ORDINANCE NO. 2012-13

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTION 16.19.020 OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO STORMWATER AND URBAN RUNOFF POLLUTION CONTROL

BE IT ORDAINED By The City Of Santa Cruz As Follows:

SECTION 1. Section 16.19.020 of the Santa Cruz Municipal Code is hereby amended to read as follows:

16.19.020 DEFINITIONS.

The following words, phrases and terms as used in this chapter shall have the meanings ascribed to them in this chapter.

(a) "Basin plan" shall mean a water quality control plan for a specific watershed area or areas adopted by a regional board.

(b) "Beneficial uses" shall mean existing or potential uses of receiving waters as defined in a basin plan.

(c) "Best management practices" (BMPs) shall mean pollution control practices designed to reduce the pollutants contained in discharges.

(d) "Building drain" means that part of the lowest horizontal piping of a wastewater drainage system which receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer, beginning two feet outside the inner face of the building wall.

(e) "City" shall mean the City of Santa Cruz.

(f) "Clean Water Act" shall mean the Federal Water Pollution Control Act, which was enacted in 1972 to prohibit the discharge of pollutants to receiving waters of the United States and, later amended in 1987, to establish a framework for regulating municipal, industrial and construction storm water discharges under the NPDES Program.

(g) "Commercial activity" means any public or private activity not defined as an industrial activity in 40 CFR 122.26(b)(14), involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

(h) "Construction activity" means any clearing, grading, or excavation that results in soil disturbance. Construction activity also includes, but is not limited to, construction, repairs, dewatering, remodeling, building, and emergency construction activities required to immediately protect public health and safety.

(i) "Director" means the director of public works for the City of Santa Cruz or his/her authorized agent, representative or inspector.

(j) "Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

(k) "Hazardous substance" means all of the following liquid, solid and gaseous substances:

1. Any material or product for which the manufacturer or producer is required to prepare an MSDS for the material or product pursuant to the Hazardous Materials Information and Training Act (commencing with Section 6360, Chapter 2.5, Part 1 of Division 5 of the California Labor Code) or pursuant to any applicable federal law or regulation;

2. Any material or product which is listed as a radioactive material set forth in 10 CFR, Chapter 1, maintained and updated by the Nuclear Regulatory Commission. (Such materials shall be exempt from the requirement that an MSDS be submitted with the disclosure form);

3. Any material or product which is a "hazardous waste" or an "extremely hazardous waste" as defined by Sections 25115 and 25117 of the California Health and Safety Code;

4. Materials on the list prepared by the Director of the Department of Industrial Relations pursuant to Section 6382 of the Labor Code;

5. Hazardous Materials, as defined in Section 25316 of the Health and Safety Code;

6. Any material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a class II combustible liquid, or a class III-A combustible liquid;

7. The materials listed pursuant to Title 49 of the Code of Federal Regulations;

8. Any material which is on the list of EPA pollutants, 40 Code of Federal Regulations, Section 401.15, as amended;

9. Economic poisons stored in sufficient quantities as determined by either the Health Officer or the Agricultural Commissioner;

10. Hazardous materials contained in consumer products packaged for distribution to and used by the general public.

(l) "Illicit connection" means any human-made conveyance that is connected to the storm drain system and allows for an illicit discharge.

(m) "Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. Illicit discharge includes all non-storm water discharges except discharges pursuant to a NPDES permit or conditionally exempted by this chapter.

(n) "Illicit disposal" means any disposal, either intentional or unintentional, of material(s), substance(s), or waste(s) that has the potential to pollute runoff unless otherwise allowed by law.

(o) "Industrial Activity" means any public or private activity which is associated with any of the 11 categories of activities defined in 40 CFR 122.26(b)(14) and required to obtain a NPDES permit.

(p) "Industrial/commercial facility" means any public or private facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, or any facility involved and/or used in providing professional and non-

professional services. This category of facility includes, but is not limited to, any facility defined by a Standard Industrial Classification (SIC).

(q) "Maximum extent practicable" means a standard for implementation of storm water management programs to reduce pollutants in storm water. It is the maximum extent possible taking into account equitable consideration and competing facts, including, but not limited to: the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility.

(r) "NPDES" means the National Pollutant Discharge Elimination System and is implemented and enforced by a permit issued by the U.S. Environmental Protection Agency, State Water Resources Control Board, or the California Regional Water Quality Control Board pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

(s) "Non-storm water runoff" means any discharge to the storm drain system that is not composed entirely of storm water.

(t) "Nuisance" means a "public nuisance" as defined in this section.

(u) "Pollutant" means the same as defined in Section 502(6) of the Clean Water Act or as incorporated into the California Water Code, subsection 13373. Pollutants include, but are not limited to the following:

1. Materials (including but not limited to fuels, solvents, chemicals, detergents, plastic pellets, hazardous substances, radioactive wastes, fertilizers, pesticides, paints, soot, slag, ash, sludge);

2. Metals and non-metals both soluble and insoluble (including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium, chlorine, phosphorous, formaldehyde, glutaraldehyde and arsenic);

3. Petroleum hydrocarbons (including but not limited to fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);

4. Eroded soils, sediment, saw cut slurry and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state;

5. Animal wastes (including but not limited to discharge from confinement facilities, kennels, pens, recreational facilities, and stables);

6. Substances having acidic or corrosive characteristics, unusual coloration or turbidity;

7. Any domestic or industrial wastewater;

8. Any hazardous substances.

The term "pollutant" shall not include uncontaminated storm water, potable water, groundwater or reclaimed water generated by a lawfully permitted water treatment facility.

(v) "Private storm water conveyance system" shall mean a storm water conveyance system that is not owned or maintained by the city including any instrumentality that drains or conveys storm water from a building or from/through one or more properties to the environment or the city's storm water system.

(x) "Public nuisance" means any discharge in violation of the provisions of this chapter, a wastewater discharge permit, or an order of the city council.

(y) "Receiving waters" means all surface water bodies.

(z) "Regional Board" means a California Regional Water Quality Control Board.

(aa) "Runoff" means any storm water or non-storm water discharges from a drainage area that reaches the storm drain system. The term "runoff" is interchangeable with the term "urban runoff."

(bb) "Standard Industrial Classification" or "SIC" means a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget.

(cc) "State Board" means the State Water Resources Control Board.

(dd) "Storm drain system" means collectively any street, gutter, conduit, natural or artificial drain, channel and watercourse, or other facility that is owned, operated, maintained, or controlled by the city and used for the purpose of collecting, storing, transporting, or disposing of runoff.

(ee) "Storm water" means any water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.

(ff) "Storm water pollution prevention plan" or "SWPPP" means a plan required by the State of California General Permit for Storm Water Discharges associated with either industrial or construction activities. The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.

(gg) "Storm water runoff" means that part of precipitation (rainfall or snowmelt) which travels via flow across any surface to the storm drain system.

(hh) "Street washing" means the practice of washing of streets and/or sidewalks using water.

(ii) "Urban runoff" means any storm water and non-storm water runoff.

(jj) "U.S. EPA" means the United States Environmental Protection Agency.

SECTION 2. This ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 11th day of September, 2012, by the following vote:

AYES: Councilmembers Madrigal, Beiers, Robinson, Coonerty, Terrazas; Vice Mayor Bryant; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Don Lane
Mayor

ATTEST: ss/Bren Lehr
City Clerk Administrator

PASSED FOR FINAL ADOPTION this day of , 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2012-13 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

_____
City Clerk Administrator