



ANNUAL REPORT

**General Permit for the Discharger
of Storm Water from Small Municipal
Separate Storm Sewer Systems
(General Permit)**

FIRST PERMIT YEAR REPORT

**CITY OF SOLEDAD
248 Main Street
Soledad, CA 93960**

January 2006

**CLIFTON W. PRICE
PUBLIC WORKS DIRECTOR**

DATE

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CONTACT LIST

Permit Year: First Year

Date permit submitted to the Central Coast Regional Water Quality Control Board: 2/17/06

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ANNUAL REPORT

General Permit for the Discharger of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit)

A. Permittee Information

1. Permittee (Agency Name): City of Soledad
2. Contact Person: Clifton Price, Public Works Director
3. Mailing Address: P.O. Box 156
4. City, State and Zip Code: Soledad, CA 93960
5. Contact Phone Number: (831) 678-3963 x149
6. WDID # 3 27MS04029
7. Have any areas been added to the MS4 due to annexation or other legal means? YES NO
 If YES

Outfall	Has map been updated?		Has SWMP been updated?		Receiving Water Name
	YES	NO	YES	NO	

8. Are you subject to the Design Standards contained in Attachment 4 of the General Permit? YES NO
 If yes, report on the implementation of the Design Standards in section D.5 of this Annual Report Form.

- B. Reporting Period** (check one): Coverage Commencement () to June 30, 2004 **-or-**
 July 1, 2004 to June 30, 2005
 July 1, 2005 to June 30, 2006
 July 1, 2006 to June 30, 2007
 July 1, 2007 to June 30, 2008

C. Executive Summary

The City of Soledad submitted a Notice of Intent (NOI) for a Small Municipal Separate Storm Sewer System (MS4) general permit in October 2003, and the City of Soledad Storm Water Management Plan was developed and adopted in 2004. Waste Discharge Identification Number (WDID#) of 3 27MS04029, Order No. 2003-0005-DWQ, NPDES NO. CAS00004 was subsequently issued for the City.

During the first year of its Storm Water Permit, the City has made substantial gains implementing the Best Management Practices (BMPs) outlined in its Storm Water Management Plan (SWMP). Street sweeping, recycling of motor oil from its own fleet, and providing education about hazardous materials storage are some of the BMPs currently among the City's daily activities.

In addition to daily activities, the City of Soledad has adopted a Storm Water Ordinance within the past year to set in stone as City policy much of the SWMP. This Ordinance includes resources and actions the City Manager and/or other appropriate City Staff can and should take against polluters and requires any construction project(s) larger than one acre to submit a Storm Water Pollution Prevention Plan (SWPPP). Site-specific BMPs are prescribed for every construction project and frequent inspections have been performed during this first permit year.

The City of Soledad is subject to Attachment 4 (Supplemental Provisions) of the General Permit. During the first permit year, home subdivisions were completed, new restaurants were opened and two commercial developments were completed. Design Standards required per Attachment 4 were enforced on each project.

While there have been some successes in the implementation of the City's Storm Water Management Plan, a rigorous schedule has prevented the City from achieving 100% of its first year goals. On October 20, 2004, the City adopted a sewer moratorium that stopped new developments and propelled the City into reviewing its existing plans, procedures, and systems for: a) compliance with State and Federal requirements, b) the safety of its residents, and c) future sustainability of the City's infrastructure. In the fall and winter of 2005 alone, the City's first Urban Water Management Plan was developed and submitted, the General Plan was adopted, a Water Master Plan was completed, and the City started the development of a Long Term Waste Water Management Plan. These multiple demands swamped an already small staff, yet each item was necessary for the City to move forward with the appropriate plans, measures, checks, and balances critical to sustenance and growth within many areas of the City.

Working based upon a priority system of each necessary task set before it, the City accomplished what it could and identified those areas where it fell short, such as with implementing first year BMPs per their NPDES Permit requirements. Upon hiring a storm water coordinator in late 2005, the City is eager to bounce back for the second year of its NPDES Permit by completing all of the unfinished first year goals, in addition to those scheduled for the second year. For example, rather than stenciling 10 drainage inlets in the second year (the SWMP requires 10 per year), the City intends to stencil 20, fulfilling the obligations of both years.

Although an ambitious goal, the City looks forward to meeting the objectives of the second permit year while also completing the remaining first permit year objectives. The new staff that started in October 2005 is currently working to meet these storm water permit requirements. The new Assistant Engineer (and designated Stormwater Coordinator) and the new Code Enforcement Officer will work together with the rest of the City Staff to meet the BMP implementation schedule for the City of Soledad to maximize the City's efforts in protecting storm water quality.

D. Minimum Control Measures

The City is reporting the status and effectiveness of BMPs and measurable goals by completely answering the questions that follow includes any proposed modifications to the SWMP and anticipated changes to the schedule. Tables are provided as well as use narrative sections to highlight information.

1. Public Education and Outreach

<i>BMP</i>	<i>Description</i>	<i>Status</i>					
		<i>Implemented</i>	<i>Not Applicable</i>	<i>Modified</i>	<i>Effective</i>	<i>Unknown</i>	<i>Not Effective</i>
1.1 Utility Billings	Storm water messages reaching every residence and business in the City to effectively increase awareness of how seasonal activities can contribute to water pollution and to call out safeguards that aim to reduce pesticides, salinity/TDS/chlorides, and sediment/siltation, and other pollutants as appropriate and specific to the City.			√ 2 nd Yr			
1.2 Web site for storm water information	Website developed for widespread access to storm water information, programs, and activities.			√ 2 nd Yr			
1.3 Media advertisements - Television	Storm water advertisements regularly broadcast. Broadcasts will cover a wide range of topics, such as: - How pollution on land can lead to receiving water - Where used motor oil can be recycled, and why it's important to do so - How restaurant kitchen staff can prevent storm drain pollution			√ 2 nd Yr			
1.4 Media advertisements - Newspaper	No-cost storm water advertisements reaching a broad audience via printed media			√ 2 nd Yr			
1.5 Brochures or fact sheets for general public and specific audiences	Storm water pollution prevention information readily available to residents, students, business owners, designers, developers, & contractors at City Hall, the library, cleanup events, and classroom educational visits.			√ 2 nd Yr			
1.6 Publish use of City Hall phone number for Storm Water Hotline for information and citizen reporting of polluters	Provide a clear-cut means for the public to contact the City and report illicit discharges and illicit dumping.			√ 2 nd Yr			
1.7 Proper disposal of household hazardous wastes	Facility (ies) provided for the public to dispose of hazardous materials that may otherwise be dumped illegally. Goal is to reduce amount of trash, household chemicals, pesticides, etc. entering the City's storm water system.			√ 2 nd Yr			

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BMP	Description	Status					
		Implemented	Not Applicable	Modified	Effective	Unknown	Not Effective
1.8 Used Oil Recycling	Facility(ies) provided for the public to dispose of used motor oil in an effort to reduce the amount of petroleum hydrocarbons and other chemicals entering the City's storm water system due to illegal dumping.			√ 2 nd Yr			
1.9 Storm drain stenciling	Notice to community citizens regarding storm water pollution prevention at point of possible entry to storm drain system. Expected reduction in amount of trash and motor oil entering the City's storm sewer system.			√ 2 nd Yr			
1.10 Participation in Regional Storm Water Information Exchange	The City will participate in regional storm water information exchange meetings to enhance their own implementation efforts, and to build upon the lessons learned from other municipalities.	√					

a. **BMPs**

i. **General summary**

During the first year of the permit, the City attended two Salinas River Channel Coalition meetings regarding the implementation of storm water information. The overall success of the MCM is still minimal this year, since targeted outreach as described in BMPs 1.1 and 1.3-1.5 is expected to have a more significant impact on long-term public perception and awareness.

ii. **Status of Measurable Goals**

Only one of the first year's measurable goals has been achieved in its entirety. Releasing information to the public through various means of mass communication requires substantial effort to ensure outreach is appropriate and specific to the City's population. Considering the limited staff available/dedicated to the City's storm water program during 2005, most first year BMPs were not implemented. However, all remaining first year BMPs will be completed by the end of the second permit year, starting with the development of a brochure, a television ad, and a web page. The information provided by each medium will be dedicated to providing Stormwater information. The web page will be completed by the end of the first quarter of the year 2006. The first ad for the Soledad Times, a quarterly newspaper, was submitted on 2/9/06, and it will be published by the end of the month. An examples of the material sent to the quarterly newspaper are attached as Exhibit 1A and Exhibit 1B.

iii. **Appropriateness**

Attending the Coalition meetings has been an appropriate start for the City due to the limited staff dedicated to this project during the first permit year. For the remaining BMPs, proper disposal of pollutants is expected to have a large effect getting some of the worst pollutants out of the storm water, and bilingual messages slated for distribution are expected to provide widespread outreach specific to the City's population.

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iv. Effectiveness

The goals achieved during the first permit year cannot be adequately measured at this time. The results of using several forms of communication to reach the public in general will not be noticed until each goal is completed. In the future, the City intends to monitor how often the upcoming hotline is used, as well as whether there is a marked increase in the use of the disposal facilities considering the stepped-up advertising effort.

v. Proposed Modifications

The BMP objectives that have not been implemented during the first year are being developed and will be implemented during the second year.

b. There are no results yet available from the information collected and analyzed during this reporting period.

Not applicable this permit year.

c. Below is a summarization of the storm water activities planned during the next reporting cycle (including an implementation schedule).

The chart below outlines the City’s next reporting cycle of storm water activities that will be implemented during the second permit year.

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
1.1 Utility Billings	Messages distributed quarterly Permit Years 1-5 MG: Run four messages/yr	√		No. The City is currently working on creating quarterly storm water messages to be inserted in utility bills	Messages will be run quarterly by the end of the 2nd permit year.
1.2 Web site for storm water information	MG: Current storm water information placed on website, number emails and hotline use documented	√		Web site is not completed, but will be ready by the end of the first quarter of the year 2006.	Ongoing throughout permit term.
1.3 Media advertisements - Television	Permit Year 1: Legwork to determine req'ts of broadcasting text ad; develop ads by summer of First Permit Year MG: Ads developed	√		No. The City is currently working on creating a bilingual broadcast on local cable with messages that will vary depending upon the season.	100% will be completed by the end of the 2nd permit year including broadcasting the 4 different storm water text ads per year

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BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
1.4 Media advertisements – Newspaper	Permit Year 1: Negotiations with Soledad Bee for PSA by Summer of First Permit Year MG: Ad size and running frequency with Soledad Bee determined	√		No. The City will start negotiations with Soledad Bee. A quarterly ad will be published in The Soledad Times by the end of the second permit year.	The first Soledad Times ad will appear in the February 2006 copy. 4 ads per year.
1.5 Brochures or fact sheets for general public and specific audiences	Permit Year 1: Coordinate with library and City Hall on material dispensers (contents & display location) by Summer of Permit Year 1 MG: Storm water displays choreographed	√		No. Brochures have not been distributed. The City is currently working on creating the brochure, and coordination with the Library is in progress.	100% will be completed by the end of the second year.
1.6 Publish use of City Hall phone number for Storm Water Hotline for information and citizen reporting of polluters	Hotline advertised immediately upon development of Storm Water section of the City's website, in Permit Year 1. MG: Hotline voice mailbox set up (See also BMP 3.2)	√		No. Currently, the City is preparing the storm web page; this new page will have phone numbers to report illicit dumping.	Hotline will be set up for receiving and routing calls by the end of the second year.
1.7 Proper disposal of household hazardous wastes	Locations added to storm water section of City website in Permit Year 1 and updated as-needed if information changes. MG: Min. 2 existing locations for hazardous materials disposal listed on City website	√		Partially completed. Two facilities have been located and will be advertised as part of the new storm water website.	City web page to list facilities.
1.8 Used Oil Recycling	Permit Year 1: Determine existing efforts of a nearby recycling facility to advertise their facility by Summer of First Permit Year MG: Facility's existing advertising media & frequency determined. Facility advertised on City storm water website	√		Partially completed. Tri-City Disposal & Recycling currently collects used motor oil and sends two pamphlets per year to local residents. The City's new storm web page, the local City's channel, and the Soledad Time will also be advertising this service.	City web page to begin advertising service.
1.9 Storm drain stenciling	Permit Year 1: Procurement of stencil(s) to display appropriate message by end of Summer first Permit Year MG: Stencil(s) chosen	√		No. City is currently working on creating a new program to enforce this BMP.	20 existing storm drain inlets will be stenciled by the end of second permit year (10 inlets per year).

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BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
1.10 Participation in Regional Storm Water Information Exchange	The City will participate in a minimum of one regional storm water information exchange meeting per quarter. MG: Attend min. 1 meeting/quarter		√	Partially completed. The Salinas River Channel Coalition has one annual meeting. If Coalition has pending issues, more meetings are arranged. Last year, the City attended two meetings. The meetings are attended either by the Mayor, the City Manager, or by the Public Works Director.	On going practice, and depends on the availability of local meetings.

2. Public Involvement and Participation

BMP	Description	Status					
		Implemented	Not Applicable	Modified¹	Effective	Unknown	Not Effective
2.1 Educational and volunteer programs for school-age children and community groups	Community participation and education on storm water pollution prevention. Visible, interactive activities for storm system cleanup and protection, encouraging a vested interest in keeping pollution from entering City's storm sewer system.		√ 2 nd Yr				
2.2. Community Feedback	To solicit feedback and participation from the community. Community awareness that the City encourages and expects awareness on a City-wide level. Workshops will be held prior to the start of the rainy season in order to alert citizens to methods of preventing pollutants from entering runoff, and prior to submittal of the annual report in order to incorporate community feedback into the report.		√ 2 nd Yr				

- a. BMPs
 - i. General summary

The implementation of the Public Involvement and Participation BMP will start on the second year of the permit.

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ii. **Status of Measurable Goals**

N/A.

iii. **Appropriateness**

No BMPs were slated for implementation during the first year of the permit; therefore appropriateness cannot be determined at the present time.

iv. **Effectiveness**

After the second and third year of the permit, the City will be able to determine the impact on the City.

v. **Proposed Modifications**

No modifications within the Public Involvement and Participation minimum measure are proposed at this time.

b. **There are no results yet available from the information collected and analyzed during this reporting period.**

No results have been generated by this minimum control measure yet.

c. **A brief summary of the storm water activities planned to be undertaken during the next reporting cycle (including an implementation schedule) are included below.**

The City is planning on targeting community groups and schools for storm water education and volunteer participation by creating new interactive storm water programs. Information on volunteer programs will be also included in the Storm Water section of the City's website.

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
2.1 Educational and volunteer programs for school-age children and community groups	Permit Year 2: Contact with community groups to encourage participation by Spring Second Permit Year. MG: List of community groups interested in participating documented.		√	No.	Implementation will start during the second year of the permit
2.2. Community Feedback	Permit Year 3: Develop community vision workshop agenda and hold first workshop by Fall of Third Permit Year. MG: Hold one workshop/yr, quantity attendees documented.		√	No.	Implementation will start during the third year of the permit

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3. Illicit Discharge Detection and Elimination

BMP	Description	Status					
		Implemented	Not Applicable	Modified¹	Effective	Unknown	Not Effective
3.1 Storm drain system map	Inventory of storm drain inlets and infrastructure for better monitoring, maintenance, and cleaning.			√ 2 nd Yr			
3.2 Storm Drain Outfall Inspections	To offer a means by which the City can track outfall conditions and link signs of pollution at the outfall with known or reported illicit discharges upstream of the outfall structure in the storm system.			√ 2 nd Yr			
3.3 Illegal dumping reporting	Public awareness that the City is serious about preventing illegal dumping and discharges by encouraging people to report illicit discharge or dumping activities, and by promptly responding to these reports. An established system of reporting allows the City to a) investigate, b) track, and c) enforce these potential threats to water quality. (See also BMPs 3.4 & 3.5.)			√ 2 nd Yr			
3.4 Illegal dumping documenting and monitoring	Inventory of the frequency, type, and location of illicit discharges to distinguish which pollutants are entering the City's storm drain system, what the possible sources are, and with what frequency the dumping or discharge occurs. Expected decrease in response time after reports are filed.		√				
3.5 Illegal dumping investigations and tracking of "Hot Spots"	Reduction in illicit discharges, especially in areas found to be impacted most severely by pollutants of concern.		√				
3.6 Adopt ordinance, including an enforcement mechanism	Develop Storm Water Ordinance on April 6, 2005 to provide the legal authority for regulating illegal discharge and provide for enforcement activities.	√					
3.7 Sanitary sewer system map	Inventory of sewer infrastructure for proximity information related to storm drainage infrastructure to identify and reduce discharges from any illicit sanitary sewer connections or sewer overflows.	√					
3.8 Watch list for illicit connections	Awareness for City employees of those businesses that may be the source of potential illicit discharges into the storm drain system. Industry awareness that various facilities are subject to random investigations for illicit discharges. Result is reduced sources of non-storm water pollutant loading into the City's system.		√				

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BMP	Description	Status					
		Implemented	Not Applicable	Modified	Effective	Unknown	Not Effective
3.9 Industrial/business connections	Accountability for undocumented connections to storm drain system. Compliance encouraged. Objective is to identify unknown connections and assess if the connections are to be disconnected or may remain in service (depending upon the composition of the discharge, i.e. storm water or non-storm water). As a result, the City will have a more complete map of points of storm water discharge into the City's system, and/or reduce sources of non-storm water pollutant loading into the City's system.		√				
3.10 Review and Identification of Non-Storm Water Discharges	Objective is to determine other significant sources of pollutants that enter the storm drain system, and work toward reducing them through public education and other BMPs appropriate for the discharges determined to be significant by the RWQCB Executive Officer.		√				

a. **BMPs**

i. **General summary**

The development of the ordinance addressing illicit discharge has outlined specific responses and enforcement actions that will allow the City to detect and eliminate illicit discharge within the City's limits. Inventory of the sanitary sewer system has been completed, although the storm system map isn't entirely complete to provide the overall system configuration for determining if or where illicit connections may exist. No sewer overflows were discovered or reported last year to identify "hot spots" that may require rehabilitation or repairs.

ii. **Status of Measurable Goals**

Two of the first year's measurable goals have been achieved in their entirety. Not having enough staff dedicated to this project was the main reason why all the goals of the first permit year were not completed. After BMPs 1.3, 1.4, 1.5, are fully implemented, the public in general will be aware of things to watch out for (such as illegal dumping) and will be provided phone number(s) for reporting illicit discharges, which the City will then be able to investigate and track. Currently, the City has hard copies and electronic copies of storm drainage facility maps of most of the City. However, the existing hard copies and CAD drawing do not have information regarding some of the latest subdivisions that were constructed during the past +/- six years. Again, not having enough staff was the main reason why a complete set is not available, but the information obtained during the past weeks will be used to update the CAD drawing.

iii. **Appropriateness**

The steps that have so far been taken have been an appropriate beginning for the City in implementing its Storm Water Management Plan. Enacting the ordinance was a key first step in both enforcing controls and educating City staff about storm water issues. In addition, the City believes that updating its maps will assist in tracking down polluters and identifying areas where illicit sanitary sewer connections may exist, since being able to view the Citywide system with highlighted problem areas enables staff to better track and investigate these areas.

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iv. Effectiveness

The City believes that the BMPs, once inventory, inspections, and advertisement of reporting options have been implemented, will help in both tracking down polluters and reducing storm water pollution. At this time, however, it is difficult to measure the effectiveness given the enforcement procedures now available to staff through the ordinance have yet to be applied.

v. Proposed Modifications

The BMP objectives that have not been implemented during the first year are being developed and will be implemented during the second year.

b. There are no results yet available from the information collected and analyzed during this reporting period.

Not applicable at this time.

c. Below is a summary of storm water activities planned during the next reporting cycle (including an implementation schedule).

The following chart outlines the City’s storm water activities that will be implemented by the next reporting cycle.

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
3.1 Storm drain system map	Permit Year 1: Update storm water map with existing known facilities by Summer First Permit Year MG: Map updated	√		No. The City started to update the storm water map by compiling electronic AutoCAD drawings for some subdivisions. After existing CAD drawing is updated with new information and placed into the appropriate coordinate system, system will be converted to a GIS map.	For the second year permit, the City will develop an inventory for all new developments.
3.2 Storm Drain Outfall Inspections	Permit Year 1: Establish baseline conditions for all outfall structures MG: 100% outfall structures inspected, logged, and photographed	√		Partially completed. The outfalls have been inspected, and conditions of the structures were recorded but no photos were taken. .	The City will continue with inspections, and develop an annual report to record the functional conditions of the outfall The Public Works Department intends to use a camera for future inspections.

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BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
3.3 Illegal dumping reporting	Permit Year 1: Hotline for reports of illegal dumping in place and log begun documenting each report MG: Hotline voice mailbox set up, number of calls documented	√		Partially completed. The City currently suggests on its website that residents inform the public works department to report illegal dumping. The public works department then forwards these messages to the police department. Voice mailbox not yet set up to receive calls in staff's absence.	Number of calls will be property documented, and annual report on discharge, tracking and follow-up will be implemented during the following years of the permit.
3.4 Illegal dumping documenting and monitoring	Permit Year 2: Numeric & qualitative analysis of all reports documented over the first Permit Year. Development of criteria for consideration of "hot spots." MG: Discharge types documented, number of discharges tracked & cleaned up, documented. "Hot spot" criteria determined.		√	No.	Implementation will start during the second year of the permit
3.5 Illegal dumping investigations and tracking of "Hot Spots"	Permit Year 2: Initiate formal investigations & tracking for "hot-spots" by Oct. of Second Permit Year MG: Number investigations/hot spot established, tracking records developed		√	No.	Implementation will start during the second year of the permit
3.6 Adopt ordinance, including an enforcement mechanism	Complete ordinance by Dec. of First Permit Year. MG: Ordinance adopted		√	Adopted on April 6, 2005	
3.7 Sanitary sewer system map	Permit Year 1: Update sewer map with existing known facilities by Summer First Permit Year MG: Map updated		√	100% completed	
3.8 Watch list for illicit connections	Permit Year 3: All City businesses to be grouped and profiled for potential of having non-stormwater discharges into the City storm sewer system. MG: 100% businesses profiled and "watch list" created.		√	No.	Implementation will start during the third year of the permit
3.9 Industrial/business connections	Permit Year 3: Letter mailed out to all businesses by Oct of Third Permit Year MG: Letter sent to 100% businesses.		√	No.	Implementation will start during the third year of the permit
3.10 Review and Identification of Non-Storm Water Discharges	Permit Year 3: Plan developed MG: Breakdown of planned evaluation technique for each discharge developed.		√	No.	Implementation will start during the third year of the permit

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4. Construction Site Storm Water Control

BMP	Description	Status					
		Implemented	Not Applicable	Modified¹	Effective	Unknown	Not Effective
4.1 Regulatory mechanism for controlling polluted runoff from construction sites.	To enforce compliance in developing and implementing erosion and sediment controls from construction site storm water runoff.	√					
4.2 Construction site BMPs for controlling erosion & sediment at site	To ensure effective and appropriate use of available erosion and sediment control measures on an individual construction site basis.	√					
4.3 SWPPP Requirements and Guidelines	Formalized legal responsibility and accountability for effectively reducing sediment, erosion, and on-site chemical runoff associated with construction operations.	√					
4.4 Tracking of sites >1 acre with associated erosion & sediment control measures	Tracking mechanism for ensuring 100% of all sites are accounted for in implementing the associated BMPs as described and approved in their SWPPP.	√					
4.5 Inspections for sediment & erosion control	All construction sites ≥1 acre inspected, prioritized, and tracked by the City. Prioritization will give more attention to those sites that may have the greatest impact to compromising water quality to ensure the Contractor is held accountable for the BMPs that require implementation during construction.	√					
4.6 Penalties for non-compliance with runoff control measures	All construction sites ≥1 acre tracked and, when necessary, penalized for non-compliance. Provides incentives to Contractor for proper implementation of construction site BMPs, thereby reducing sediment and construction waste chemicals that would otherwise enter the City's storm drain system from these sites.	√					
4.7 Procedures for receipt and consideration of public inquiries, concerns, and information submitted regarding local construction activities	Information source and reporting on construction site runoff control measures available to public.		√				

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a. **BMPs**

i. **General summary**

With the implementation of the Storm Water Quality Ordinance, the City has started to enforce storm water pollution prevention during all phases of construction. A project-specific Storm Water Pollution Prevention Plan (SWPPP) and NOI from Contractors/Developers are required by the City for all projects greater than one acre. A model SWPPP has been prepared to demonstrate to developers and contractors what key information is required. Although a moratorium has been in effect the first permit year wherein no new construction projects have been allowed, the City has prepared itself once construction does begin again:

- No construction permit is issued before the SWPPP is approved.
- Routine inspections are conducted of construction sites having open permits, and enforcement per the ordinance is executed where required.
- Documentation and tracking of problem sites is performed.
- A priority inspection system has been developed depending upon each site's stage of construction, proximity to Salinas River, previous contractor's performance, repeated neglect of storm water protection systems, etc.

ii. **Status of Measurable Goals**

100% of the first year's measurable goals have been achieved.

iii. **Appropriateness**

Having worked hard to develop and approve its storm water ordinance, the City now both understands and cares about the necessity for its requirements. Passing the ordinance was an important first step in both educating and providing the tools for City staff to enforce it, especially on construction sites where storm water pollution is prevalent. Also, having the protocols and procedures in place for both the developers and contractors as well as City staff on storm water pollution protection during construction practices enables everyone to understand that sites are logged, tracked, assessed, and enforced for SWPPP compliance.

iv. **Effectiveness**

Measured effectiveness in the first year of the permit is difficult to calculate, especially because of the sewer moratorium that the City established in October 2004. No new developments have been constructed and approved, but the tools acquired during the first permit year will allow the City to implement new regulation to new developments. After the second and third year of the permit, reduction in pollution to the City's Stormwater system will be more readily determined through review, tracking, and enforcement of construction practices and/or violations over time. Future years of implementation will offer more opportunities to determine the real effect on the City.

v. **Proposed Modifications**

There are no modifications proposed.

b. **There are no results yet available from the information collected and analyzed during this reporting period.**

Not applicable this year.

City of Soledad – WDID# 3 27MS04029
First Permit Year

d. The following chart outlines the City’s storm water activities that will be implemented by the next reporting cycle.

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
4.1 Regulatory mechanism for controlling polluted runoff from construction sites.	Complete ordinance by Dec First Permit Year MG: Ordinance adopted		√	Adopted on April 6, 2005	
4.2 Construction site BMPs for controlling erosion & sediment at site	MG: List of acceptable reference materials and resources developed and available to public		√	100% completed. The City Design Standards and Standards Specifications list the requirements that developments/contractor have to provide with new plans. The City Engineer conducted plan checks on a case by case basis. Documents used during the plan-check phases are the existing City Storm Water Ordinance, the California Stormwater Quality Association (CSQA) Construction Handbook, and by checking that plans meet the existing City BMPs	On going practice
4.3 SWPPP Requirements and Guidelines	Permit Year 1: Model SWPPP developed; NOI & SWPPP required upon adoption of ordinance. MG: 100% sites ≥1 acre with SWPPPs		√	100% completed. City Engineer developed model SWPPP based on the existing Storm Ordinance, the existing City BMPs, and the CASQA Construction Handbook’ equipments.	On going practice
4.4 Tracking of sites >1 acre with associated erosion & sediment control measures	Permit Years 1-5: Log of construction sites developed and maintained by City. MG: 100% all construction sites ≥1 acre logged & tracked		√	100% completed City inspectors record construction sites.	On going practice
4.5 Inspections for sediment & erosion control	Permit Year 1: City will develop prioritization criteria and inspection checklist. MG: Prioritization criteria and checklist developed		√	100% completed. Checklist created by City Engineer.	On going practice
4.6 Penalties for non-compliance with runoff control measures	Permit Year 1: Enforcement procedures and tracking to be developed. MG: Enforcement & tracking procedures detailed in writing		√	100% completed City Inspectors enforce Ordinance.	On going practice

City of Soledad – WDID# 3 27MS04029
First Permit Year

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
4.7 Procedures for receipt and consideration of public inquiries, concerns, and information submitted regarding local construction activities	Permit Year 3-5: Website to include information related to construction site runoff control requirements and reporting by Sept. of Third Permit Year. MG: Information on construction site storm water runoff added to website, number of reports called in documented, follow-up on 100% of reports achieved		√	No.	Implementation will start during the third year of the permit

5. Post-Construction Storm Water Management

The City of Soledad is subject to attachment 4 (Supplemental Provisions) of the General Permit. Below is a table outlining compliance with and progress implementation of the Design Standards.

BMP	Description	Status					
		Implemented	Not Applicable	Modified¹	Effective	Unknown	Not Effective
5.1 Site design requirements for new development and redevelopment	Limiting the amount of impervious surfaces for new developments reduces the amount of storm water runoff into the City's storm sewer system, thus reducing the amount of sediment and vehicle-generated pollutants entering the system. Requirements for developers to stencil any new catch basins upon construction will reduce the amount of trash and motor oil that would otherwise enter the City's storm sewer system.		√ 2 nd Yr				
5.2 Storage or detention BMPs controlling storm water	Ensuring flows from newly- or redeveloped areas will be detained before entering storm drainage system to reduce sediment loading into the Salinas River.	√					
5.3 Post-Construction storm water runoff strategies and design standards	Storm water runoff strategies are site-specific, and require analysis on a case-by-case basis. The City defaults to the existing, State-accepted BMPs published in various reference materials to ensure that, as the State requirements for controls are updated, so too are the City's requirements.		√ 2 nd Yr				
5.4 Adopt ordinance, including an enforcement mechanism	To require compliance with implementation of site development controls (as established by the City and outlined in Attachment 4) that prevent or minimize water quality impacts.	√					

City of Soledad – WDID# 3 27MS04029
First Permit Year

BMP	Description	Status					
		Implemented	Not Applicable	Modified¹	Effective	Unknown	Not Effective
5.5 Long-term operations and maintenance of BMPs	Procedures in place for staff to conduct inspections and for compliance to be measured and tracked both for implementation of controls and operations and maintenance of those controls. Implementation of this BMP will effectively minimize, and in some cases prevent, erosion and sediment loading into the City's storm sewer system.	√					

a. **BMPs**

i. **General summary**

The existing City Zoning ordinance and new Storm Water Quality ordinance have provided the City the necessary tools to require storm water management facilities and long-term maintenance in new developments. These requirements help to capture and convey storm water as appropriate for protecting receiving waters from the impacts of new developments, and are consistent with the categorical design requirements of Attachment 4.

ii. **Status of Measurable Goals**

100% of the first year's measurable goals have been achieved.

iii. **Appropriateness**

The City of Soledad is rapidly growing, with many developments in the works. As a result, this MCM is particularly important to the City, since post-construction BMPs will be heavily used to limit storm water pollution. Fortunately for the City, the existing Design Standards used in plan review & site inspections already meet attachment 4 criteria except for stenciling requirements (The City will review their design standards to include stenciling from this point forward.). For example, an existing City Ordinance already limits impervious surface to a maximum of 40% and requires 100% of all site runoff for new developments to end in a retention basin.

iv. **Effectiveness**

With proper facilities and practices designed to protect receiving waters from pollution common in post-development runoff, this MCM will inherently be effective. Effectiveness is ensured by having City staff diligently enforce the new design standards during plan review and prior to close-out of construction permits. Inspection procedures, database and log sheet for long-term operations and maintenance will also provide physical means by which effectiveness is measured.

v. **Proposed Modifications**

There are no modifications proposed.

b. There is no applicable information to be reported this permit year.

Not applicable this permit year.

City of Soledad – WDID# 3 27MS04029

First Permit Year

c. The following chart outlines the City’s activities that will be implemented within the Post-Construction Storm Water Management.

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
5.1 Site design requirements for new development and redevelopment	Permit Years 2-5: Incorporate storm drain stenciling as a site design requirement beginning Second Permit Year. MG: 100% of new- and re-development sites to have stenciled drainage inlets prior to receiving Notice of Termination		√	No.	Implementation will start during the second year of the permit
5.2 Storage or detention BMPs controlling storm water	MG: 100% of all new- or redevelopment sites will divert min. 75% storm water runoff into detention basin.		√	100% completed	On going practice
5.3 Post-Construction storm water runoff strategies and design standards	The City will require developers and planning and development plan review staff to adhere to the requirements of Attachment 4 of the General Permit, beginning in the Second Permit Year. MG: 100% of new- and re-development "priority project" sites will comply with Attachment 4 design standards, and 100% of all other new- and re-development sites will implement City-approved post-construction BMPs		√	No.	Implementation will start during the second year of the permit
5.4 Adopt ordinance, including an enforcement mechanism	Complete ordinance by Dec. of First Permit Year MG: Ordinance adopted		√	Adopted on April 6, 2005	
5.5 Long-term operations and maintenance of BMPs	Inspection procedures, database, and log sheet to be developed by end of First Permit Year. Requirements for reporting by developers, homeowners associations, and City maintenance staff to be finalized also by end First Permit Year. MG: Procedures and log developed, reporting requirements developed		√	100% completed	On going practice

6. Pollution Prevention and Good Housekeeping for Municipal Operations

BMP	Description	Status					
		Implemented	Not Applicable	Modified	Effective	Unknown	Not Effective
6.1 Street sweeping	Preventing specific pollutants of concern* from entering storm water system *See also BMP 6.11	√					

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First Permit Year

BMP	Description	Status					
		Im ple men ted	Not Ap pli cable	Mod ified¹	Eff ective	Un known	Not Eff ective
6.2 Routine cleaning of drainage inlets	Prevent loading of specific pollutants of concern* before leaving the City limits. *See also BMP 6.11	√					
6.3 Guidelines for cleaning of vehicle parts	Established record-keeping of waste basin-unit use	√					
6.4 Used oil disposal	Established record-keeping for used-oil pick up	√					
<u>6.5 Hazardous materials storage</u>	Proper hazardous materials storage	√					
6.6 Hazardous materials training for City employees	Training for liability mitigation and education on ways to reduce the use of hazardous materials in City maintenance activities (for example, other products that may be used to reduce pesticides used for City parks).	√					
6.7 Employee training on storm water management and BMPs	Up-to-date information on storm water management and BMPs. Training for liability mitigation and protection of City's infrastructure system.		√				
6.8 Spill response	Immediate action to contain and cleanup spills	√					
6.9 Record keeping of spills, leaks, and other discharges at a facility	Tracking of spills, leaks, and other discharges by facility	√					
6.10 Staff Survey	Measure of SWMP effectiveness under current regulations. Objective is to determine known sources of pollution and/or especially problematic/pervasive areas or activities contributing to pollution in storm water, and work toward reducing these sources and activities.		√				
6.11 Annual Testing for Pollutants of Concern	Objective is to effectively measure what pollutants are found in distinct areas of the City to better determine what activities may be employed to reduce those specific pollutants from entering the storm drain system in the future.			√ 2 nd Yr			

a. BMPs

i. General summary

The City now counts street sweeping, cleaning of drainage inlets, and proper hazardous waste disposal among its regular activities, and has begun tracking its responses to spill cleanups. City staff has also attended trainings to enhance their knowledge about hazardous waste. Soledad is well on its way to being a good housekeeper in its municipal operations.

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First Permit Year

ii. **Status of Measurable Goals**

Nearly all of the first year's measurable goals have been achieved, with the exception of Annual Testing for Pollutants of Concern (BMP 6.11). The City is currently developing a plan to perform the annual testing that will begin before the annual catch basin cleaning is conducted in 2006.

iii. **Appropriateness**

The current BMPs implemented by the City have become routine practice with demonstrated success. Next year's BMPs include staff training at Public Works meetings, which is expected to not only spread knowledge to more staff, but also to enhance the knowledge of those doing the training. The appropriateness of these BMPs will more fully be measured in the third year, when surveys will be distributed among City staff to determine their own opinions on the current BMPs, and how they could be improved upon.

iv. **Effectiveness**

The BMPs are successful thus far. There have been successful hazardous waste spill cleanups and substantial debris and waste have been removed from the City's drainage system (see part b, below). As more data is recorded over time, the City will be able to better calculate the individual amounts of various pollutants (versus just the volume of total pollutants) prevented from entering the City's storm system.

v. **Proposed Modifications**

There are no modifications proposed for this measure at this time.

b. **Results of information collected and analyzed are included below.**

Approximately 25 yd³ per week of debris is collected with the street sweeper within the City boundaries. A total of 1,300 yd³ of debris is collected per year.
 Approximately 30 yd³ per year of waste is removed from the storm drain system within the City boundaries.

c. **Below is a brief summary of storm water activities planned to be undertaken during the next reporting cycle (including an implementation schedule).**

The following chart outlines the City's activities that will be implemented within the Pollution Prevention Housekeeping for Municipal Operations.

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
6.1 Street sweeping	MG: Schedule prepared, volume of removed materials documented		√	100% completed	On going practice
6.2 Routine cleaning of drainage inlets	Permit Year 1: City will have a log of each inlet in storm drainage system with cleaning tallies beginning Fall of First Permit Year MG: 100% inlets logged		√	100% completed A major cleaning occurs before the rainy season (August). During the rainy season, the Staff periodically monitored the conditions of the systems. In instances in which debris was found, it was removed.	On going practice

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First Permit Year

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
6.3 Guidelines for cleaning of vehicle parts	Permit Year 1: City will develop log by Summer First Permit Year. MG: Log developed		√	100% completed	On going practice
6.4 Used oil disposal	Permit Year 1: City will develop log by Summer First Permit Year MG: Log developed		√	100% completed	On going practice
6.5 <u>Hazardous materials storage</u>	MG: 100% hazardous materials stored in proper facility and per proper guidelines		√	100% completed. Hazardous materials stored in corporation yard within proper barrels, containers, and/or storage lockers. Proper hazardous materials handling is practiced by authorized personell.	On going practice
6.6 Hazardous materials training for City employees	Permit Years 1-5: City will have sign-up sheet for staff at each PW safety training by Winter of First Permit Year MG: 75% PW Staff attending min. 12 haz mat trainings/yr		√	100% completed Approximately 10 employees attend Pesticides classes twice a year. Two employees have the pesticide applicator certificate license, and eight employees have the applicator spray license. These employees attend the appropriate courses to maintain their licenses. These are State courses covering the proper handling and disposal of hazardous wastes. In addition, two employees attend 20 hours of laws and regulation seminars.	On going practice
6.7 Employee training on storm water management and BMPs	Permit Year 2: First training session held at PW staff meeting addressing new information taught to Inspector by Summer Second Permit Year MG: Training session held; 50% PW staff in attendance for training session.		√	No.	Implementation will start during the second year of the permit

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First Permit Year

BMP	Proposed Measurable Goal	Modified?		Schedule	
		YES	NO	Complete this year	Ongoing Implementation
6.8 Spill response	MG: 100% spills responded to		√	100% completed Around 4 spills (less than 10 gallons) occurred during the first permit year. Spills were caused by fluids coming from hydraulics of garbage trucks. Responses were successful. Floor sweep, and absorbing pads were used to treat spills.	On going practice
6.9 Record keeping of spills, leaks, and other discharges at a facility	MG: 100% occurrences documented		√	100% completed. The City currently logs the invoices of the companies that perform the cleanup. More formalized documentation is being developed.	On going practice
6.10 <u>Staff Survey</u>	Questionnaire will be distributed by June 30 and collected by July 15 (each year) beginning in Third Permit Year. SWMP reporting to RWQCB in September each year will incorporate findings. MG: 75% of City PW staff to provide feedback; plan to address feedback developed and incorporated into the SWMP.		√	No.	Implementation will start during the third year of the permit
6.11 Annual Testing for Pollutants of Concern	Testing to begin in First Permit Year MG: Volume pollutants prevented from leaving City limits calculated; reduction in pollutant levels present in samples determined, plans for applying data to SWMP activities developed.	√		No. Currently the City is working on creating an annual testing program.	100% will be completed by the end of the second year

E. Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature of Permittee (legally responsible person)

Date Signed

Clifton W. Price

Public Works Director

APPENDIX A

- | | | |
|--------------------|---|-----------------|
| Exhibit 1A: | First ad for the Soledad Times. | English version |
| Exhibit 1B: | First ad for the Soledad Times: | Spanish version |
| Exhibit 2: | TV ad for the Local Channel-
Spanish versions. | English and |

Exhibit 1A

The Ocean Begins

CITY OF SOLEDAD

**STORMWATER PROTECTION
STARTS WITH YOU**



HELP OUR COMMUNITY



DON'T POUR FLUIDS INTO YOUR SEPTIC SYSTEM, SANITARY SEWER, DRY WELL, ON THE GROUND, STORM DRAIN INLETS, OR IN THE TRASH



USE A BROOM RATHER THAN A HOSE TO CLEAN UP GARDEN CLIPPINGS, DIRT AND LITTER FROM SIDEWALKS, PATIOS AND DRIVEWAYS.



CONSERVE WATER AND REDUCE THE AMOUNT OF RUNOFF BY NOT OVER WATERING YOUR LAWN AND GARDEN.



KEEP UP CAR MAINTENANCE TO REDUCE LEAKAGE OF OIL, ANTI FREEZE AND OTHER FLUIDS.



WHEN CHANGING CAR FLUIDS, USE A DRIP PAN TO COLLECT ANY SPILLS. IF A SPILL OCCURS, SOAK IT UP USING AN ABSORBENT MATERIAL SUCH AS KITTEN LITTER OR SAWDUST AND DISPOSE OF IT PROPERLY.



**TO REPORT CLOGGED CATCH BASINS, CALL:
City of Soledad Public Works Department at (831) 675-3983**

**TO REPORT ILLEGAL DUMPING CALL:
City of Soledad Public Works Department at (831) 675-3983 between 8:00 A.M. to 5:00 P.M. and (831)755-5111 for other hours**

**TO RECYCLED USED MOTOR OIL CALL:
Tri-Cities Disposal and Recycle Service at (888) 676-6756**

**TO DISPOSE HOUSEHOLD HAZARDOUS WASTE CALL:
Johnson Canyon Landfill, Salinas Valley Solid Waste Authority Disposal at (831) 675-2165**

PhotoShop

Exhibit 1B

El Océano Comienza **CIUDAD DE SOLEDAD**

LA PROTECCIÓN DE LAS ALCANTARILLAS
COMIENZA CON USTED



AYUDE A SU COMUNIDAD

-  NO COEHE LÍQUIDOS EN SU SISTEMA SÉPTICO, DRENAJE DE SANITARIO, POZO SECO, LA TIERRA, ALCANTARILLAS, O EN LA BASURA.
-  UTILICE UNA ESCOBA EN LUGAR DE UNA MANGUERA PARA LIMPIAR RECORTES DE JARDÍN, TIERRA Y BASURA DE LAS ADERAS, PATIOS Y DAMINO DE ENTRADA.
-  CONSERVE AGUA Y REDUZCA LA CANTIDAD DE AGUA DESPERDICIADA, NO SOBRE RIEGUE SU CÉSPED Y JARDÍN.
-  CONTINÚE EL MANTENIMIENTO DE SU COCHE PAR REDUOIR EL GOTEO DE ACEITE, ANTI-CONGELANTE Y OTRO LÍQUIDOS.
-  CUANDO CAMBIE LOS LÍQUIDOS DE SU COCHE, UTILICE UNA CADEROLA PARA RECOGER CUALQUIER DERRAME. SI OCURRE, REDOJA EL LIQUIDO CON UN MATERIAL ABSORBENTE TAL COMO ASERRÍN Y DEBÉHELO APROPIADAMENTE.

PARA REPORTAR OBSTRUCCIONES EN DRENAJES, LLAME AL:
Departamento de Obras Públicas de la Ciudad de Soledad (831) 675-3963

PARA REPORTAR DESECHO ILEGAL LLAME AL:
Departamento de Obras Públicas de la Ciudad de Soledad (831) 675-3963 entre 5:00 A.M a 5:00 P.M. y al (831)795-5111 en otras horas

PARA RECICLAR ACEITE USADO DE MOTOR LLAME AL:
Servicio de Reciclaje y Desechos Tri-Cities al (888) 675-6756

PARA DESECHAR DESPERDICIOS PELIGROSOS LLAME A:
Johnson Canyon Landfill, Salinas Valley Solid Waste Authority, Casposal al (831) 675-2165



En Su Vecindad

Exhibit 2

City of Soledad

Stormwater Protection

Starts

With

You

CIUDAD DE SOLEDAD

La protección de las ALCANTARILLAS

comienza

Con

USTED

Help our community

Don't pour fluids into your septic system,
sanitary sewer, dry well, on the ground
storm drain inlets, or in the trash

(WEEK – 1)

SPANISH

Ayude a Su Comunidad

No eche líquidos en su sistema séptico, drenaje de sanitario, pozo seco, la
tierra, alcantarillas, o en la basura.

Help our community

Use a broom rather than a hose
to clean up garden clippings,
dirt and litter from sidewalks,
patios and driveway.

(WEEK 2)

SPANISH

Ayude a Su Comunidad

Utilice una escoba en lugar de una manguera para limpiar recortes de
jardín, tierra y basura de las aceras, patios y camino de entrada.

Help our community

Conserve water and reduce
the amount of runoff
by not over watering
your lawn and garden.

(WEEK - 3)

SPANISH

Ayude a Su Comunidad

Conserve agua y reduzca la cantidad de agua desperdiciada, no sobre
riegue su césped y jardín.

Help our community

Keep up car maintenance
to reduce leakage of oil,
anti freeze and other fluids.

(WEEK – 4)

SPANISH

Ayude a Su Comunidad

Continué el mantenimiento de su coche par reducir el goteo de aceite,
anti-congelante y otro líquidos.

Help our community

When changing car fluids,
use a drip pan to collect any spills.
If a spill occurs, soak it up using
an absorbent material
such as kitty litter or
sawdust and
dispose of it properly.

(WEEK – 5)

SPANISH

Ayude a Su Comunidad

Cuando cambie los líquidos de su coche, utilice una cacerola para recoger cualquier derrame. Si ocurre, recoja el líquido con un material absorbente tal como aserrín y deséchelo apropiadamente.

**To REPORT CLOGGED
CATCH BASIS, CALL:**
City of Soledad
Public Works Department
At (831) 678-3963

**PARA REPORTAR OBSTRUCCIONES EN DRENAJES,
LLAME AL:**
Departamento de Obras Publicas de la Ciudad de Soledad (831)
678-3963

**TO REPORT ILLEGAL
DUMPING CALL:**

City of Soledad
Public Works Department
at (831) 678-3963
between 8:00 A.M to 5:00 P.M.
and (831)755-5111
for other hours

PARA REPORTAR DESECHO ILEGAL LLAME AL:

Departamento de Obras Publicas de la Ciudad de Soledad (831)
678-3963 entre 8:00 A.M a 5:00 P.M. y al (831)755-5111 en otras
horas

**TO RECYCLED USED
MOTOR OIL CALL:**
Tri-Cities Disposal
and Recycle Service
at (888) 678-6798

**PARA RECICLAR ACEITE USADO DE MOTOR LLAME
AL:**
Servicio de Reciclaje y Desechos Tri-Cities al (888) 678-6798

**TO DISPOSE HOUSEHOLD
HAZARDOUS WASTE CALL:**

Johnson Canyon Landfill,
Salinas Valley Solid Waste
Authority Disposal at
(831) 675-2165

PARA DESECHAR DESPERDICIOS PELIGROSOS LLAME

**A:
Johnson Canyon Landfill, Salinas Valley Solid Waste
Authority Disposal al (831) 675-2165**

Remember.....

The Ocean Begins

In Your

Neighborhood!

City of Soledad

Recuerde....

El oceano comienza

en su

Vecindad

Ciudad de Soledad

APPENDIX B

City of Soledad Public Works Department Design Standards and Standard Specifications – January 2005 - Part V

**CITY OF SOLEDAD
CITY ENGINEER'S OFFICE
IMPROVEMENT PLAN CHECK LIST**

Conference Date & Time: _____

Tract Name: _____ FILE NO.: _____

Engineering Firm: _____

Contact Person: _____

Telephone Number: _____

Assessor's Parcel No.: _____

Plan Check and Inspection Fee Deposit Received by City ()

() First Check () Recheck

Sets of Plans

Sets of Hydrology Map and Calculations

Copies of Engineer's Estimate

Copies of Geotechnical Soils Report

Sets of Sewer Map and Calculations

Copies of Approved Tentative Map

Copies of Final Conditions of Approval (Resolutions)

Sets of Final Map Package

Two Copies NOI & SWPP

Preliminary Bond Estimate: \$ _____

Final Bond Estimate: \$ _____

I. GENERAL

1. Plans on standard 24"x 36" plan sheets. (As built Mylar originals due to City prior to acceptance of improvements.)
2. North arrow and scale on each sheet. North up and/or left preferred.
3. Titles and numbers on all sheets and match index.

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4. Conformance to Tentative Map and Conditions of Approval, especially street and R/W widths, grading, drainage, sewerage, water lines, number and size of lots, etc.

II. TITLE SHEET

1. Name of Subdivision or Project and Location (City of Soledad, County of Monterey, State of California).
2. Subdivision Number.
3. Vicinity Map with north arrow (north arrow up and/or left).
4. Sheet Index.
5. City Engineer's Signature Block.
6. Consulting Engineer's Signature Block.
7. City Required General Notes (may be on Sheet 2).
8. Reference Bench Mark, Location and Elevation, and Local Bench Mark Location and Elevation N.G.V.D.

III. COMPOSITE MAP

1. Map showing all streets, sewers, storm drains, water lines, fire hydrants, street lights, utilities, structures, street names, lot numbers, driveways, street stationing, north arrow, scale, easements, street tree types and locations, cluster mailbox locations, all mains with sizes and materials, street widths, sidewalks, etc. and show improvement plan sheet layout.

IV. NOTES & DETAILS

1. Drafting symbol legend including references to applicable standard plan numbers.
2. Street sections shown.
3. Structural sections shown and agree with City Standards and calculations (T_l, R-values, etc.).
4. Street Cross-slope shown - note relative difference of centerline and top of curb (TC) elevations.
5. List of Abbreviations.

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6. Required Improvement Plan General Notes.
7. Any proposed deviations from or modifications of City Standards.
8. References to the City Standard Plans and Specifications and City Standard Plans and Specifications for the Installation of Water Facilities where applicable.
9. Any items not addressed by the City Standard Plans and Specifications.
10. Where an option exists in the City Standard Plans and Specifications, delineate option chosen.
11. Reference to the project Geotechnical Investigation.
12. Reference to the SWPPP & NOI for the project including where they can be obtained.
13. All water system, sewer system, storm drain system and surface improvement components including fittings and appurtenances referenced by manufacturer and model number.
14. Details of any proposed deviations from or modifications to the City Standard Plans and Specifications.
15. Details of any proposed structures or other items not included in the City Standard Plans and Specifications.

V. DEMOLITION AND ABANDONMENT PLAN (if required.)

1. Show limits of demolition.
2. Show existing buildings.
3. Existing septic tanks and leach fields shown.
4. Existing wells and irrigation facilities shown.

VI. GRADING PLANS

1. Existing elevations or contours shown.
2. Proposed pad grades, pad limits, and correct relationship to TC grades proposed finished floor elevations.
3. TC elevations at property line extensions.
4. TC elevations at grade breaks, and curb returns (CR) shown.

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5. TC elevations at storm drain inlets shown.
6. Storm drain lines and structures shown.
7. Street profile grades at centerlines shown. (0.4% minimum).
8. Lot numbers shown.
9. Retaining walls and sound walls shown.
10. Plan view of typical lot drainage. Minimum slope of lots 1% (plus protective slopes from finish floor per UBC). Residential lots shall have usable rear yard with a depth of 15' minimum at a maximum slope of 5%.
11. Section of typical interior and exterior lots to show property line/slope relationships.
12. Show grading required for off-site drainage.
13. Grading shown between back-of-curb (BOC) or sidewalk (SW) and original ground at R/W line.
14. Grading conforms to adjacent properties shown correctly and no adverse effects on adjoining properties or on future development.
15. Check no drainage across lot lines and lots to drain to streets.
16. Maximum slopes 2:1 or per Soils Report.
17. All pads above high water when storm drains plug. (Surface flows for 100-year design storm.)
18. Elevations at all lot corners (with elevations shown at toe and top of slopes.)
19. Reference to project Geotechnical Investigation.
20. Compaction requirements for site grading.
21. Swale and bank gradients.
22. Foundation section.
23. North Arrow and Scale.
24. Grades at change in grade, swale high points, swale slopes and ground/bank slopes.

VII. STREETS

A. Plan Views

1. Wheelchair ramps shown per Standard Plans.
2. Radius of curvature, central angle, and length shown on all street curves.
3. Curb curve data given - central angle, length, and radius.
4. Scale 1"=40'.
5. Cul-de-sac radius.
6. Property corner cutoffs used when wheelchair ramps installed, otherwise concentric with curb.
7. R/W and street width dimensions shown.
8. Centerline stationing at 100' and BC & EC of curves shown.
9. Lot/parcel lines and numbers/letters shown.
10. Cul-de-sac cross slopes from high point to gutter lip minimum 2% and maximum 5%. Minimum curb & gutter grade around intersection corner rounded to 0.5%.
11. Valley (vee) gutters - To be avoided if possible. Minimum width 6 feet, show flow lines at center of street.
12. Stationing on all drainage structures shown.
13. TC elevations shown at all drain structures.
14. Drainage easements shown and dimensioned.
15. Location of underground pipes and utilities shown.
16. Location of fire hydrants (FH) shown. Maximum spacing 500' measured along street centerline.
17. Street monuments shown.
18. Pedestrian paths shown (if any). Basic grades shown.
19. Street names shown.

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20. Stations and elevations of street intersections shown.
21. All notes and symbols standard and conforming to legend.
22. All existing utility poles, manholes, valves, signs, mail boxes, trees, etc. shown. Indicate those to be removed, relocated or adjusted to grade.
23. Continuations and cross streets properly referenced (for example: See Sheet # _____).
24. Project limits and City Limits shown.
25. Standard street knuckles used.
26. Street signs, traffic signs and barricades shown in proper locations.
27. Driveway locations and widths shown. Minimum 3' vertical curb between driveways with 1.5' to property lines.

B. Profiles

1. Vertical curves designed for proper speeds per the Highway Design Manual.
2. Minimum vertical curve lengths observed (50' minimum).
3. Vertical scale 1' = 2' or 4'.
4. Vertical curves used for grade breaks greater than 2.0%
5. In cul-de-sacs, show profiles at centerline from radius point to TC at end of cul-de-sac.
6. Minimum curb & gutter grade of 0.4% observed, except minimum curb & gutter grade around intersection corner rounded to 0.5%.
7. 2% maximum grade observed across intersections.
8. All underground pipes (storm drain, sewer, water) and utilities shown.
9. Existing ground at centerline shown.
10. Finished grade profile for TC shown. Plot profile of all curb returns plus 50' on both streets when difference in street profiles exceeds 1% or as required by City Engineer. Vertical curve required when difference exceeds 2%.
11. Centerline profiles of intersecting streets shown to their point of intersection.

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12. Off-site profile to catch point shown where street is constructed to subdivision boundary.
13. Centerline stations and elevations shown at all BVC, EVC, PIVC, grade breaks, low points, high points, curb returns (C/R) and 100' stations.
14. All slopes in profile shown.
15. Show all utility crossings with clearances indicated.
16. Manhole and drop inlet invert and flow line elevations shown.
17. Elevation at high and low points of water main shown.

VIII. SANITARY SEWERS

1. System in agreement with Tentative Map and master plan.
2. Design conforms to City Standards with a Mannings $n=0.013$.
3. Size of pipe shown on plan (8" minimum).
4. Adequate cover shown. Sewer service lateral to have 5' minimum cover and 6' maximum cover at R/W line.
5. Clearance with water main per DOHS requirements.
6. Pipe size, slope, length between structures, and type of pipe shown.
7. Connection to existing facilities - Show connection details. Manhole installed when tying to existing pipeline.
8. Extension possible - Pipeline to subdivision boundary.
9. Sewer pipeline to be located per City Standards.
10. Curves allowed within 80% of recommendations of pipe manufacturer. Show curve data or offsets if concentric with centerline.
11. On all curves where short pipe lengths are used indicate clearly on plans.
12. Stationing on all manholes shown.
13. Top of manhole and invert elevations shown.
14. Sizes of existing pipelines shown.

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15. Pipe types allowed:

PVC, ASTM D3034, SDR 35
ABS, ASTM D2751, SDR 35
16. 500' maximum distance MH to MH.
17. Minimum 2 fps velocity with the pipe flowing full.
18. Pipe change of direction in MH - 0.2' drop between inlet and outlet where direction change exceeds 20 degrees.
19. Off-street manholes - Bolted MH covers required.
20. In unimproved areas, MH extended 1' above ground.
21. Check sanitary calculations.
22. Service laterals shown in plan at center of lot with centerline stationing. Minimum 10' separation per DOHS requirements for water mains.
23. Special approval areas shall be noted in profile (less than minimum cover and clearances).

IX. DRAINAGE

Hydrology-Hydraulics

1. Calculations per City Standards and based upon 10-year design storm with minimum velocity of 2 fps when flowing full.
2. Calculations shall include: HGL, FL, EGL, Q, A, S, V, freeboard at structures, structure losses, tail water assumptions.
3. Adequacy of in-tract and off-tract drainage system verified.
4. All starting water surface elevations adequately verified.
5. Drainage map showing street system, existing and proposed drainage system, slope arrows, tributary sub-areas in acres, peak flow in all pipes (1" = 100' preferred).
6. All pipe in tributary areas labeled to correspond to pipe designations in calculations.

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7. Percolation pond design and calculations per City Standards and retaining design storm with controlled outlet for 100-year design storm and design percolation rate of 2"/hour.

Easements

1. Off-tract drainage improvements (plan and profile) and accompanying easements shown. Off-tract offers of dedication for drainage easements submitted for review.
2. Off-tract work to be done but no easement requirements. Right of entry submitted for review.
3. Easement widths indicated (20' width minimum 1 pipe or access. 25' width 2 pipes.)
4. Easements across lots not permitted.

Structures

1. Maximum diameter pipes through drainage structures per City Standards.
2. 1.00' minimum HGL to TC.
3. Special structure calculations provided.
4. Drain inlets connected to manholes. Drain inlets not used as manhole system, slope arrows.

Pipe

1. Closed conduit minimum slope to maintain 2 fps observed min. 8 fps max. Size, slope, length between structures, type and class or thickness of pipe shown in profiles. Minimum 12" pipe diameter.
2. RCP (HDPE, PVC, upon prior City Approval).
3. Pipe location to be approved by City Public Works Director. On all curves where non-standard pipe lengths are to be used, indicate clearly on the plans.
4. Adequate cover shown. 3' minimum cover over pipe to finished grade observed (provided manufacturer specs does not require more cover) unless special design and calculations submitted.
5. Outlet protection required.

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6. Curve radii allowed to within 80% of pipe manufacture's recommendations.
7. All curve data at centerline of pipe shown unless concentric with street centerline then offsets allowed.
8. Elevations, slopes, and distances all mathematically correct.
9. Match hydraulic/hydrology calculations.

Channels

1. Maximum velocity in earth channel verified by soils report, or not to exceed 6 fps.
2. Channel side slopes as specified by soils report.
3. Channel design per City or MCWRA standards.
4. Adequate erosion control and 1' minimum freeboard, design storm frequency to be determined by City.

X. WATER LINES

1. System in agreement with Tentative Map and master plan.
2. Design conforms to City Standards (or water purveyor).
3. Size of pipe shown on plan (8" minimum except cul-de-sacs without hydrants where 6" is allowed).
4. Valves shown.
5. Fire hydrants (FH) maximum spacing - 500' residential and 300' other. Hose lay lengths 250' residential and 150' other. Cul-de-sacs within 200' of radius point.
6. Fire hydrants (FH) - Brand and model number per local requirements. Standard location at lot lines and CR's.
7. TC elevations at hydrant locations.
8. Adequate cover shown - 3" minimum to finished grade.
9. Proper separation from sewer lines per DOHS requirements.
10. Water main to be located per City Standards.

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11. Mains kept in streets - easements not allowed.
12. Crossings with sewer lines or laterals per DOHS requirements.
13. Pipe size, class and length shown in profile.
14. Length shown as distance between crosses or tees.
15. Top of pipe elevations shown at grade breaks.
16. Sizes of all existing pipelines shown.
17. Curves allowed within 80% of recommendations of pipe manufacturer. Show curve data or offsets if concentric with centerline.
18. Combination air valves and blow offs behind sidewalks.
19. Air and vacuum valves at high points and elevated cul-de-sacs if difference in elevation greater than 1/2 pipe diameter.
20. Connection detail to existing facilities. May require valve for testing and isolation.
21. Future extension - Install temporary blow off with valve at point of future extension.
22. Mains extend to tract boundaries and along frontage.
23. House services shown in plan.

XI. STREET LIGHTING

1. Shown on 1" = 100' scale plan.
2. Cul-de-sacs - 100 watt in bulb of cul-de-sac 100' deep or deeper.
3. Residential streets - evenly spaced at 240' maximum. 100 watts on 30'-0" poles with 12' arms.
4. Collector streets - evenly spaced at 240' maximum. 200 watts on 30'-0" poles with 12' arms.
5. Arterial streets - evenly spaced at 180' maximum. 200 watts on 30'-0" poles with 12' arms.
6. Wattage and pole heights indicated on plans.

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XII. OTHER

1. Erosion Control Plan.
2. Street Landscaping Plan.

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MINIMUM REQUIREMENTS FOR SITE DRAINAGE PLAN

1. Delineate drainage area on USGS quad map.
2. Elevations of existing ground (one foot contours and/or spot elevations at one or two inch grid) indicating slope of site including 100 feet beyond the property boundaries.
3. Existing and proposed creeks, swales, roadside ditches and culverts, curb & gutter, and storm drain systems, including location, size, direction of fall, and termination point which this parcel will effect.
4. Existing and proposed flood control facilities, including centerline of flow and top of bank.
5. Direct drainage system on site to the nearest positive drainage system and show on plan.
6. Proposed drainage easements for present and future surface drainage systems.
7. Existing and proposed building structures and facilities including septic tank drain fields and agricultural facilities.
8. If property is generally flat (less than 1% slope) elevate building pad or finish first floor grades to provide positive fall away from building (per the UBC). Pad elevations or finish first floor elevations must be shown. All residential lots shall have a 15' minimum depth usable rear yard with a maximum 5% slope.
9. If proposed open channel, maintenance road must be included. If proposed road side ditch, check culverts for effect on existing facilities within 1000 feet of site.
10. Determine maximum runoff, using Rational Method for 100 acres or less, and Soil Conservation Service Method for greater than 100 acres.
11. Closed conduit system, submit calculations on standard form (attached), or print out from computer program calculations.
12. Open channel system, submit:
 - The proposed section and maximum volume of flow in the proposed section.
 - The velocity and depth of flow for each section of different slope. (Show relationship between slope, velocity, critical depth, and depth of flow on profile).

- The estimated maximum permissible velocity for the types of soil encountered, and/or show erosion protection provisions.
- Backwater computations when downstream water surface elevations affect drainage structure capacities.

All calculations to be in accordance with and to the satisfaction and approval of the Monterey County Water Resources Agency (MCWRA).

13. HYDRAULIC DESIGN CRITERIA:

Flow Computations:

Manning's Formula shall be used to compute capacities of all open and closed conduits.

Appropriate "n" values shall be used.

Pipe Criteria:

Minimum pipe diameter allowable on any storm drain shall be 12 inches.

Driveway culverts shall be approved by the Agency for size, grade, alignment, and type.

Minimum velocity in closed conduits shall be 2 fps when flowing 0.8 full & 8 fps max.

The profile for closed conduits shall include upstream and downstream profile for a distance of 500 feet.

Open Channels Criteria:

Minimum velocity shall be 2 fps.

Maximum velocity shall be as specified by the MCWRA.

Freeboard requirements shall be as specified by the MCWRA.

Design Computation:

Watershed map (USGS topo map for offsite watersheds; separate plan for onsite sheds).

Drainage area in acres.

APPENDIX C

Storm Water Quality Ordinance (No. 617)

ORDINANCE NO. 617

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD ADDING NEW DIVISION VII -
STORM WATER QUALITY REQUIREMENTS AND COMPLIANCE AND NEW CHAPTER 13.52 -
STORM WATER QUALITY, TO TITLE 13 -“PUBLIC SERVICES” OF THE SOLEDAD MUNICIPAL
CODE**

WHEREAS, the City Council of the City of Soledad has adopted the statewide Storm Water General Permit and a Storm Water Management Plan; and

WHEREAS, the Storm Water Management Plan requires the adoption of a Storm Water Quality Ordinance; and

WHEREAS, the Storm Water Quality Ordinance provides the City with an enforcement mechanism for protecting storm water quality in the City of Soledad; and

WHEREAS, the Storm Water Quality Ordinance includes a fee system to finance City staff review of development Storm Water Pollution Prevention Plans and inspection/enforcement, to enforce the MS4 General Permit Requirements.

WHEREAS, the on March 16, 2005 the first Storm Water Quality Ordinance reading was done.

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

Section 1. The City Council hereby adds new Division VII- Storm Water Quality Requirements and Compliance and new Chapter 13.54- Storm Water Quality to Title 7 “Public Services” of the Soledad Municipal Code as follows:

Chapter 13.52 Storm Water Quality

Sections:

- 13.52.01 INTERPRETATION
- 13.52.02 INTENT AND OBJECTIVES
- 13.52.03 ADMINISTRATION
- 13.52.04 SEVERABILITY
- 13.52.05 ABBREVIATIONS
- 13.52.06 DEFINITIONS
- 13.52.07 ILLICIT DISCHARGES
- 13.52.08 CONSTRUCTION STORM WATER MANAGEMENT
- 13.52.09 NOTIFICATION OF SPILLS
- 13.52.10 CITIZEN REPORTS OF VIOLATIONS
- 13.52.11 ENFORCEMENT
- 13.52.12. RIGHTS TO RECONSIDERATION, HEARINGS AND APPEALS
- 13.52.13. CIVIL AND CRIMINAL PENALTIES
- 13.52.14 RIGHT OF ENTRY
- 13.52.15 VIOLATORS DEEMED PUBLIC NUISANCE
- 13.52.160 REMEDIES NOT EXCLUSIVE
- 13.52.170 FEES
- 13.52.180 ADOPTION OF ORDINANCE

13.52.010. Interpretation

A. This Chapter sets forth the administrative procedures, standards, and enforcement remedies which shall be used by the City in meeting the requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System

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(MS4) General Permit as promulgated by the California State Water Resources Control Board.

B. The provisions of this Chapter shall be regarded as the minimum requirements for the protection of the public health, safety, general welfare, and environment. This Chapter shall therefore be regarded as remedial and shall be liberally construed to further its underlying purpose.

C. This Chapter is not intended to interfere or conflict with, abrogate, or annul any other regulation, ordinance, statute, or provision of law.

D. Whenever a provision of this Chapter and a provision of any other law, ordinance, resolution, rule, or regulation of any kind, including any other provision of this Chapter, contains any restrictions covering the same subject matter, the more restrictive shall govern.

E. The foregoing principles notwithstanding, the City directs those city officials responsible for enforcement of this Chapter to utilize a reasonable common sense approach in the interpretation and application of the specific provisions of this Chapter. To this end, city officials charged with the responsibility for enforcement and administration of provisions of this Chapter shall be entitled to utilize discretion in waiving specific application requirements, provided that such discretion shall be exercised in a manner to preserve the purposes and intention of this Chapter and to not jeopardize the health, safety, or general welfare of the public or the environment. When exercising discretion to waive or modify any specific application requirements, said city official shall consider:

1. The scope and nature of the proposed project;
2. The impact of the project on the properties in the general vicinity of the project;
3. The impact of the project on municipal facilities and services, including without limitation, streets, water, sewer, drainage, police, and fire protection services; and
4. Whether the information contained in a requirement sought to be waived is reasonable and readily available from other materials submitted in conjunction with the application.

13.52.020 Intent and objectives

A. Intent

The intent of this Chapter is to prevent the pollution, impairment, or destruction of a natural resource or the public trust in the City unless (1) there is no feasible and prudent alternative and (2) the activity is consistent with the promotion of public health, safety, and welfare rather than the public's paramount concern for protection of its natural resources.

B. Objectives

The objectives of this Chapter are protecting the quality of water in the city's drainage ways and subsequent receiving waters in accordance with state and local regulations.

13.52.030 Administration

Except as otherwise provided herein, the City Manager, shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to, or duties imposed upon the City Manager, may be delegated to an appointed representative.

13.52.040 Severability

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this Chapter.

13.52.050 Abbreviations

The following abbreviations, when used in this Chapter, shall mean the following:

BMP	-	Best Management Practice
MS4	-	Municipal Separate Storm Sewer System
NOTC	-	Notice of Termination of Construction
NOV	-	Notice of Violation

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SWO	-	Stop Work Order
SWP3	-	Storm Water Pollution Prevention Plan
SWRCB	-	California State Water Resources Control Board
NPDES	-	National Pollution Discharge Elimination System

13.52.060 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meaning ascribed to them by this Section:

A. “Affidavit” - A sworn statement in writing, submitted by a person, or persons, to the City Manager, that is to be used as a legal document committing the said person to a long- term maintenance agreement with the City for maintenance of post-construction control measures.

B. “Applicant” - Any person that submits an application for a Storm Water Permit and is (1) the owner of the property upon which construction is proposed or is taking place; or (2) the lessee if the lessee undertakes development of the property under the terms of the lease.

C. “Best management practices (BMPs)” - Schedules of activities; prohibitions of practices; maintenance procedures; material storage shelters or covers; drainage management; runoff control devices or structures; retention or detention structures; trapping, separating, or settling devices; spill prevention or control devices and tools; waste treatment plants and devices; managed waste disposal devices and procedures; and other management practices to prevent or reduce the pollution of waters of the U.S.

D. “City Manager” - Person appointed to the position of City Manager, or his or her duly appointed representative.

E. “Closure activities” - Activities, or the process thereof, that result in the final stabilization of a construction site and leave the site in good repair.

F. “Commencement of construction” - The first disturbance of soils associated with or caused by move-in of equipment, installation of access roads or trails, storage of materials or equipment, clearing, grading, demolition, building, excavation or similar activities at a construction site.

G. “Compliance Order” - An order issued by the City Manager requiring a discharger to comply with this Chapter by means specified in the order.

H. “Consent Order” - An order issued by the City Manager to which a discharger agrees to bring the discharge into compliance to this Chapter.

I. “Construction activity” - Activities involving clearing, grading, demolition, excavation, filling, or building of above and below ground structures and buildings, support and auxiliary facilities, transportation facilities, container and containment structures, above and below ground utilities and associated auxiliary facilities, pipelines and conveyances, and similar activities undertaken for public purposes or needs; for preparation of land, structures, or facilities for commercial purposes, use, or sale; or for preparation of land, structures, or facilities for industrial purposes, use, or sale.

J. “Construction site” - The entire location where any construction or construction related activities occur which are part of a common plan of development or project.

K. “Discharge” - Any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the U.S.

L. “Discharger” - Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site.

M. “Emergency Cease and Desist Order” - An order issued by the City Manager requiring immediate cessation of a discharge because of imminent endangerment to the public or the environment.

N. “Final stabilization” - The condition, or the activities leading thereto, of a construction site wherein all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover, or equivalent permanent erosion prevention measures, has been

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established over all areas not paved or covered by permanent structures or impervious surfaces.

O. “Illicit connection” - Any connection to a storm water conveyance without permit or exemption from prohibition of such connection.

P. “Illicit discharge” - A discharge of liquid or solid wastes, or combination thereof, which is discharged to a storm water conveyance without permit or exemption from prohibition of such discharge.

Q. “MS4” - The municipal separate storm sewer system, incorporating the entire system of storm water conveyances, but not sanitary or industrial wastewater sewers, or a single conveyance in such entire system, natural or man-made, lying within the boundaries of the City.

R. “MS4 Permit” – The NPDES permit issued to the City for the discharge of storm waters from the MS4.

S. “Municipal Separate Storm Sewer System (MS4)”- Storm water conveyances lying within the corporate limits of the City, including but not limited to, storm water sewers, inlets, catch basins, traps, gutters, drains, ditches, culverts, canals, ponds, and other storm water conveyances, both natural and man-made, designed or used for collecting or conveying storm water, and which are not used for collecting or conveying sewage.

T. “National Pollution Discharge Elimination System (NPDES) permit” - National Pollution Discharge Elimination System permit issued by the EPA for the discharge of storm waters pursuant to authority delegated to the State by the EPA for issuance of NPDES permits.

U. “Notice of Termination of Construction (NOTC)” - A notice provided by a construction site operator to the City notifying the City of intended completion of construction activities.

V. “Notice of Violation (NOV)” - A legal notice issued by the City Manager indicating a discharge is in violation of this Ordinance and that the violator must eliminate such discharge.

W. “NPDES Permitting Authority” - The environmental agency that is responsible for the oversight and enforcement of the NPDES Phase II MS4 Storm Water Permit.

X. “Open space design” - A low impact site design technique that concentrates dwellings in a compact area in one portion of the development in exchange for open space and natural areas elsewhere on the site. Open space designs are used to reduce impervious surfaces, storm water pollutants, and the loss of natural areas on a site.

Y. “Operator of a construction site” - The person or persons who either individually or taken together, (1) have, by virtue of ownership or lease, operational control over the construction specifications (including the ability to make modifications in specifications); (2) have by virtue of ownership, lease, or contract, the day-to-day operational control over those activities at the construction site sufficient to ensure compliance with pollution prevention requirements and any permit conditions; or (3) have financial control of construction and authority to direct, either directly or indirectly, the construction activities to be undertaken at the site.

Z. “Outfall” - The outlet of a body of water, in particularly, the point where a storm conveyance reaches its receiving water.

AA. “Owner” - The person who owns a facility, property on which a facility occurs, part of a facility, or part of the property on which a facility occurs; in the case of a mortgaged facility or property, the person who has a mortgage on the property and who will obtain, upon proper payment to a financial institution, ownership of the property; in the case of a facility or property for which a person has an option to purchase and such person acts, in effect, as an owner. Also, the person who owns a site or facility and who has ultimate financial responsibility for activities conducted at the site or facility.

BB. “Performance Bond” - Bonds issued by commercial institution on behalf of contractors, such as construction companies, to protect project owners from the consequences the contractors' failure to complete contracts in accord with plans and specifications. Performance bonds can be particularly helpful in the case of especially environmentally risky or complex projects.

CC. “Person” - Any individual; group of people by virtue of contract or mutual consent acting as a single entity; group of people assigned joint responsibility under requirements of this Chapter; partnership; co-partnership; firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or the legal representatives, agents, or assigns of any person as defined in this paragraph. This definition includes all federal, state, and local governmental entities.

DD. “Petition for Reconsideration” - Written document submitted by a person to the City Manager requesting reconsideration of a previously issued SWO; Compliance Order; Remediation, Abatement, and Restoration Order; or Emergency Cease and Desist Order.

EE. “Pollutant” - Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, sediment, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff from irrigation or rainwater runoff from

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cultivated or uncultivated rangeland, pasture land, and farm land.

FF. “Pollution” - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the U.S. that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

GG. “Receiving waters” - Any water of the U.S. that accepts storm water runoff as overland sheet flow, channelized flow from a man-made or natural drainage channel, or similar structure, and is considered to be the ultimate destination of the storm water.

HH. “Remediation, Abatement, and Restoration Order” - A legally issued order by the City Manager to correct or repair damage; stop, or otherwise control pollutant discharge; and/or to rehabilitate and return to original quality some condition in the environment.

II. “Runoff coefficient” - A measurement of the amount of the precipitation that falls on a specific surface actually ends up as storm water runoff.

JJ. “Scour velocity” - The velocity, measured in feet per second, at which water has the ability to cause erosion. Scour velocities depend on topography, soils, and runoff rates.

KK. “Show Cause Hearing” - A hearing for which a violator of this Chapter must provide reason why a proposed enforcement action by the City Manager should not be undertaken.

LL. “Stop Work Order (SWO)” - A legal order issued by the City Manager to stop construction because of non-compliance to this Chapter.

MM. “Storm water” - Water derived solely and directly from rainfall or snowmelt runoff and appearing as overland flow, flow in drainage conveyances, or flow in natural watercourses and man-made waterways.

NN. “Storm Water Permit “- Authorization issued by the City to conduct construction activities.

OO. “Storm Water Pollution Prevention Plan (SWPPP or SWP3)” - A plan that describes the practices, and the procedures for their implementation, that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at a facility.

PP. “Storm Water Quality Plan” - A plan describing how construction is to be performed and how the site closure is to be accomplished, including post-construction control measures, at a construction site. A Storm Water Quality Plan is required to obtain a Storm Water Permit from the City.

QQ. “Urban forestry” - A low impact site design technique that utilizes environmentally sensitive practices and promotes the planting of trees and other vegetation to help control erosion and improve the quality of storm water runoff from construction sites within urbanized areas.

RR. “Warning Notice” - A notice issued by the City Manager stating that a discharge is in violation of this Chapter and requesting that the cause of discharge be investigated and that any violations be stopped.

SS. “Waters of the U.S.” - All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters in which the use, degradation, or destruction would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

TT. “Wetland” - An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

UU. “Working day” - Any calendar day, 8 a.m. to 5 p.m., but not including Saturday, Sunday, any legal holiday recognized by the City or any day for which the City Manager's offices are closed for ordinary and general business.

13.52.070 Illicit discharges

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A. Discharge Prohibitions

1. Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause and/or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a. The following discharges are exempt from discharge prohibitions established by this Chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pool draining, fire fighting activities, and any other water source not containing pollutants.
- b. Discharges specified in writing by the City as being necessary to protect public health and safety.
- c. Dye testing is an allowable discharge, but requires a verbal notification to the City prior to the time of the test.
- d. The prohibition shall not apply to any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NPDES Permitting Authority, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

2. Prohibition of Illicit Connections

- a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

B. Suspension of MS4 Access

1. Suspension Due to Illicit Discharges in Emergency Situations

- a. The City Manager may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.
- b. If the violator fails to comply with a suspension order issued in an emergency, the City Manager may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to the public.

2. Suspension Due to the Detection of Illicit Discharge

- a. Any person discharging to the MS4 in violation of this Chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City Manager will notify a violator of the proposed termination of its MS4 access. The violator may petition the City for a reconsideration and hearing pursuant to the provision of Section 13.57.120.
- b. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City Manager.

13.52.080 Construction storm water management

The following shall be considered construction related violations:

A. General Provisions

1. Construction Related Violations

- a. Construction not conducted in accord with the requirements of this Chapter shall be a deemed a violation of this Chapter.
- b. Construction not initiated or terminated within the time frame authorized by the City Manager by notice, permit or license when such authorization is required by this Chapter shall be a violation of this Chapter.
- c. It shall be a violation of this Chapter to not comply with requirements for timely application for a Storm Water Permit, requirements for a Storm Water Quality Plan, and a Notice of Termination of Construction (NOTC).

2. Pollution Prevention Requirements

- a. Any and all owners and/or operators of a construction site and any and all other persons undertaking construction activities as a contractor or subcontractor at a construction site shall use best management practices to control, reduce, and prevent, to the maximum extent practicable, the discharge of pollutants to the MS4 and/or waters of the U.S.
- b. The discharge of pollutants to the MS4 and/or waters of the U.S. from activities conducted by said operator, contractor, or subcontractor include but is not limited to: sediment, silt, earth, soil, dirt, sand and gravel; lime, liquids, solids, and semi-solids used for soil treatment, preparation, or amendment; concrete, slurries, grout, tar, and asphalt; construction vehicle cleaning and wash waters; construction vehicle maintenance fluids such as hydraulic fluids, lubricants, fuels, brake fluids, and coolants; hazardous or extremely hazardous materials; materials resulting from repair, renovation, or demolition such as concrete, reinforcing bar, steel, wire, tar paper, roofing materials, sheet rock, plaster, wood, cellar dirt and carpeting; residual and surplus construction materials; paint, paint thinner, paint equipment cleaner and wastewater from the cleaning of painting equipment and supplies; waste construction material packaging and containers; and construction trash, debris, and waste.

3. Stop Work Order (SWO)

- a. Whenever the City Manager determines that the operation of a construction site has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, as it may pertain to the operation of the construction site, the City Manager may order that a SWO be issued.
- b. When a SWO is issued, it shall be issued to the operator of the construction site for which construction is to stop, be posted at the site, and distributed to all City departments and divisions whose decisions affect any activity at the site.
- c. Unless express written exception is made by the City Manager, the SWO shall prohibit any and all further construction activity at the site, and shall bar any further inspection or approval by the City of any work associated with a building permit, Storm Water Permit, or any other City approval necessary to commence construction or to assume occupancy at the site.
- d. Issuance of a SWO shall not be a bar against, or a prerequisite for, taking any other action against the construction site operator.

B. Construction Site

1. Site Limits

A construction site is the location and all the areas wherein construction activity, which is all or part of a common development or project, are occurring, proposed to occur, or have occurred, irrespective of whether that construction is in compliance with this Chapter, irrespective of whether that construction activity is ongoing or temporarily suspended for any purpose, and irrespective of whether the City Manager has granted authorization to undertake the construction activity. For purposes of this Chapter, a construction site shall encompass:

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- a. all land and surface water areas where the construction activities of any type, including all areas of land surface disturbed by or as a consequence of the construction activities or other activities in support of the construction activities, are undertaken as part of a common plan of development or project;
- b. all areas of land to be disturbed by construction of a common plan of development or project, irrespective of whether such construction is undertaken or planned to be undertaken in one phase or stage or different phases or stages and irrespective of whether such construction is undertaken or planned to be undertaken at different, separate, or simultaneous times;
- c. all areas of land where the land is to be disturbed by construction of a common plan of development or project, irrespective of whether undertaken at contiguous or separate locations within the general area encompassed by the common plan of development or project, provided such boundary lies on or is within the boundary of property collectively owned or leased by one or more parties undertaking any or all of the construction activities; and
- d. all areas of ongoing, temporarily suspended, yet-to-be undertaken, and completed construction encompassing the totality of the construction activities, irrespective of whether any or all the construction activities are within compliance with this Chapter.

2. Redefining of Construction Site Limits

The City Manager shall have the right to redefine, for purposes of compliance with this Chapter, the limits of a construction site in an extent and amount necessary and sufficient in the judgment of the City Manager to prevent the actual or potential discharge of pollutants from the construction site to the MS4 or waters of the U.S. to the maximum extent practicable, provided the limits so defined lies on or within the boundary of property collectively owned or leased by one or more operators undertaking any or all of the construction activities at the site.

3. Cessation of Construction Site

A construction site shall, for the purposes of this Chapter, cease to be a construction site only at such time that all requirements for closure of the construction site as specified by this Chapter have been met.

C. Operators, Owners and Applicants

1. Definition of Owner and/or Operator

A construction owner/operator, as defined by and for the purposes of this Chapter, is the person or persons who, individually or collectively, own or lease the property upon which the construction activity is proposed to, or does, take place; has legal, financial, and operational control over construction specifications (including the ability to make modifications in specifications); has control over activities at the construction site sufficient to ensure compliance with applicable requirements of this Chapter either directly, by delegation, by authorized representative, or by contract;

and has the authority for undertaking or directing the undertaking of any or all construction activities at a construction site in accord with plans and specifications.

a. Owner and/or Operator Responsibility

A construction owner and/or operator shall be fully responsible for compliance with all requirements of this Chapter for construction activities, as may be applicable to the type of construction activities being conducted, proposed to be conducted, or that have been conducted by the owner and/or operator at a construction site, including but not limited to making application for a Storm Water Permit, preparing a Storm Water Quality Plan, performing closure of the construction site, and filing a Notice of Termination of Construction.

b. Change in Owner and/or Operator

In the event that the owner and/or operator of the construction site changes, all or in part, any and all Storm Water Permits, Storm Water Quality Plans, and Notices of Termination of Construction for construction yet to be completed must name the new and continuing owners' and/or operators' names. Any permits, plans, or notices that have been issued or approved by the City for the construction to the original owner(s) must be reissued or re-approved, as appropriate, with the name(s) of the new owner(s) and/or operator(s) in the same manner as the original owner and/or operator, such reissuance or re-approval being obtained no later than two (2) working days after such

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change.

2. Applicant

For the purpose of any applications for construction activities that may be required by this Chapter, an applicant is the person or persons making such application and is:

- a. An owner of the property upon which construction is proposed or is taking place; or
- b. A lessee if the lessee undertakes development of the property under the terms of the lease.

3. Division of Responsibility

In the event the owner and/or operator of a construction site is more than one legal entity, the City Manager may, but is not required to, define those areas or sub areas of a construction site or those construction activities at a construction site for which each entity shall be considered responsible and held liable for complying to this Chapter.

D. Construction Activities

1. Types of Construction Activities

- a. Construction activities are those activities which result in exposure of raw soil on a temporary or permanent basis and may include, but are not necessarily limited to, one or more of the following activities or practices when such activities are done for the purpose(s) of: smoothing, clearing, removing trees and vegetation, configuring or shaping the land surface or subsurface; modifying drainage, drainage patterns, drainage conveyances, or drainage facilities removing, destroying, or demolishing existing structures, surfaces or facilities; preparing the land for construction of roads, highways, curbs, gutters, drainage devices, vehicle parking, buildings, structures, walls, roofs, floors, pads, foundations, tanks, basements, pipes, or utilities.
- b. For the purposes of this Chapter, the City Manager may define any activity or practice that is similar to, in support of, or associated with said activities as a construction activity.

2. Construction Conduct

- a. Any construction at a construction site shall be performed so as to reduce, to the maximum extent practicable, the discharge of sediments and other pollutants from the construction site.
- b. An owner and/or operator of a construction site shall maintain on-site and make available for inspection by the City Manager, or appointed representative thereof, any notice, permit or license for construction, and any pollution control plan that may be required by this Chapter or other state or federal regulation.
- c. Application for a Storm Water Permit shall be submitted to the City Manager at least two (2) working days prior to beginning construction activities of any type, including clearing and leveling activities, for any construction site for which construction activities at the site will disturb in total one (1) acre or more of land surface area.
- d. A Storm Water Permit, issued by the City Manager prior to commencement of construction activities, shall be obtained for any construction site for which construction activities at the site will disturb in total one (1) acre or more of land surface area.
- e. A Storm Water Quality Plan shall be submitted to, and approved by, the City Manager prior to commencement of any construction activity at a construction site for which a Storm Water Permit is required.
- f. A Notice of Termination of Construction (NOTC) shall be submitted to the City Manager prior to final completion of construction activities for any construction site for which a Storm Water Permit was required.
- g. The City Manager may require that a construction site of any size conform to any and all conditions of this Ordinance for construction activities if the City Manager determines that such requirements are necessary to prevent a significant discharge of pollutants to the City's MS4 or waters of the U.S., or are necessary because of imminent harm to the public or the environment.

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3. Closure and Final Stabilization of Construction Site

a. Closure Activities

Construction activities at a site, for the purposes of this Chapter, shall not be complete until proper closure of the site has been accomplished. Until such time proper closure has been achieved, the owner and/or operator of the site is subject to all applicable requirements for conduct and completion of construction activities at the construction site. Any owner and/or operator of a construction site shall complete all construction activities at a construction site in compliance with the requirements of this Chapter for proper closure.

b. Proper Closure

Proper closure includes, but is not limited to, the following:

- i. Final stabilization of the site;
- ii. Removal of all construction surplus and residual materials, supplies, packaging, drums, cans, and containers;
- iii. Removal of all surplus and residual soaps, cleaners, pastes mastics, solvents, materials for soil amendment or preparation and similar construction materials;
- iv. Removal of all excess, surplus, and unused construction vehicle maintenance fluids, including lubricants, fuels, brake fluids, and coolants;
- v. Removal of all wastes, trash, and debris
- vi. Removal of any waste bins, enclosures, drums, or similar containers which are not intended to serve as permanent waste storage containers at the site;
- vii. Removal of all temporary storm water pollution control devices, structures, and materials;
- viii. If not intended for removal in City approved plans or specifications for the site, and to the extent a construction owner and/or operator or their activities are responsible for the damage or loss of function or capacity of storm water conveyances and appurtenances:
 - 1) Repair or replacement of damaged storm water conveyances and appurtenances;
 - 2) Repair or replacement of damaged drainage works and facilities; and
 - 3) Restoration of proper function and capacity of storm water conveyances.

3. Inactive Construction Sites

A construction site for which active and ongoing on-site construction activities have halted for a period of fourteen (14) continuous calendar days and for which proper closure actions as required by this Chapter have not been conducted, shall be considered in violation of this Chapter, unless the construction site owner and/or operator has submitted a NOTC for the site, or it is demonstrated to the satisfaction of the City Manager that:

- i. Such lack of active and ongoing on-site construction activity is a result of only temporary suspension of activities; and
- ii. Site conditions are and will be maintained in a condition satisfactory to prevent the discharge of pollutants to the City's MS4 or waters of the U.S. to the maximum extent possible during the period of temporary suspension of construction activities or until a NOTC is submitted and approved.

4. Notice of Termination of Construction (NOTC)

A Notice of Termination of Construction (NOTC) shall be submitted by the owner and/or operator at the completion of construction for any site for which a Storm Water Permit is required or issued. No construction activities can take place at a

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construction site identified in a Storm Water Permit after a NOTC has been submitted to the City Manager, unless the Storm Water Permit has been amended, or another Storm Water Permit has been applied for.

a. Contents of NOTC

When a NOTC is submitted for a construction site, the following shall be submitted with the NOTC:

- i. A description of the means, methods and extent of final stabilization of the construction site, including a summary of actions, procedures or practices that the construction owner and/or operator proposes to perform or be performed by agreement with others after issuance of the NOTC; any other information the City Manager may deem necessary, whether or not required of all construction owners and/or operators; and
- ii. Certification by the operator of the construction site that the site has been stabilized or that agreement for stabilization has been accomplished in accordance with a Storm Water Quality Plan approved by the City Manager.

b. Application Timeline

A NOTC must be submitted by the owner and/or operator of a construction no later than fourteen (14) calendar days after the date for termination of construction given in the Storm Water Permit.

c. Amendment to NOTC

- i. Amendment to a NOTC can be made without penalty by filing application of an amended NOTC at least two (2) working days prior to the date of termination of construction specified in the NOTC.
- ii. If amendment to a NOTC is filed less than two (2) working days prior to the date of termination of construction specified in the NOTC, such amendment may be rejected or require reasonable additional fee as may be established by the City Manager.

d. Acceptance, Conditional Acceptance, or Rejection of NOTC

i. Acceptance of NOTC

The City Manager shall issue an Acceptance of an NOTC by written communication or default (without written communication) when the City Manager is satisfied that:

- 1) Conditions for closure have been met;
- 2) The site has been adequately stabilized or provision for final stabilization of the site has been accomplished;
- 3) The person submitting the NOTC is not in violation of this Chapter.
- 4) The submission of the NOTC has been made in a timely fashion and all other conditions that the City Manager may specify have been met.

ii. Conditional Acceptance

The City Manager may issue a conditional acceptance of the NOTC if the City Manager determines there is reasonable expectation that the applicant will meet the conditions specified for conditional acceptance and, by doing so, will meet all conditions for acceptance of the NOTC. Conditions for which the City Manager may issue a conditional acceptance include but are not limited to the following:

- 1) Final stabilization of the construction site is not complete, but is progressing satisfactorily and can be reasonably expected to reach a satisfactory level of complete stabilization without further action on the part of the owner and/or operator;
- 2) Adequate provision has been made by the owner and/or operator to ensure that satisfactory

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stabilization will be accomplished by others;

3) Deficiencies in meeting closure requirements will be remedied by others; or

4) Site conditions are such that as to not warrant further stabilization activities at the current time but would warrant further stabilization in the future if site conditions were to change.

iii. Final Acceptance to Conditional Acceptance

The owner and/or operator receiving the conditional acceptance shall make application to the City Manager in a manner specified by the City Manager to receive the final acceptance of the NOTC. Means by which the owner and/or operator can demonstrate satisfaction of the terms of the conditional acceptance include but are not limited to the following:

- 1) All mandatory deadlines for inspection by the City Manager of the areas of the construction site for which the conditions established in the conditional acceptance have passed;
- 2) The owner and/or operator submits a certification to the City Manager that the conditions of the conditional acceptance have been met, the owner and/or operator requests in writing to the City Manager that such certification be accepted and the City notifies the owner and/or operator that the request for such acceptance of such certification is accepted; or
- 3) The owner and/or operator submits a certification to the City Manager that the conditions of the conditional acceptance have been met, the owner and/or operator requests in writing to the City Manager that such certification be accepted and the City does not notify the operator within thirty (30) calendar days of receipt of such written request that the request for such acceptance of such certification is accepted or denied.

iv. Rejection of NOTC

The City Manager may reject an application for issuance of a NOTC if the City Manager determines conditions for issuance of acceptance of the NOTC are not satisfied.

- 1) Any rejection of a NOTC shall include notice to the owner and/or operator receiving the rejection, with the reasons for the rejection.

v. Revocation of NOTC

The City Manager shall have the right to revoke a NOTC within three years of issuance if:

- 1) Acceptance is found to have been based upon false or misleading information submitted by the owner and/or operator; or
- 2) Conditions specified in the conditional acceptance were not met.

E. Storm Water Permit

1. General Provisions

- a. A Storm Water Permit authorizes a construction owner and/or operator to conduct construction activities. Obtaining a Storm Water Permit does not relieve an owner and/or operator of complying to any and all applicable requirements of this Chapter exclusive of those dealing with construction.
- b. A Storm Water Permit, when required, shall be obtained prior to the start of any construction activity at a site by application to the City Manager by the owner and/or operator of the construction site at which construction occurs or is proposed, such application providing such information the City Manager may require.
- c. Application for a Storm Water Permit shall require the submission of a Storm Water Quality Plan to the City Manager for review, such plan providing the information the City Manager shall deem as necessary to judge the sufficiency of the plan, when implemented, to reduce the discharge of pollutants from the site to the maximum extent

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- practicable.
- d. The Storm Water Permit must be obtained from the City Manager at least two (2) working days prior to commencement of construction. Only that construction activity which is described in the Storm Water Permit can be undertaken.
 - e. The Storm Water Permit shall be posted at the construction site, and no construction activity can occur prior to the date of commencement, or after the date of termination, authorized by the Storm Water Permit.
 - f. Construction must be started no later than thirty (30) calendar days after the date of commencement of constructions specified in the Storm Water Permit. Failure to begin construction within the specified time frame will render the Storm Water Permit void.
 - g. Application for a change in the date of commencement of construction or the date of termination of construction specified in a Storm Water Permit, must be made at least two (2) working days prior to: (1) the date of the proposed change for commencement; and/or (2) the date of the originally specified termination date or latest previously approved date of extension.
 - h. If for any reason the Storm Water Permit is suspended, revoked, terminated, or voided, construction activity at the site shall immediately cease.

2. Contents of a Storm Water Permit

- a. Address or other description of location of the construction site;
- b. Name and address of the construction site owner and/or operator, either property owner or lessee, and name and address of general construction contractor, if different from property owner or lessee;
- c. Name, address, and business telephone number of the construction site owner and/or operator's on-site representative;
- d. Earliest date of commencement of construction activity;
- e. Proposed dates of termination of construction activity, completion of final stabilization activities, and closure of the site;
- f. Practices to be employed for site stabilization during the course of the construction;
- g. A site plan identifying land areas to be disturbed and types of disturbance proposed, with identification of those areas which will, after completion of all construction activity, be pervious and impervious;
- h. Description of means by which the site is to be stabilized during suspension of construction activity for periods of fourteen (14) or more days and permanently stabilized by the time of completion of construction activities;
- i. Any other information the City Manager may deem necessary, whether or not required of any other owner and/or operator making application for a Storm Water Permit; and
- j. Certification by the applicant for the Storm Water Permit that the information provided on the Storm Water Permit application is true and accurate.

3. Amendment to Storm Water Permit

- a. Application for amendment to a Storm Water Permit can be made at any time two (2) or more working days prior to the time identified in the Storm Water Permit for completion of construction activities, provided the person(s) making application is not in violation of this Chapter.
- b. If the application for amendment to a Storm Water Permit requires a change in the Storm Water Quality Plan in order for the Storm Water Quality Plan to remain true and accurate should construction be undertaken in accordance with the amendment, an appropriately modified Storm Water Quality Plan shall also be provided at the time of

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application for amendment to the City Manager.

4. Late Filing of Amendment To a Storm Water Permit

- a. If application for amendment to a Storm Water Permit is made less than two (2) working days prior to the time for which the activities or conditions described by the amendment are to occur, exist or come about, and such activities or conditions are not authorized by the Storm Water Permit prior to application for amendment, the application shall be deemed to be a Late Filing of Storm Water Permit Amendment.
- b. A Late Filing of Storm Water Permit Amendment shall meet all the same conditions and requirements as application submitted more than two (2) working days prior to the time for which the activities or conditions described by the amendment are to occur, exist or come about, and include other such information the City Manager may require.
- c. Construction to be undertaken in accord with a Late Filing of Storm Water Permit Amendment shall not be undertaken until such amendment is approved by the City Manager.
- d. Approval by the City Manager of a Late Filing of Storm Water Permit Amendment or payment of any fees for such filing shall not relieve the applicant from any or all administrative enforcement remedies, judicial enforcement remedies, enforcement actions, or other remedies allowed by this Chapter.

5. Exemptions

Exemptions from requirements for a Storm Water Permit and Storm Water Quality Plan shall apply for the following situations or conditions:

- a. The construction activity is undertaken at a single or multiple family residential property site for the sole purpose of maintenance of the residential property site;
- b. The City Manager determines the construction is necessary on an emergency basis because of imminent harm or endangerment to the public or environment, in which case the construction may be continued only so long as such imminent harm or endangerment or threat of harm or endangerment exists;
- c. The City Manager may provide a waiver to the requirement for a Storm Water Permit upon the request of the owner and/or operator seeking such waiver. The waiver is to be provided only if the construction for which waiver is sought is demonstrated to the satisfaction of the City Manager to meet all of the following conditions:
 - i. Will not contribute to a violation of this Chapter or any permit or license the City may hold to discharge storm water;
 - ii. The construction activity is of such size, extent, magnitude, or location as to neither allow, cause, or have potential to cause a significant discharge of sediments or other pollutants to the City's MS4 or waters of the U.S.;
 - iii. There is a compelling public interest for issuance of a waiver;
 - iv. It is in the general interest of the health and safety of people in the City or protection of the environment that such waiver be provided, such interest not to be based upon cost or economic considerations as they may apply to or affect the owner and/or operator seeking waiver of the permit; and
 - v. Other such conditions the City Manager may deem necessary to ensure that significant discharge of sediment and other pollutants does not occur.

F. Storm Water Quality Plan

A Storm Water Quality Plan is required for a City Storm Water Quality Permit. The Storm Water Quality Plan shall be prepared in accordance with good pollution control practices. The plan does not need to be prepared by a registered engineer.

The main objective of the plan is to identify potential sources of pollution, including sediment, which may reasonably be expected to affect the quality of storm water discharges associated with construction and development. The plan must describe the implementation of best management practices (BMPs), which will be used to reduce the pollutants in storm water discharges associated with construction and post-development runoff.

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Storm Water Quality Plans shall be retained on site during the course of construction and shall be available for inspection by the City upon request.

1. Contents of Storm Water Quality Plan

a. Site Description

- i. A description of the construction activity;
- ii. A copy of any development plans;
- iii. A proposed construction schedule;
- iv. Total area of the site, and total disturbed area, including off-site staging/storage areas;

- v. An estimate of the runoff coefficient before and after construction activities are completed, and existing data describing the soil and soil erosion potential.
- vi. A description of the existing vegetation at the site, including coverage;
- vii. The location of other sources of pollution, such as vehicle fueling, storage of chemicals, concrete washout areas, etc.; and
- viii. The name of the receiving water(s) and description of any outfalls (size, type, and location), if the discharge is to a MS4, the name of the system, the location of the storm sewer discharge, and the ultimate receiving water(s).

b. Best Management Practices (BMPs)

The plan should indicate locations for and descriptions of control measures that will be used. The plan should clearly describe the implementation of BMPs relevant to each phase of site development such as:

- i. before clearing and grading activities begin;
- ii. during all phases of construction; and
- iii. post-construction/post development.

c. Control Measures

i. Construction Phase

Construction phase control measures to be described in the Storm Water Quality Plan may include, but are not limited to, the following:

1) Temporary Sediment Control Measures

- a) silt fence
- b) sand bag berms
- c) hay bales
- d) check dams
- e) interceptor swales/dikes

2) Temporary Stabilization Measures

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- a) temporary seeding
- b) erosion control blankets/matting
- c) mulch/compost
- d) temporary sodding

3) Final Stabilization Measures

- a) permanent seeding
- b) permanent sodding
- c) impervious surfaces

ii. Post-Construction Phase

Post-construction phase control measures should be incorporated into the Storm Water Quality Plan to preserve pre-development hydrologic regimes. Post-construction phase control measures to be described in the Storm Water Quality Plan may include, but are not limited to, the following:

1) Velocity Dissipation Measures

- a) On-Site
 - i) vegetated swales
 - ii) check dams
 - iii) vegetated filter strips
- b) Off-Site
 - i) surrounding local topography
 - ii) concrete-lined drainage channels

2) Pre-development Peak Flow Preservation

- a) On-Site
 - i) detention basins/ponds
 - ii) constructed wetlands
 - iii) bio-retention
 - iv) wet basins

- b) Off-Site
 - i) in-line detention
 - ii) outfall pump systems

3) Low Impact Development Standards

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For construction sites located within watersheds that are considered to be impaired by the California State Water Resources Control Board, or in buffer zones designated by the City, the owner and/or operator of the site, may be required, at the discretion of the City Manager, to utilize Low Impact Development Standards that include, but are not limited to:

- a) Minimization of the width or size of:
 - i) roads/streets
 - ii) sidewalks
 - iii) cul-de-sacs
 - iv) parking lots
- b) Open-space design
- c) Urban forestry
- d) Roof drainage control

4) Guidance Documents for Developers

The City will make available, upon request, a Post-Construction Control Measures Guidance and Low-Impact Development Standards Guidance for owners and/or operators, i.e. developers, of new and re-development projects.

d. Certification of Non-Impact to Pre-development Peak Flow

The City Manager may relieve an owner and/or operator, i.e. developer, of a construction site from requirements to incorporate on-site post-construction control measures if the City Manager determines that post-construction runoff from the said site will not impact the pre-development hydrologic regime.

i. Non-Impact Certification Form

A Non-Impact Certification Form (provided by the City) may be submitted to the City Manager, within fourteen (14) calendar days of the date of termination of construction, if the owner and/or operator, i.e. developer, of a construction site can prove to the City Manager that post-construction storm water runoff will have no impact to the pre-development hydrologic regime.

ii. A copy of any Non-Impact Certification Forms that are submitted to the City Manager shall be maintained as a part of the Storm Water Quality Plan.

iii. Non-Impact Certification Forms shall be submitted to the City Manager in accordance with the City's Post-Construction Control Measures Guidance (made available by the City).

d. Commitment of Long Term Maintenance of On-Site Post-Construction Control Measures

For new and significant redevelopment projects that are determined by the City to require on-site control post-construction control measures such as detention ponds, constructed wetlands, bio-retention systems, or the like, the developer shall be required to make a long term commitment to the City for maintenance of the said control measure(s).

i. An affidavit (supplied by the City), signed by the developer, or the person or persons who will be responsible for the maintenance of the control measure(s), must be submitted to the City Manager no later than two (2) calendar days after the date of termination of construction, and will serve as a legal commitment to the City.

ii. Once an affidavit has been submitted to the City Manager, the City Manager may require that a

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Performance Bond be issued to ensure the maintenance is performed according to the said legal commitment.

- iii. A copy of any affidavits or performance bonds must be maintained as a part of the Storm Water Quality Plan

f. Good Housekeeping

The plan should include inspection and maintenance procedures during the entire construction phase to ensure that BMPs are in good and effective operation condition.

i. Inspections

- 1) An inspection of the entire construction site should be performed every fourteen (14) calendar days, or following a rainfall of at least 0.5 inches.
- 2) Complete an inspection report (provided by the City) for each inspection performed.
- 3) Provide a copy of each inspection report to the City.
- 4) Inspection reports should be retained on site as part of the Storm Water Quality Plan.

ii. Maintenance

- 1) Maintenance shall be performed on applicable BMPs as soon as possible in areas identified in the inspection reports.
- 2) Maintenance shall be performed in accordance with manufacturer's specifications or other sources determined by the City Manager to be acceptable.
- 3) Maintenance records shall be retained on site as part of the Storm Water Quality Plan.

iii. Non-stormwater discharges

The Storm Water Quality Plan should include a location and description of non-stormwater discharges including but not limited to:

- 1) Return flows from landscape irrigation
- 2) Ground water
- 3) Water line flushing
- 4) Discharges from potable water sources

g. Revisions to Storm Water Quality Plan

- i. The Storm Water Quality Plan shall accurately reflect site conditions and the construction activities proposed to be undertaken. Revisions necessary to maintain an accurate and up-to-date Storm Water Quality Plan shall be made in a timely fashion but in no case later than two (2)

working days after the occurrence of conditions or activities requiring such revisions.

- ii. If the conditions or activities described by a Storm Water Quality Plan revision could be reasonably expected to result in an increase in the actual or potential discharge of pollutants from the site, such revision must be approved by the City Manager prior to implementation of the proposed revision at least two (2) working days prior to the implementation of activities described by the revision.

- iii. The City Manager shall have two (2) working days to approve or reject a revision to a Storm Water Quality Plan after submittal of a proposed revision. If the City Manager does not issue an approval or rejection of

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the revision within the acceptable time frame, the revision(s) shall be assumed to be approved.

C. Storm Water Pollution Prevention Plan (SWP3)

1. For a construction site that is five (5) or more acres and that is required by state or federal regulation to have an SWP3, the SWP3 shall be prepared in accordance with applicable state and federal regulations.
2. For a construction site that is one (1) or more acres but less than five (5) acres and that is required by state or federal regulation to have an SWP3, the SWP3 shall be prepared in accordance with applicable state and federal regulations.
3. Any storm water pollution prevention plan required by federal or state regulation shall be retained on site during the all phases of construction and made available to inspection by the City upon request. Failure to produce such required SWP3s shall be grounds for issuance of a SWO.
4. The City Manager may request and receive in a timely fashion, at the time of, or after application for a Storm Water Permit, a copy of any SWP3 required by federal or state regulation for discharge of storm waters from a construction site. Failure to provide such requested pollution control plan within a timeframe specified by the City Manager shall be grounds for a SWO.
5. The City Manager may require additional information, plans, or specifications are provided in an SWP3 for a construction site if the City Manager determines such additional information, plans, or specifications are necessary to prevent the discharge of pollutants to the MS4 or waters of the U.S.

13.52.090 Notification of spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City Manager in person or by phone or facsimile no later than the next working day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Manager within three (3) working days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

13.52.100 Citizen reports of violations

A. Report by Any Person

Any person shall have the right to report to the City Manager or an office designated by the City Manager, any spill, release, illicit connection or other instance of anyone (as may be identified by name, title, employing company, legal identity, commonplace name, or other description) discharging into the MS4 or waters of the United States, and any other violation of this Chapter of which the person becomes aware.

B. Action Upon Report

The City Manager or a designated City office shall receive all such reports by telephone, electronic mail transmission, in writing or in person. A written or electronic record of each such report will be maintained and kept on file for a period of at least five (5) years by the City, and a copy of the City's record of the report will be furnished to the reporting person upon request at no charge. Also upon request, the City Manager will inform the person making such report of any action undertaken by the City in response to such report.

13.52.110 Enforcement

A. Warning Notices

1. When the City Manager finds that any person has violated, or continues to violate, any provision of this Chapter, or any other order issued hereunder, the City Manager may serve upon that person a written Warning Notice specifying the particular violation determined to have occurred and requesting the violator to immediately investigate the violation and initiate preventative or corrective actions to stop the conditions causing, contributing to or resulting in the violation.
2. Investigation or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for

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any violations occurring before or after receipt of the Warning Notice.

3. Nothing in this subsection shall limit the authority of the City Manager to take any action, including emergency action or any other enforcement action, prior to issuing a Warning Notice.

B. Notification of Violation (NOV)

1. When the City Manager finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, the City Manager may serve upon that person a written NOV. Within ten (10) calendar days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention of recurrence thereof, including specific required actions, shall be submitted by the alleged violator to the City Manager. If the alleged violator denies that any violation occurred, or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the City Manager within ten (10) calendar days of receipt of the notice.

2. Submission of an explanation or plan in no way relieves the alleged violator of liability for any violations of this Chapter or any state or federal regulation occurring before or after receipt of the NOV.

3. Nothing in this section shall limit the authority of the City Manager to take any action, including emergency action or any other enforcement action, without first issuing a NOV.

C. Consent Orders

The City Manager may enter into Consent Orders, assurances of voluntary compliance, or other written agreements with any person for noncompliance with any provision in this Chapter or any order issued hereunder. Such agreements may include specific action to be taken by the person to correct the noncompliance within a time period specified by the agreement. Such agreements shall have the same force and effect as administrative orders issued pursuant to this Chapter and shall be judicially enforceable.

D. Show Cause Hearing

The City Manager may order any person who has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, to appear before the City Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the alleged violator specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action and a request that the alleged violator show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days prior to the hearing. Such notice may be served on any representative of the alleged violator. The hearing shall be conducted pursuant to the rights and procedures specified in this Chapter.

E. Compliance Order

1. When the City Manager finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, the City Manager may issue a Compliance Order to the violator directing that the violator come into compliance with this Chapter within a specified time limit. Compliance Orders also may contain other requirements to address the noncompliance, including self-monitoring and implementation of best management practices designed to minimize the amount of pollutants discharged to the MS4 and waters of the U.S.

2. A Compliance Order may not extend the deadline for compliance established by a state or federal standard or requirement.

3. A Compliance Order does not relieve a person of liability for any violation, including any continuing violation.

4. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, any other action against the violator.

F. Remediation, Abatement and Restoration Orders

1. When the City Manager finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, and the City Manager has reasonable evidence to suspect that such a violation has adversely affected the MS4 or waters of the U.S., the City Manager may issue a Remediation, Abatement and Restoration Order to the violator directing said violator to undertake and implement any appropriate action the City Manager may designate to remediate or abate any adverse effects of the violation upon the MS4, and to restore any part of the MS4 within the City that has been harmed, provided such ordered actions are limited to actions lying within City boundaries. Such remediation, abatement, and restoration actions may include but shall not be limited to:

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- a. Monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, or restoration actions;
 - b. Confinement, removal, cleanup, treatment, and disposal of any discharged or released pollution or contamination.
 - c. Prevention, minimization, or mitigation of any damage to the public health or the environment that may result from the violation; and
 - d. Restoration or replacement of City property or natural resources damaged by the violation
2. The Remediation, Abatement, and Restoration Order may direct that the remediation, abatement, or restoration be accomplished on a specified compliance schedule and be completed within a specified period of time.
 3. The cost for preparation, implementation, construction, and maintenance of any remediation, abatement, or restoration as may be ordered by the City Manager shall be borne by the person to whom the City Manager has issued such order.
 4. An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation.
 5. Issuance of an order under this subsection shall not be a bar against, or a prerequisite for, taking any other action against any responsible party.

G. Emergency Cease and Desist Orders

1. When the City Manager finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the violation(s) has caused or contributed to an actual or threatened discharge to the MS4 or waters of the U.S. which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Manager may issue an Emergency Cease and Desist Order to the violator directing said violator to immediately cease and desist all such violations and directing the violator to:
 - a. Immediately comply with all Chapter requirements;
 - b. Terminate any discharges which the City Manager determines to present an imminent or substantial endangerment to persons or to the environment; and
 - c. Take such appropriate preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations, terminating the discharge or both.
2. Any person to which an Emergency Cease and Desist Order has been directed, shall, upon receipt of such Order, immediately take action to stop or eliminate the endangering discharge. In the event of said person's failure to immediately comply voluntarily with said Order, the City Manager may take such action(s) as deemed necessary to prevent or minimize harm to the MS4 or waters of the U.S. or endangerment to persons or to the environment. Such actions may include, but are not limited to, immediate termination of water supply, sewer connection or other municipal utility service provided to said person; any facility owned, leased or operated all or in part by said person; or any site for which said person is all or in part an owner or lessee.
3. The City Manager shall allow the person to whom an Emergency Cease and Desist Order has been issued to recommence discharges when the City Manager determines that the period of endangerment has passed, unless further termination proceedings are initiated against the person to whom the order was issued.
4. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a written statement, in a form as may be acceptable to the City Manager, describing the causes of the harmful discharge and measures taken or to be taken within a timely fashion to prevent any future occurrence, to the City Manager within fourteen (14) calendar days of receipt of the emergency order.
5. Issuance of an Emergency Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

13.52.120 Rights to reconsideration, hearing and appeals

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A. Reconsideration of and Hearing of Petitions

1. Any person subject to a Stop Work Order; Compliance Order; a Remediation, Abatement and Restoration Order; or an Emergency Cease and Desist Order may petition in writing to the City Manager to reconsider the basis for the order within ten (10) calendar days of the affected person's notice of issuance of such an order.
2. Failure to submit a written Petition for Reconsideration within ten (10) calendar days of the affected person's notice of issuance of such an order shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.
3. In its Petition for Reconsideration, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the evidence that supports the petitioner's view of the facts, any alternative terms of an order that the petitioner would accept, and whether the petitioning party requests a hearing on its petition.
4. The effect of any Compliance Order; and any Remediation, Abatement, and Restoration Order shall be stayed pending the City Manager's consideration of the Petition for Reconsideration, and any hearing thereon, unless the City Manager expressly makes a written determination to the contrary. The effectiveness of any Emergency Cease and Desist Order shall not be stayed pending the City Manager's reconsideration, or any hearing thereon, unless the City Manager expressly and in writing stays the Emergency Cease and Desist Order.
5. Within ten (10) calendar days of the submittal of a Petition for Reconsideration, the City Manager shall either: (1) grant the petition and withdraw or modify the order accordingly; (2) deny the petition, without hearing if no material issue of fact is raised; or (3) if a hearing has been requested and a material issue of fact has been raised, schedule a Show Cause Hearing on the petition.
6. Written notice of any hearing set by the City Manager as a result of a Petition for Reconsideration shall be served on the petitioning party personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days prior to the hearing. Such notice may be served on any authorized representative of the petitioning party.
7. The City Manager may conduct the hearing and take evidence, or may designate any employee of the City or any specially-designated attorney or engineer to:
 - a. Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;
 - b. Take and gather evidence; and
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Manager for action thereon.
8. At any hearing held pursuant to a Petition for Reconsideration, testimony taken shall be under oath and recorded. Any party is entitled to legal representation and may present his or her case or defense by oral or documentary evidence and may conduct such cross-examination as may be required for a full and true disclosure of the facts. Notwithstanding, the parties thereto shall not be bound by the formal rules of evidence. A transcript will be made available to any party to the hearing upon payment of the usual charges thereof.
9. After the City Manager has reviewed the evidence, the City Manager shall either: (1) grant the petition; (2) deny the petition; or (3) grant the petition in part and deny it in part. The City Manager may modify the order giving rise to the Petition for Reconsideration as may be the appropriate based upon the evidence and arguments presented at the hearing and the City Manager's action on the petition. Further orders and directives as are necessary and appropriate may be issued.

B. Appeal

1. If a discharger or operator is penalized as a result of a Stop Work Order; Compliance Order; a Remediation, Abatement and Restoration Order; or an Emergency Cease and Desist Order, such discharger or operator may file a written appeal to the City Manager. The appeal must include evidence proving that the discharger or operator did not violate this Chapter. The appeal must be filed within five (5) working days of the discharger or operator receiving the penalty.
2. Failure to submit an appeal within five (5) working days of the discharger or operator receiving the penalty shall be deemed to be a waiver of further administrative review.

13.52.130 Civil and criminal penalties

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A. Civil Remedies

City shall be entitled to seek any and all civil penalties available under applicable law in state or federal court for violation of the provisions of this chapter.

B. Criminal Penalties

1. Any person who has violated any provision of this Chapter, or any order issued hereunder, shall be strictly liable for such violation and shall, upon conviction, be subject to a fine of not more than \$2,000 per violation, per day.
2. Any person who has knowingly made any false statement, representation or certification in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this Chapter, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be subject to a fine of not more than \$4,000 per violation, per day.

C. Determination of Fines

In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other state of mind of the violator, and any other factor as justice requires.

13.52.140 Right of entry

The City Manager and/or their appointed representative may, where reasonable cause exists, with or without a warrant issued by a court of competent jurisdiction enter upon any property for examination of the same to ascertain whether a violation of the requirements of this Chapter shall be exempt from any legal action or liability on account thereof.

13.52.150 Violations deemed a public nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisances may be taken.

13.52.160 Remedies not exclusive

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

13.52.170. Fees

A. Implementation Fees

The City may adopt reasonable fees for reimbursement of costs of implementing this Chapter, which costs may include, but not limited to, the following:

1. Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
2. Fees for issuance of permits;
3. Fees for review of notices and plans for construction, termination of construction, and storm water pollution prevention control, irrespective of any acceptance or rejection of such notices or plans by the City Manager;
4. Fees for conduct of site inspections by the City when requested by an operator of a site or facility, irrespective of whether such inspection is required by this Chapter;
5. Fees for site inspection by the City pursuant to determination of compliance to conditions of a conditional notice of termination

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of construction;

6. Fees for responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants; and
7. Other fees as the City may deem necessary to carry out the requirements contained in this Chapter.

B. Separation of Fees

The fees described above relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

C. Fee Summary

The Fee Schedule shall be as determined from time to time by adoption of Resolutions by the City Council of the City of Soledad.

Section 2. This ordinance shall be in full force and effect commencing thirty (30) days after the date of its final passage and a summary hereof shall be published once within fifteen (15) days in the Soledad Bee, a newspaper of general circulation printed and published in the County of Monterey and circulated in the City of Soledad.

This Ordinance was introduced and read at a regularly held meeting of the City Council of the City of Soledad on the 16th day of March 2005 and was finally passed and adopted on the 6th day of April 2005.

AYES, and in favor there of, Councilmembers: Christopher Bourke, Patricia Stephens, Mayor Pro Tem Juan Saavedra, Mayor Richard Ortiz

NOES, Councilmembers: None

ABSENT, Councilmembers: Stefanie De La Rosa

ABSTAIN, Councilmembers: None

RICHARD V. ORTIZ, Mayor

ATTEST:

NOELIA F. CHAPA, City Clerk