



Legislation Text

File #: 15-1021, **Version:** 1

Recommendation to request City Attorney to prepare an ordinance establishing enforcement authority and related administrative procedures in compliance with the State-mandated National Pollutant Discharge Elimination System (NPDES) Permit, as related to Municipal Separate Storm Sewer System (MS4) discharges in the City of Long Beach. (Citywide)

On February 6, 2014, the California Regional Water Quality Control Board issued a permit to the City of Long Beach covering waste discharge requirements for Municipal Separate Storm Sewer System Discharges, Order No. R4-2014-0024 (Permit). The Permit provides the City the ability to comply with mandated discharge reductions in a manner that respects our unique conditions as the terminus of two large rivers and the recipient of upstream pollutants. The Permit allows the City to reduce stormwater pollution discharges into the Los Angeles River, as enforced under the NPDES Permit, as well as under the Los Angeles River Total Maximum Daily Load (TMDL) requirement, which is overseen by the Regional Board, State Water Resources Control Board (SWRCB) and the United States Environmental Protection Agency (US-EPA) in accordance with the Clean Water Act.

The City was previously subject to the requirements of Permit No. 99-60 and adopted several ordinances in the furtherance of permit requirements. Due to the substantive changes in these requirements, the City is required to adopt the provisions of the new Permit, which includes developing an enforcement mechanism to ensure compliance within its jurisdiction, and public education and outreach. The proposed ordinance must be in effect prior to the submission of the City's Annual Report to the Regional Water Quality Control Board on December 15, 2015. Accordingly, staff is requesting that the City Council request the City Attorney to prepare an ordinance that complies with the Permit requirements, as detailed in Order No. R4-2014-0024.

The amended ordinance will include the development of a notice and abatement process, which will include monetary penalties, for lack of compliance with Permit requirements. Penalties are substantial if the City fails to comply with and enforce the provisions of the Permit: \$10,000 per violation per day by the Water Board, and up to \$37,500 per violation per day by the US Environmental Protection Agency. Multiple violations over time can quickly reach into the millions of dollars. The proposed ordinance is intended to give the City enforcement authority sufficient to achieve compliance with the Permit.

This matter was reviewed by Principal Deputy City Attorney Gary Anderson on September 25, 2015 and by Budget Management Officer Victoria Bell on September 23, 2015.

City Council action is requested on October 6, 2015 in order to comply with the State-

mandated deadline.

Primary responsibility for management and oversight of the implementation of the Permit resides in the Public Works Department's Storm Water Division and will require over 2,520 compliance inspections of public, business, and commercial/industry facilities that must be carried out within one year. Current staffing resources are not sufficient to complete the inspections within the time period required by the NPDES permit. The same inspections can be conducted through a professional services contract, funded by the General Fund budget in the Public Works Department at an estimated cost of \$494,000. (PW)

Approve recommendation.

ARA MALOYAN, PE
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER