

ORD-50

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF LONG BEACH AMENDING THE LONG
BEACH MUNICIPAL CODE BY AMENDING SECTIONS
8.96.040, 8.96.050, 8.96.080, 8.96.090, 8.96.100,
8.96.110, 8.96.120, 8.96.130, AND 8.96.210

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 8.96 of the Long Beach Municipal Code is amended
to read as follows:

8.96.040 Definitions.

For the purpose of provisions of this Chapter concerning water quality hereinafter set forth, the following words and phrases shall be construed to have the meanings set forth, unless it is apparent from the context that a different meaning is intended. If the definition of any term contained in this section conflicts with the definition of the same term in the current Municipal NPDES Permit, then the definition contained in the Municipal NPDES Permit shall control.

A. "Best Management Practice" or "BMP" shall mean practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters.

B. "Clean Water Act" or "CWA" shall mean the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq).

C. "Construction General Permit" or "CGP" shall mean General Permit for

1 Storm Water Discharges Associated with Construction and Land
2 Disturbance Activities. General NPDES permit issued by the State Water
3 Board, which authorizes the discharge of stormwater from construction
4 activities under certain conditions.

5
6 D. "Director" shall mean the Director of Public Works of the City of Long
7 Beach, the Director of Environmental Planning of the Port of Long Beach,
8 the Director of Development Services of the City of Long Beach or their duly
9 authorized designee.

10
11 E. "Executive Officer" shall mean Executive Officer of the California
12 Regional Water Quality Control Board, Los Angeles.

13
14 F. "Good Housekeeping Practice" shall mean a best management practice
15 related to the transfer, storage, use, or cleanup of materials performed in a
16 regular manner that minimizes the discharge of pollutants to the storm drain
17 system and/or receiving waters.

18
19 G. "Illicit Connection" shall mean any man-made conveyance that is
20 connected to the storm drain system without a permit, excluding roof drains
21 and other similar type connections. Examples include channels, pipelines,
22 conduits, inlets, or outlets that are connected directly to the storm drain
23 system.

24
25 H. "Illicit Discharge" shall mean any discharge into the MS4 that is
26 prohibited under local, state, or federal statutes, ordinances, codes, or
27 regulations. The term illicit discharge includes any non-stormwater
28 discharge, except authorized non-stormwater discharges; conditionally

1 exempt non-stormwater discharges; and non-stormwater discharges
2 resulting from natural flows specifically identified in the Municipal NPDES
3 Permit.

4
5 I. "Industrial Activity" shall mean activities related to or involving
6 manufacturing, processing or material storage at an industrial facility,
7 including activities described in 40 Code of Federal Regulations Section
8 122.26(b)(14). Industrial activity may be subject to Stormwater Permit
9 requirements.

10
11 J. "Low Impact Development" or "LID" shall mean the implementation of
12 systems and practices that use or mimic natural processes to: 1) infiltrate
13 and recharge, 2) evapotranspire and/or 3) harvest and use precipitation
14 near to where it falls to earth.

15
16 K. "Industrial General Permit" or "IGP" shall mean the General Permit for
17 Storm Water Discharges Associated with Industrial Activities. General
18 NPDES permit issued by the State Water Board, which authorizes the
19 discharge of stormwater from certain industrial activities under certain
20 conditions.

21
22 L. "Municipal NPDES Permit" shall mean the Municipal Separate Storm
23 Sewer System (MS4) permit issued by the most recent order of the
24 California Regional Water Quality Control Board, Los Angeles Region, to
25 which the City is subject.

26
27 M. "Municipal Separate Storm Sewer System" or "MS4" shall mean those
28 facilities within the City by which stormwater discharge is conveyed to

1 waters of the United States, including but not limited to flood control
2 channels, roads with drainage systems, alleys, streets, catch basins, grates,
3 inlets, curbs, gutters, ditches, storm drains, canals, pipes, and fabricated
4 and natural channels.

5
6 N. "Non-stormwater Discharge" shall mean any discharge to the storm
7 drain system and/or receiving waters that is not composed entirely of
8 stormwater.

9
10 O. "National Pollutant Discharge Elimination System" or "NPDES" shall
11 mean the national program for issuing, modifying, revoking and reissuing,
12 terminating, monitoring and enforcing permits, and imposing and enforcing
13 pretreatment requirements, under CWA §307, 402, 318, and 405. The term
14 includes an "approved program."

15
16 P. "Owner" as applied to a building or real property shall mean any part
17 owner, joint owner, tenant in common, tenant in partnership, joint tenant or
18 tenant by the entirety of the whole or part of such building or real property.

19
20 Q. "Person" shall mean within the context of this Chapter, any natural
21 person, firm, association, organization, partnership, business trust,
22 corporation or company.

23
24 R. "Pollutant" shall mean the same as it is defined in California Water Code
25 Section 13373 and includes, but is not limited to, garbage, debris, lawn
26 clippings, leaves, fecal waste, biological waste sediment, sludge, manure,
27 fertilizers, pesticides, oil, grease, gasoline, paints, solvents, cleaners, and
28 any fluid or solid containing toxic or nontoxic chemicals, metals, including

1 batteries.

2
3 S. "Receiving Waters" shall mean a "water of the United States" into which
4 waste and/or pollutants are, or may be, discharged.

5 "Regional Board" shall mean the California Regional Water Quality Control
6 Board, Los Angeles Region.

7
8 T. "Regional Board" shall mean the California Regional Water Quality
9 Control Board, Los Angeles Region.

10
11 U. "Runoff" shall mean any runoff including stormwater and non-stormwater
12 from a drainage area that reaches a receiving water body.

13
14 V. "State Board" or "SWRCB" shall mean the State Water Resources
15 Control Board of the California Environmental Protection Agency.

16
17 W. "Stormwater Laws" shall mean the Clean Water Act (33 U.S.C. § 1251
18 et seq.), the Porter-Cologne Act (California Water Code § 13000 et seq.),
19 the regulations and Stormwater Permits issued thereunder, and any other
20 law relating directly or indirectly to stormwater discharge or non-stormwater
21 discharge to the MS4 or receiving waters.

22
23 X. "Stormwater Permit" shall mean any applicable individual or general
24 NPDES Permit or waste discharge requirements, waiver of waste discharge
25 requirements or other authorization by a Governmental Authority issued
26 pursuant to Stormwater Laws that pertain to stormwater runoff, as such may
27 be amended, modified or revised from time to time. Stormwater Permit
28 includes without limitation the General NPDES permits pertaining to

1 stormwater discharge from industrial activity, construction activity and
2 MS4s.

3
4 Y. "Stormwater" shall mean storm water runoff, snow melt runoff, and
5 surface runoff and drainage related to precipitation events (pursuant to 40
6 CFR § 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

7
8 Z. "Urban Runoff" shall mean surface water flow produced by non-
9 stormwater resulting from residential, commercial and industrial activities.

10
11 Section 2. Section 8.96.050 of the Long Beach Municipal Code is
12 amended to read as follows:

13 8.96.050 Illicit discharges and non-stormwater discharges

14 A. No person shall cause or allow an illicit discharge to enter the
15 municipal stormwater system.

16 B. Any person causing an illicit discharge to the MS4 may be
17 required by the Director to pay for the cost of cleanup and remediation.

18 C. Any owner of any private property from which a non-
19 stormwater discharge is observed may be required by the Director to pay
20 for the cost of collecting and analyzing the discharge to determine if it is an
21 illicit discharge.

22 D. Any person causing a discharge which exceeds a receiving
23 water limitation shall be required to halt the discharge.

24 E. The following non-stormwater discharges are not considered
25 illicit discharges:

26 1. Exempt discharges specified in the Municipal NPDES
27 Permit, including flows from riparian habitats and wetlands, diverted stream
28 flows authorized by the State Water Board or Los Angeles Water Board,

1 natural springs, rising ground waters where groundwater seepage is not
2 otherwise covered by a NPDES permit, uncontaminated groundwater
3 infiltration; and discharges or flows from emergency firefighting activities.

4 2. Conditionally exempt non-stormwater discharges
5 specified in the Municipal NPDES Permit. Such discharges include, but are
6 not limited to, essential non-emergency firefighting activities, drinking water
7 systems that are not otherwise regulated by another NPDES permit,
8 dewatering of lakes, landscape irrigation, dechlorinated/dibrominated
9 swimming pool, dewatering of decorative fountains, individual residential
10 car washing, street/sidewalk wash water, or any other discharge that the
11 Director deems not to be a significant source of pollution, such non-
12 stormwater discharges shall be conducted in a manner not in violation of
13 other provisions of this Chapter.

14 3. Non-stormwater discharges specifically allowed under
15 a separate NPDES permit including, but not limited to, a general industrial
16 stormwater activity permit or general construction stormwater activity
17 permit.

18
19 Section 3. Section 8.96.080 of the Long Beach Municipal Code is
20 amended to read as follows:

21 8.96.080 Reduction of pollutants in runoff.

22 A. No person shall cause or threaten to cause the discharge of
23 pollutants to the MS4 by exposing such pollutants to stormwater runoff.

24 B. The owner of parking lot surfaces, public or private, that are
25 exposed to stormwater shall clean the parking lot surface as often as
26 necessary to remove refuse, residual oil, grease or other pollutants that
27 might otherwise be discharged to the MS4 by runoff.
28

1 Section 4. Section 8.96.090 of the Long Beach Municipal Code is
2 amended to read as follows:

3 8.96.060 Control of pollutants from commercial facilities.

4 A. Certain categories of commercial facilities specified in the
5 Municipal NPDES Permit or identified by the City as being significant
6 contributors of pollution, shall implement BMPs prescribed by the Regional
7 Board or its Executive Officer, through programs or actions made pursuant
8 to the Municipal NPDES Permit, or by the Director, to minimize the
9 discharge of pollutants to the MS4. These include source control BMPs
10 identified in Table 6 of the Municipal NPDES Permit.

11 B. Certain categories of commercial facilities shall be inspected
12 for pollution issues and BMP compliance with the most current Municipal
13 NPDES Permit and approved Watershed Management Programs in
14 accordance with the inspection schedule called for in the Municipal NPDES
15 Permit or approved Watershed Management Program, or as often as
16 necessary as determined by the City.

17
18 Section 5. Section 8.96.100 of the Long Beach Municipal Code is
19 amended to read as follows:

20 8.96.100 Control of pollutants from industrial activities.

21 A. It shall be a violation of this Chapter for any industry in the
22 City that is subject to waste discharge requirements specified in the
23 Industrial General Permit, any revision made thereto, or a reissuance of
24 such order, to operate without a NPDES Industrial General Permit.

25 B. Industries that require a NPDES Industrial General Permit
26 shall retain on-site the following documents which evidence compliance
27 with permit requirements:

28 1. A copy of the notice of intent for general permit to

1 discharge stormwater associated with industrial activity;

2 2. A waste discharge identification number issued by the
3 SWRCB; and

4 3. A stormwater pollution prevention plan and monitoring
5 program plan.

6 C. Any industry in the City requiring a NPDES Industrial General
7 Permit shall, upon reasonable request from a duly authorized officer of the
8 City, provide any of the documents described in Subsection (B) of this
9 Section.

10 D. Any industry, whether or not subject to the NPDES Industrial
11 General Permit, may be inspected in accordance with a schedule
12 established by the Municipal NPDES Permit or as often as necessary as
13 determined by the City for the purpose of determining compliance with BMP
14 requirements or to abate pollution issues.

15 E. Any industry, whether or not subject to the NPDES Industrial
16 General Permit, shall implement BMPs prescribed by the Regional Board or
17 its Executive Officer, through programs or actions made pursuant to the
18 Municipal NPDES Permit, or by the Director, to minimize the discharge of
19 pollutants to the MS4. These include source control BMPs identified in
20 Table 6 of the Municipal NPDES Permit.

21
22 Section 6. Section 8.96.110 of the Long Beach Municipal Code is
23 amended to read as follows:

24 8.96.110 Control of pollutants from construction activities requiring
25 Construction General Permit coverage.

26 A. No person shall be granted a grading permit or shall
27 commence or continue any construction activity in the City that causes the
28 disturbance of one (1) acre or more of land by clearing, grading, or

1 excavating without demonstrating to the City that such person has obtained
2 a NPDES Construction General Permit from the SWRCB. NPDES
3 construction activity does not include: 1) routine maintenance to maintain
4 original line and grade; 2) hydraulic capacity; 3) the original purpose of the
5 facility; or 4) emergency construction activities required to immediately
6 protect the public health and safety.

7 B. Any person engaged in a construction activity in the
8 City requiring a NPDES Construction General Permit shall retain at the
9 construction site the following documents: 1) a copy of the notice of intent to
10 comply with terms of the general permit to discharge water associated with
11 construction activity; 2) a waste discharge identification number issued by
12 the SWRCB; 3) a stormwater pollution prevention plan and monitoring
13 program plan for the construction activity requiring the construction permit;
14 and 4) records of all inspections, compliance and noncompliance reports,
15 evidence of self-inspection and good housekeeping practices.

16 C. Any person engaged in a construction activity in the City
17 requiring a general construction stormwater activity permit shall, upon
18 reasonable request from a duly authorized officer of the City, provide any of
19 the documents described in Subsection (B) of this Section and shall retain
20 said documents for at least three (3) years after completion of construction,
21 or a Certificate of Occupancy, whichever is later.

22
23 Section 7. Section 8.96.120 of the Long Beach Municipal Code is
24 amended to read as follows:

25 8.96.120 Control of pollutants from other construction activities.

26 A. No person shall be granted a grading permit for a construction
27 project that is expected to cause a disturbance of less than one (1) acre of
28 land by grading, clearing, and/or excavation without consenting to

1 implement erosion and sediment control BMPs prescribed by the City to
2 reduce pollutant discharges to the MS4 associated with construction
3 activities. Such BMPs include those identified in Table 7 and Table 8 of the
4 Municipal NPDES Permit.

5 B. No person shall be allowed to commence or continue any
6 construction activity in the City that causes the disturbance of less than one
7 (1) acre of land by grading, clearing, and/or excavating without
8 implementing erosion and sediment control BMPs prescribed by the City.
9 Such BMPs include those identified in Table 7 and Table 8 of the Municipal
10 NPDES Permit.

11
12 Section 8. Section 8.96.130 of the Long Beach Municipal Code is
13 amended to read as follows:

14 8.96.130 Control of pollutants from new development/redevelopment projects.

15 A. Applicability. Prior to the construction of any priority
16 development project that is subject to the planning and development
17 program requirements specified in the Municipal NPDES Permit, such
18 project shall be evaluated by the City for its potential to discharge pollutants
19 to the MS4 and shall reduce or prevent such discharge. Such project shall
20 comply with the applicable requirements of the Municipal NPDES Permit
21 and Low Impact Development (LID) standards and implemented in
22 accordance with the manual developed by the City. The City's manual is
23 hereby incorporated herein by this reference and shall be made available
24 for review and use by the public.

25 B. Requirement. Once a priority development project has been
26 evaluated for its potential to discharge pollutants to the MS4, the City shall
27 require appropriate BMPs, both structural (i.e., LID) and nonstructural, to be
28 implemented on a post-construction basis, and shall require a maintenance

1 agreement to assure the proper performance of such BMPs.

2 C. Enforcement. The Director is authorized to require plan
3 review of construction documents, issuance of applicable permits, conduct
4 post-construction inspections, and request reports for the purpose of
5 verifying proper operation and maintenance of structural BMPs.

6 D. Manual. The Director shall prepare, maintain, and update, as
7 deemed necessary and appropriate, the NPDES Manual and shall include
8 technical information and implementation parameters, alternative
9 compliance for technical infeasibility, as well as other rules, requirements
10 and procedures as the City deems necessary, for implementing the
11 provisions of this Section and Chapter.

12
13 Section 9. Section 8.92.210 of the Long Beach Municipal Code is
14 amended to read as follows:

15 8.92.210 Fees.

16 The City Council may establish fees recover costs for complying with the
17 requirements of this Chapter, including, but not limited to, plan review fees,
18 cleanup and abatement fees, and inspection fees, which may be fixed and
19 established from time to time by the City Council by resolution.

20
21 Section 10. The City Clerk shall certify to the passage of this ordinance by
22 the City Council and shall cause it to be posted in three (3) conspicuous places in the
23 City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved
24 by the Mayor, but in no event prior to January 1, 2023.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor