and where determined to be appropriate by the facility shall implement the following measures to prevent the pollution of stormwater and runoff:
- 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 and/or toxicity.
- (4) Non-Structural BMPs. High Priority Industrial Facilities shall incorporate into the SWPPP, and install implement and maintain, the following non-structural BMPs. The implementation of these practices shall be consistent with specifications, if any, contained in the County Stormwater Standards Manual.
- BMPs for material handling and storage of significant materials;
 - BMPs for non-hazardous waste handling and recycling;
 - Employee training programs;
 - Good housekeeping practices;
 - Preventive maintenance practices;
 - Self inspection and quality assurance practices; and
 - Spill response planning.
- (5) BMPs for Specific Activities. High Priority Industrial Facilities shall incorporate into the SWPPP, and install implement and maintain BMPs as specified in the County Stormwater Standards Manual for any commercial activities conducted at the facility (as identified in section 67.809(c)), and for areas at the facility where industrial activities are conducted. Industrial activities include but are not limited to the following:
- Raw or processes materials bulk storage;
 - Mixing, where there is the potential for release of a pollutant;
 - Cutting, trimming or grinding in connection with a production process;
 - Casting, forging, or forming;
 - Hazardous materials storage (including tanks);
 - Construction, painting and coating;
 - Pesticide or other chemical products formulation or packaging;
 - Process water pre-treatment;
 - Solid waste storage;
 - Waste water treatment;
 - Welding;
 - Blasting;
 - Chemical treatment; and
 - Power washing.
- (6) Additional Structural BMPs. High Priority Industrial Facilities shall incorporate into the SWPPP, and install, implement and maintain one or more of the additional structural BMPs listed below where practicable, if use of such BMPs would significantly reduce pollution in run-off from the facility. The Discharger shall determine in the first instance which of these BMPs to implement. However, an Authorized Enforcement Official

or Authorized Enforcement Staff can order that additional BMPs be used at a particular facility pursuant to section 67.804(i).

- Overhead coverage of outdoor work areas or chemical storage;
- Retention ponds, basins, or surface impoundments that confine stormwater to the site;
- Berms and concrete swales or channels that divert run-on and runoff away from contact with pollutant sources;
- Secondary containment structures; and
- Treatment controls, e.g., infiltration devices and oil/water separators, to reduce pollutants in stormwater or authorized non-stormwater discharges.

- (f) Monitoring at High Priority Industrial Facilities. Dischargers owning or operating High Priority Industrial Facilities required to conduct monitoring under the State Industrial General Stormwater Permit shall make records of such monitoring available for inspection, and submit a copy of such records to the County if directed to do so by an Authorized Enforcement Official or Authorized Enforcement Staff. State exceptions from monitoring requirements are also applicable to this requirement, and group monitoring approved by the State is also acceptable to the County. The County may direct that any required records be submitted in a specified electronic format.

Dischargers owning or operating manned High Priority Industrial Facilities that are not required to conduct monitoring under the State Industrial General Stormwater Permit, and which would not qualify for an exemption from monitoring under the terms of that permit if the permit were applicable, must develop and implement a monitoring program that meets the following minimum criteria:

- (1) **Quantitative** stormwater data must be obtained from two storm events in a year;
- (2) These monitoring events must address:
 - Pollutants listed in any effluent guidelines subcategories applicable to the facility;
 - Pollutants with effluent limits established by an existing NPDES permit for that facility;
 - Oil/grease or total organic carbon;
 - pH;
 - Total suspended solids;
 - Specific conductance; and
 - Toxic chemicals and other pollutants likely to be present in stormwater discharges.

This monitoring must be conducted under the conditions set out in the State Industrial General Stormwater Permit. The Discharger must retain records of such monitoring on site, make such records available for inspection, and submit a copy of such records to the County if directed to do so by an Authorized Enforcement Official or Authorized Enforcement Staff.

- (g) Medium Priority Industrial Facilities. Medium Priority Industrial Facilities must prepare and retain on site, and make available for inspection, a written report verifying that they have assessed their status with respect to the criteria for classifying High Priority Industrial Facilities set out in subsection (b) above. These facilities must also meet the requirements for Low Priority Industrial Facilities set out in subsection (h) below.
- (h) Low Priority Industrial Facilities. Low Priority Industrial Facilities must meet the requirements set out in Sections 67.804 through 67.807 of this Ordinance for all Discharges, the requirements set out in section 67.809 of this Ordinance for High Priority Commercial Facilities, and any applicable requirements in sections 67.813 through 67.816 of this Ordinance.

Section 8. Section 67.822 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.822. INSPECTION/SAMPLING.

- (a) Regulatory Inspections. Authorized Enforcement Officials and Authorized Enforcement Staff may inspect facilities, activities and residences subject to this Ordinance at reasonable times and in a reasonable manner to carry out the purposes of this Ordinance. If entry for a regulatory inspection is refused by the facility owner or operator, or by the occupant of a residence, an inspection warrant shall be obtained prior to inspection.
- (b) Access Easements. 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 Ordinance, 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 Ordinance.
- (c) Scope of Inspections. 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 Ordinance, whether

those BMPs are being properly maintained, and whether the facility or activity complies with the other requirements of this Ordinance. 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 Ordinance may be inspected and copied, and photographs taken to document a condition and/or a violation of this Ordinance.

Section 9. Section 67.823 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.823. ENFORCEMENT.

Authorized Enforcement Officials and Authorized Enforcement Staff may enforce this Ordinance and abate public nuisances as follows:

- (a) Administrative Authorities.
 - (1) Administrative Penalties. Administrative penalties may be imposed pursuant to Chapter 1, Division 8 of Title 1 of the County Code of Regulatory Ordinances (Sections 18.101 et seq.). Any later-enacted administrative penalty provision in the County Code shall also be applicable to this Ordinance, unless otherwise provided therein.
 - (2) Cease and Desist Orders. Written and/or verbal orders may be issued to stop Illegal Discharges and/or remove Illicit Connections.
 - (3) Notice and Order to Clean, Test, or Abate. Written and/or verbal orders may be issued to perform activities listed in Section 67.807 where conditions warrant.
 - (4) Public Nuisance Abatement. Violations of this Ordinance are deemed a threat to public health, safety, and welfare; and are identified as a public nuisance. If actions ordered under Sections 67.823(a)(2) and (3) are not performed, the Authorized Enforcement Official may abate any public nuisance pursuant to the Uniform Public Nuisance Abatement Procedure (sections 16.201 and following of the County Code). County costs for pollution detection and abatement, if not paid in full by the Discharger in addition to any other penalties, may be made a lien against the property in accordance with this procedure.
 - (5) Stop Work Orders. Whenever any work is being done contrary to the provisions of this Ordinance, or other laws implemented through enforcement of this Ordinance, an Authorized Enforcement Official may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall

immediately stop such work until authorized by the Authorized Enforcement Official to proceed with the work.

- (6) Permit Suspension or Revocation. Violations of this Ordinance may be grounds for permit and/or other County license suspension or revocation. The procedures for suspensions and revocations set out at Chapter 1 of Division 6 of the County Code (sections 16.110 et seq.) shall apply.

(b) Judicial Authorities.

- (1) Civil penalties and remedies. County Council is hereby authorized to file civil actions in Superior Court to enforce this Ordinance, seeking civil penalties and/or other remedies as provided in this section and in Section 67.825 of this Ordinance. There is no requirement that administrative enforcement procedures be pursued before such actions are filed.
- (2) Injunctive Relief. Any violation of this Ordinance may be enforced by a judicial action for injunctive relief.
- (3) Arrest or Issue Citations. The assistance of a peace officer may be enlisted to arrest violators as provided in California Penal Code, Ordinance 5, 5c, and 5d, Title 3, Part 2 (or as amended) and/or a citation and notice to appear as prescribed in Ordinance 5c of Title 3, Part 2 of the Penal Code, including Section 853.6 (or as amended) may be issued. There is no requirement that administrative enforcement authorities be used before such actions are filed. The immunities prescribed in Section 836.5 of the Penal Code are applicable to Authorized Enforcement Officials and Authorized Enforcement Staff acting in the course and scope of their employment pursuant to this Ordinance.

Section 10. Section B.1.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

B.1.1 Prohibitions of Discharges

The Ordinance prohibits all non-stormwater discharges that are not specifically exempted. Illicit connections are also prohibited; and in some circumstances littering, dumps, and stockpiles are identified as illegal discharges. See Ordinance section 67.805.

The Ordinance also prohibits any discharge of pollutants in storm water, unless the applicable requirements of the Ordinance have been met. See Ordinance section 67.805.

The applicable requirements for the Ordinance vary by category of discharger. The Ordinance includes water-quality related prohibitions for discharges from land development activities. The Ordinance and also prohibits discharges from land disturbance and land development activities

where pollutants in those discharges have not been prevented or reduced to the maximum extent practicable. For all other categories of stormwater dischargers, the objective of protecting receiving waters is pursued through the specification of required BMPs, and the preservation of authority to issue site-specific Orders where needed. See Ordinance section 67.804(i).

Section 11. The Section C Outline at the beginning of Section C of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

Section C Outline

Part 1 General Considerations

- 1.
- 1.1 Commercial Facilities and Activities Subject to this Section
- 1.2 Responsibilities of Dischargers
- 1.3 Inspection and Verification

Part 2 General Standards and Recommendations Applicable to All Regulated Commercial Facilities and Activities (Group 1 Standards)

- 2.1 Employee Training
- 2.2 Stormwater Pollution Prevention Plans (SWPPPs)
- 2.3 Storm Drain Tileage and Signing
- 3.1 Annual Review of Facilities and Activities
- 3.2 Pollution Prevention
- 3.3 Materials and Waste Management
- 3.4 Vehicles and Equipment
- 3.5 Outdoor Areas

Part 3 Additional Requirements Applicable to All High Priority Commercial Facilities and Activities (Group 2 Standards)

- 3.1 Materials and Waste Management
- 3.2 Vehicles and Equipment
- 3.3 Outdoor Areas

Part 4 Additional Requirements Applicable to Specific High Priority Commercial Facilities and Activities (Group 3 Standards)

- 4.1 Vehicle and Equipment Repair and Maintenance
- 4.2 Retail and Wholesale Fueling
- 4.3 Vehicle Body Repair or Painting
- 4.4 Painting and Coating
- 4.5 Eating or Drinking Establishments
- 4.6 Marinas
- 4.7 Botanical and Zoological Gardens or Exhibits
- 4.8 Golf Courses, Parks, and Other Recreational Facilities

- 4.9 Nurseries and Greenhouses
- 4.10 Parking Lots and Storage Facilities
- 4.11 Cement Mixing or Cutting
- 4.12 Mobile Carpet, Drape, and Furniture Cleaning
- 4.13 Masonry
- 4.14 Pool and Fountain Cleaning
- 4.15 Portable Sanitary Toilet Servicing
- 4.16 Mobile Vehicle Washing
- 4.17 Pest Control
- 4.18 Landscaping
- 4.19 Building and Pavement Washing
- 4.20 Equestrian Facilities

Part 5 BMP Alternatives

Part 6 Reference Materials

Section 12. Section C.2.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

C.2.1 Employee Training

- C.2.1.1: Dischargers employing ten or more persons on a full-time basis, and all High Priority Commercial Facilities and Activities Dischargers, shall provide training at least annually to all employees with responsibility for actions required to implement the SWPPP. Training shall address notification requirements, inspections, record keeping, illicit connections and illegal discharge detection. Integration with other existing training programs is encouraged.
- C.2.1.2: Documentation of training shall be maintained on-site at the location(s) where operations or activities are conducted, and shall be provided on request to County Authorized Enforcement Officials or Authorized Enforcement Staff.
- C.2.1.3: Training shall be adequate to ensure compliance with the standards established in this Ordinance. Continued or significant non-compliance by facility employees with any condition of this Ordinance may be deemed evidence of an inadequate employee training program.

Section 13. Section C.3.1.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

C.3.1.1: In addition to the requirements of section 2.6.1, the following conditions apply to the storage, management, and disposal of hazardous materials and wastes at High Priority Commercial Facilities:

- (a) Secondary containment 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.
- (b) Storage areas shall be inspected periodically, including at least once prior to the rainy season (October 1 – April 30) and quarterly during the rainy season.
- (c) Inspections results shall be documented in writing and records of inspections shall be retained on site for two years.

Section 14. Section C.3.2.2 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

C.3.2.2: In addition to the requirements of section 2.7.2, the following conditions apply to the maintenance and repair of vehicles and equipment at High Priority Commercial Facilities:

- (a) Storm drain inlets located within or downgradient of maintenance and repair areas shall be protected to prevent the entry of spilled fluids (e.g., fuel, oil, grease, or antifreeze).
- (b) Vehicle and equipment maintenance and repair shall only be conducted in areas where adequate precautions have been taken to prevent the entry of spills into the Stormwater Conveyance System or Receiving Waters. Designated maintenance and repair areas are required where practicable.
- (c) Maintenance and repair equipment shall be kept clean to avoid the build up of grease and oil.
- (d) Fluids shall be drained from any retired vehicles or equipment stored on site.
- (e) Only dry cleaning methods shall be used on maintenance and repair areas unless adequate precautions have been taken to prevent the discharge of wash water to the Stormwater Conveyance System or Receiving Waters (e.g., the discharge is directed to the sanitary sewer, a sump, etc.).

- (f) Drip pans, containers, or other methods of drip and spill containment shall be utilized at all times during the repair or maintenance of vehicles and equipment.
- (g) The retrofitting of existing facilities with structural controls such as low-flow sumps or oil/water separators shall be considered to prevent the entry of spills into the stormwater conveyance system or receiving waters. The use of structural controls is not required, but is encouraged where practicable. Pursuant to Ordinance section 67.804(i), the County may order the use of structural controls.
- (h) Repair and maintenance work must be conducted indoors or under cover whenever practicable. If this work cannot be conducted indoors or under cover, other precautions must be taken to prevent the discharge of contaminants into the Stormwater Conveyance System or Receiving Waters.

Section 15. Section C.3.3.3 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

C.3.3.3: In addition to the requirements of section 2.8.3, the following conditions apply to landscaping and grounds keeping conducted at High Priority Commercial Facilities:

- (a) The application of pesticides, fertilizers, and other chemical products prior to irrigation or rainfall is discouraged.
- (b) Product containers shall be kept in good condition, shall be kept securely closed when not in use, and shall be stored in a manner that protects them from contact with storm water.
- (c) Protective measures shall be taken to ensure that stored pesticides, fertilizers, and other chemicals do not contact stormwater.
- (d) Integrated Pest Management (IPM) practices and other non-chemical pest control methods (e.g., traps, sticky tape, hot-wire lamps, etc.) shall be considered where practicable.
- (e) Exposed slopes shall be stabilized as soon as possible.

(f) Paved surfaces such as sidewalks shall be cleaned regularly using dry methods (e.g., sweeping, vacuuming, etc.). 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 runoff to the storm drain. .

(g) Stockpiles and bulk materials, such as soil, fertilizer, and potting mixture shall be covered during windy and rainy conditions when practicable.

Section 16. Section C.4.9.10 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

C.4.9.10: Stockpiles and bulk materials shall be placed away from watercourses, bermed, and covered to prevent the release of materials to the Stormwater Conveyance System or Receiving Waters.

Section 17. Section C.4.11.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

C.4.11.1: Loose aggregate, mortar, and dust shall be routinely cleaned up using dry methods (e.g., sweeping, vacuuming, etc.). Wet methods may be used only if necessary to the process (e.g., to adequately clean equipment for reuse, or where water must be used to lubricate and flush a cut), and only if adequate precautions have been taken to prevent the entry of wash water and other contaminants into the Stormwater Conveyance System or Receiving Waters. All materials shall be re-used, recycled, or properly disposed.

Section 18. The Section F Outline at the beginning of Section F of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

Section F Outline

Part 1 Introduction

- 1.1 Affected Projects and Applicable Requirements
- 1.2 Control to the Maximum Extent Practicable

Part 2 General Instructions

- 2.1 County Requirements and Performance Standards
- 2.2 Additional Responsibilities

Part 3 Standards Applicable to Discretionary Permit Activities

- 3.1 Erosion Control
- 3.2 Sediment Control
- 3.3 Offsite Sediment Control
- 3.4 Velocity Reduction
- 3.5 Materials Management
- 3.6 Structural BMP Sizing
- 3.7 Plan Notes

Part 4 Standards Applicable to Ministerial Permit Activities

- 4.1 Building Permit – Residential New Construction, Additions, and Accessory Structures
- 4.2 Building Permit – Residential Multi-Family Construction
- 4.3 Building Permit – Commercial or Industrial New Construction or Addition
- 4.4 Right-of-way Permit
- 4.5 On-site Waste Water Disposal System Permit
- 4.6 Underground Storage Tank Permit
- 4.7 Permit-Exempt Grading
- 4.8 Well Permits

Part 5 References

Attachment F-1 Stormwater Management Plan (certification form)
2.

Section 19. Section F.1.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.1.1 Affected Projects and Applicable Requirements

Section F of this Manual sets out additional construction-phase requirements and provides guidelines for stormwater management for land disturbance activities. Most such activities require a County permit, but some do not.

Parts F.1, F.2 and F.3 of this Section apply to projects that require or seek a discretionary County permit. Part F.4 applies to projects that are entitled to receive and that seek a ministerial County permit. Subsection F.4.7 applies to land disturbance activities associated with projects that do not require any County permit. All land disturbance activities are also subject to the applicable requirements of the Ordinance, including but not limited to sections 67.807 and 67.817, whether or not a County permit is required or obtained.

Many projects that are subject to this Section will also be subject to the requirements for project design and post-construction stormwater management set out below in Section G. In addition to applicable County requirements, projects that disturb five acres or more of land (and projects that are part of a larger common plan of development that will disturb one acre or more) may have responsibilities directly to the State Water Resources Control Board. See subsection F.2.2 below.

Section 20. Section F.2.1.7 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.2.1.7. BMPs must be installed in accordance with industry recommended standards (State of California, Department of Transportation or California Stormwater BMP handbooks, etc.).

Section 21. Section F.2.2 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.2.2 Additional Responsibilities

Owners of property where soil-disturbing activities occur may have other responsibilities to the State Water Resources Control Board in addition to those identified in this Ordinance. Some examples of these include:

- Submittal of a Notice Of Intent (NOI) to the State, preparation of a Storm Water Pollution Prevention Plan (SWPPP), continuous updating of the SWPPP to keep it functional and current, and preparation of an annual compliance certification on sites where the disturbed area exceeds 1 acre or more.
- Responsibility for pre-storm, post-storm, and storm event BMP inspections by qualified person(s) to ensure full compliance with the state permit and implementation of all elements of the SWPPP.
- Sampling and analysis program (under specific conditions) for sedimentation, siltation, turbidity, or pollutants not visually detectable, which could cause or contribute to an exceedance of water quality objectives in the receiving water.

- Additional record keeping, pollutant identification, reporting, and maintenance/repair responsibilities.

Section 22. Section F.3.1.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.3.1.1: Physical Stabilization through use of geotextiles, mats, fiber rolls (SS-7 or EC-7), Bonded Fiber Matrix or Stabilized Fiber Matrix, or other material approved by the County for stabilizing slopes, or Vegetation Stabilization using hydroseed (SS-4 or EC4) or acceptable landscaping may be used only May 1 to September 15. Vegetation proposed to stabilize slopes must be installed by August 15, watered, and established prior to November 11. The property owner shall implement a contingency physical BMP by November 11 if vegetation establishment does not occur by that date. If landscaping is proposed, erosion control measures must also be used while landscaping is being established. Established vegetation shall have a subsurface mat of intertwined mature roots with a uniform vegetative coverage of 70 percent of the natural vegetative coverage or more on all disturbed areas.

Section 23. Section F.3.1.2 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.3.1.2: All manufactured slopes and cleared slopes of 3:1 (horizontal to vertical) and steeper are to be protected with a BMP approved by the County of San Diego, as described in subsection F.3.1.1 above. During the rainy season cleared slopes flatter than 3 to 1 must still be protected from erosion using either an approved BMP or by using hydromulch with a Guar, straw mulch, Gypsum or similar binder. Flat areas of less than 5% (like building pads, parking areas, leach fields) shall have 100% protection using geotextiles, mats (SS-7), or other material approved by the County for stabilizing slopes, or using tracking and soil stabilizers/binders (SS-5), temporary seeding (SS-4), mulch/wood chips (SS-3, SS-6, SS-8), or jute matting (SS-7). The County may reduce this requirement for flat areas and the below requirement, provided full sediment control is provided through use of the standard lot perimeter protection design described in section F.3.1.2.1 below, or through constructed and maintained desiltation basins (SC-2) at all project discharge points. Stabilized Fiber Matrix may be used on slopes that are not steeper than 2 to 1 (horizontal to vertical). During the non-rainy season flat areas of less than 5% may be protected by rolled plastic as part of a weather-triggered action plan until the structure's roof has been completed.

Section 24. Section F.3.2.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.3.2.1: Dischargers must provide protection of the grading site perimeter, all environmentally sensitive areas and all watercourses and at all operational internal inlets to the storm drain system at all times; through the use of filtration devices, silt fencing (SC-1), straw, coconut fiber or wood fiber-rolls, gravel bag barriers (SC-8 or SE-6, SE-8), and gravel inlet filters; and capture of sediment and dust through the use of storm-drain inlet protection (SC-10 or SE-10) and construction road stabilization (TC-2).

Section 25. Section F.3.3 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.3.3 Offsite Sediment Control

F.3.3.1: Dischargers must eliminate off-site sediment tracking through use of stabilized construction entrances/exits (TC-1) and street sweeping and vacuuming (SC-7).

Section 26. Section F.3.4.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.3.4.1: Dischargers must provide velocity reduction for all runoff leaving the site, and onsite runoff that could cause erosion, through appropriate outlet protection (SS-10). Velocity reduction BMPs shall be designed and constructed for the precipitation intensity from the 10-year, 6-hour rain event. Runoff shall be calculated using $Q=C \times I \times A$ where Q is the discharge rate measured in cubic feet per second; C is the runoff coefficient; I is the precipitation intensity for the 10-year, 6-hour rain event; and A is the area draining into the sediment basin in acres.

Section 27. Section F.3.5.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.3.5.1: Waste handling and materials storage areas shall be designated and waste-handling methods identified. Methods for handling; Solid waste (WM-5), Sanitary waste (WM-9), Concrete waste (WM-8), Hazardous waste (WM-6) shall be shown. Material storage methods proposed (WM-1), including storage of emergency BMP materials, shall be implemented.

Section 28. The introduction to Part F.4 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

PART F.4—STANDARDS APPLICABLE TO MINISTERIAL PERMIT ACTIVITIES AND TO GRADING THAT DOES NOT REQUIRE A PERMIT

Land development and redevelopment projects that do not require a permit or that can be issued ministerial permits, and which satisfy the requirements of this Part F.4, are not subject to the requirements in Parts F.1 through F.3 of this Manual.

Ministerial projects must meet the other applicable requirements in the Ordinance including the design requirements set out in Part G.9 of this Manual

The application for any of the following ministerial permits or approvals shall be accompanied by plans demonstrating how the specifically applicable requirements, if any, set out below will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with those requirements.

- a. Building Permit (not minor grading)
- b. Construction Right of Way Permit
- c. Encroachment Permit
- d. Excavation Permit
- e. On-Site Waste Water System Permit
- f. Underground Tank Permit
- g. Well Permit

Applications for any of the above ministerial permits shall include such stormwater- related forms as the issuing Authorized Enforcement Official shall designate, in addition to the details and drawings required as part of the permit application process. See, e.g., Attachments F-1.

Section 29. Section F.4.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.4.1 Building Permit – Residential New Construction, Additions, and Accessory Structures

To receive a permit as of right (a ministerial permit) a residential new construction, addition or accessory structure project requiring a building permit must meet the requirements set out in this subsection. The application and plans for the permit must include details showing how these requirements will be met. If the project cannot meet these requirements, the project proponent may choose to treat their project as a discretionary project using the performance criteria/BMP Menu method through the voluntary use of a Site Plan, however this alternative may require additional CEQA review.

F.4.1.1: Dischargers must select and implement at least one BMP in each of the following areas, from the associated BMPs shown on Table A (Attachment F-1 to this Part): graded slope erosion control, flat area erosion control, runoff velocity control;

sediment control; and offsite tracking of sediment. For example, for sediment control from disturbed areas, silt fence, fiber rolls, gravel bags berms, storm drain inlet protection, or a desilting basin may be selected. The selected BMP or BMP must be deployed to protect all areas that have been disturbed incidental to construction, including parking and material delivery areas and trash and material stockpiling areas.

- F.4.1.2: Areas for material storage shall be either under roof or be able to be covered with plastic or tarp prior to a rain event. In either case, sediment control silt fencing or fiber rolls shall be placed around the full perimeter of the storage area.
- F.4.1.3: All containers shall be elevated to protect against contact with stormwater runoff.
- F.4.1.4: Project schedules shall be provided showing quantity and dates for delivery so as to minimize waste and long-term storage on site.
- F.4.1.5: A designated disposal area for construction wastes or stockpiles must be present on site. Wastes and stockpiles must either be containerized or completely surrounded by silt fence, fiber rolls or gravel bags and able to be covered with plastic or tarp prior to a rain event,
- F.4.1.6: The applicant shall provide information concerning the cleanup responsibilities for the site and the frequency that cleanup will occur. The frequency shall be not less than weekly and immediately before any predicted rain event.
- F.4.1.7: Areas where vehicle traffic is planned shall be restricted to existing vehicle use areas on the site, or shall be treated as “new construction” and be covered with gravel to protect against off-site tracking of sediment and mud.
- F.4.1.8: The applicant shall designate one individual who will serve as the stormwater protection contact for the permit, along with their address, phone number, cellular phone number and fax number.
- F.4.1.9: At the time a permit application is submitted the applicant shall provide written acknowledgement from the owner that any and all stormwater protection measures previously installed on the site shall be protected and maintained during the construction.
- F4.1.10: Any minor slopes created incidental to construction and not subject to a major or minor grading permit shall be protected by covering with plastic or tarp prior to a rain event, and shall have vegetative cover reestablished within 180 days of completion of the slope and prior to final building approval.

Section 30. Section F.4.4.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.4.4.1: Silt fence, fiber rolls, or gravel bags berms shall be used to protect areas that have been disturbed incidental to construction. These areas shall include parking and material delivery areas, and material stockpiling areas, and have provisions for dealing with unexpected areas of soil disturbance.

Section 31. Section F.4.4.5 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.4.4.5: A designated disposal area for construction wastes or stockpiles, that is either containerized or completely surrounded by silt fence, fiber rolls or gravel bags and able to be covered with plastic or tarp prior to a rain event,

Section 32. Section F.5.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.4.5.1: Adequate perimeter protection BMPs must be installed and maintained. The perimeter of the cleared/graded area must be protected to prevent the discharge of stormwater pollutants. At least one of the following BMPs must be installed: Silt Fence; Fiber Rolls; and/or Gravel Bags.

Section 33. Section F.4.6.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.4.6.1: Adequate perimeter protection BMPs must be installed and maintained. The perimeter of the cleared/graded area must be protected to prevent the discharge of stormwater pollutants. At least one of the following BMPs must be installed: Silt Fence; Fiber Rolls; and/or Gravel Bags.

Section 34. Section F.4.6.7 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

F.4.6.7: All storm drain inlets on site must be either sealed with an impervious material during construction activities or protected using storm drain inlet protection BMPs.

Section 35. Part F.5 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

PART F.5—REFERENCES

1. State of California, Department of Transportation Storm Water Quality Handbooks - Project Planning and Design Guide- Construction Site Best Management Practices (BMPs) Manual, available on the State of California, Department of Transportation web site.

Details for Temporary Soil Stabilization BMPs

- SS-1 Scheduling, SS-2 Preservation of Existing Vegetation, SS-3 Hydraulic Mulch, SS-4 Hydroseeding, SS-5 Soil Binders, SS-6 Straw Mulch, SS-7 Geotextiles, Plastic Covers & Erosion Control Blankets/Mats, SS-8 Wood Mulching
- SS-9 Earth Dikes/Drainage Swales & Lined Ditches, SS-10 Outlet Protection/Velocity Dissipation Devices, SS-11 Slope Drains, SS-12 Streambank Stabilization

Details for Temporary Sediment Control BMPs

- SC-1 Silt Fence, SC-2 Desilting Basin, SC-3 Sediment Trap, SC-4 Check Dam, SC-5 Fiber Rolls, SC-6 Gravel Bag Berm, SC-7 Street Sweeping and Vacuuming, SC-8 Sandbag Barrier, SC-9 Straw Bale Barrier, SC-10 Storm Drain Inlet Protection

Details for Wind Erosion Control BMPs

- WE-1 Wind Erosion Control

Details for Tracking Control BMPs

- TC-1 Stabilized Construction Entrance/Exit, TC-2 Stabilized Construction Roadway, TC-3 Entrance/Outlet Tire Wash

Details for Non-Storm Water Management BMPs

- NS-1 Water Conservation Practices, NS-2 Dewatering Operations, NS-3 Paving and Grinding Operations, NS-4 Temporary Stream Crossing, NS-5 Clear Water Diversion, NS-6 Illicit Connection/Illegal Discharge Detection and Reporting, NS-7 Potable Water/Irrigation, NS-8 Vehicle and

Equipment Cleaning, NS-9 Vehicle and Equipment Fueling, NS-10 Vehicle and Equipment Maintenance, NS-11 Pile Driving Operations, NS-12 Concrete Curing, NS-13 Material and Equipment Use over Water, Concrete Finishing, NS-15 Structure Demolition/Removal Over or Adjacent to Waters

Details for Waste Management and Materials Pollution Control BMPs

- WM-1 Material Delivery and Storage, WM-2 Material Use, WM-3 Stockpile Management, WM-4 Spill Prevention and Control, WM-5 Solid Waste Management, WM-6 Hazardous Waste Management, WM-7 Contaminated Soil Management, WM-8 Concrete Waste Management, WM-9 Sanitary/Septic Waste Management, WM-10 Liquid Waste Management
2. County Excavation and Grading Ordinance - Sections 87.101 through 87.717 of San Diego County Code of Regulatory Ordinances, available through the County web site.
 3. State Water Resources Control Board Order 99-08-DWQ, NPDES Permit CAS000002.
 4. State of California, Department of Transportation Storm Water Quality Handbook (BMP) dated April, 1997, available on the State of California, Department of Transportation web site.

Section 36. The Section G Outline at the beginning of Section G of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

SECTION G: LAND DEVELOPMENT AND REDEVELOPMENT

Section G Outline

Part 1 Introduction

- 1.1 Covered Project Locations
- 1.2 Applicable Requirements

Part 2 General Requirements

- 2.1 Application and Submission Requirements
- 2.2 Construction phase Requirements
- 2.3 Additional Requirements in Permits; Role Guidance
- 2.4 Non-Storm Water Discharges
- 2.5 Industrial Facility General Permit Coverage

Part 3 Environmental Performance Standards

- 3.1 Flow Control and Erosion Prevention
- 3.2 Water Quality Protection
- 3.3 Groundwater Quality Protection

Part 4 Design and BMP Requirements for All Projects

- 4.1 General Project Design and Selection of BMPs
- 4.2 Other BMP Selection Criteria
- 4.3 Performance Requirement for BMPs in Combination
- 4.4 Preference for Natural BMPs
- 4.5 Source Control BMPs
- 4.6 Minimize Impervious Surfaces
- 4.7 Buffer Zones
- 4.8 Conserve Natural Areas
- 4.9 Storm Drain Tiles and Signage
- 4.10 Additional BMPs Where Necessary
- 4.11 Infiltration BMPs

Part 5 Step-by-Step Project Stormwater Design

- 5.1 Identify Pollutants and Conditions of Concern
- 5.2 Establish Stormwater BMPs
- 5.3 Examples

Part 6 Additional Design and BMP Requirements for Priority Development Projects

[Reserved]

group 3
from stdsman2 12-21am

Part 7 BMP Maintenance and Maintenance Assurance

7.1 BMP Maintenance

7.2 BMP Maintenance Assurance

Part 8 Design Requirements for Ministerial Land Development Permits

8.1 Building Permit – Residential New Construction, Addition, Accessory

8.2 Building Permit – Residential Multi-family Construction

8.3 Building Permit – Commercial or Industrial, New Construction

9.4 Building Permit – Right-of-way Permit

(Construction, Encroachment, Excavation)

Part 9 Resources and References

Attachment G-1 Pollutants from the Project Area

Attachment G-2 Standard Stormwater BMP Selection Matrix

3.

Attachment G-3 Enhanced Treatment Control BMP Selection Matrix

Section 37. The introduction to Part G.4 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

PART G.4—DESIGN AND BMP REQUIREMENTS FOR ALL LAND DEVELOPMENT AND REDEVELOPMENT PROJECTS

Project proponents must select install and maintain BMPs to address each of the project elements listed in Sections G.4.3 through G.4.8 below. Project proponents must submit sufficient information to the County to allow the County to determine whether proposed BMPs will reduce pollutants in storm water to the MEP. Staff may request information on alternative BMPs from the project applicant to assist in making this determination.

BMPs must be installed in accordance with industry recommended standards (State of California, Department of Transportation or California Stormwater BMP handbooks, etc.). The following documents contain standard drawings and design specifications for available BMPs that can be used to supplement specifications provided by the County:

1. County of Los Angeles- Manual for the Standard Urban Stormwater Mitigation Plan
2. EPA - Post-Construction Storm Water Management in New Development and Redevelopment

Section 38. Section G.5.2.3.1 of Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (sections 67.801 et seq. of the County Code of Regulatory Ordinances) is amended to read as follows:

5.2.3.1: Step 8: Design to Treatment Control BMP Standards. All projects that propose to use structural treatment BMPs in meeting performance standards or in achieving Maximum Extent Practicable shall design, construct and implement their structural treatment control BMPs in conformance with the design standards of this section, unless specifically exempted by the County. Structural treatment control BMPs are not required by this section, but if structural treatment BMPs are proposed they must comply with this section and be operational prior to the use of any dependent development, and be located and designed in accordance with the requirements here in Step 8 and below in Step 9. . Either volume-based or flow-based BMPs may be used.

- (a) Volume-based BMPs if proposed shall be designed to mitigate (infiltrate, filter, or treat) either:
 - i. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record and shown on the official County Isopluvial Map for the 85th percentile; or
 - ii. The volume of runoff produced by the 85th percentile 24-hour runoff event, determined as the maximized capture urban runoff volume for the area, from the formula recommended in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*; or

- iii. The volume of annual runoff based on unit basin storage volume, to achieve 90 percent or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook – Industrial/Commercial, (1993)*, or
 - iv. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event,
- (b) Flow-based BMPs if proposed shall be designed to mitigate (infiltrate, filter, or treat) either:
- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour for each hour of a storm event; or
 - ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
 - iii. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

Section 40. Effective Date and Publication. This ordinance shall take effect and be in force on September 5th 2003 and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 6th day of August, 2003.