ORDINANCE NO. ORD-22-0034

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

C. "Construction General Permit" or "CGP" shall mean General Permit for
Storm Water Discharges Associated with Construction and Land Disturbance Activities. General NPDES permit issued by the State Water Board, which authorizes the discharge of stormwater from construction activities under certain conditions.

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

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

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

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

H. "Illicit Discharge" shall mean any discharge into the MS4 that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes any non-stormwater discharge, except authorized non-stormwater discharges; conditionally
exempt non-stormwater discharges; and non-stormwater discharges resulting from natural flows specifically identified in the Municipal NPDES Permit.

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

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

K. “Industrial General Permit” or “IGP” shall mean the General Permit for Storm Water Discharges Associated with Industrial Activities. General NPDES permit issued by the State Water Board, which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

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

M. "Municipal Separate Storm Sewer System" or "MS4" shall mean those facilities within the City by which stormwater discharge is conveyed to
waters of the United States, including but not limited to flood control
channels, roads with drainage systems, alleys, streets, catch basins, grates,
inlets, curbs, gutters, ditches, storm drains, canals, pipes, and fabricated
and natural channels.

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

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

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

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

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

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

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

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

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

V. "State Board" or “SWRCB” shall mean the State Water Resources Control Board of the California Environmental Protection Agency.

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

X. "Stormwater Permit" shall mean any applicable individual or general NPDES Permit or waste discharge requirements, waiver of waste discharge requirements or other authorization by a Governmental Authority issued pursuant to Stormwater Laws that pertain to stormwater runoff, as such may be amended, modified or revised from time to time. Stormwater Permit includes without limitation the General NPDES permits pertaining to
stormwater discharge from industrial activity, construction activity and MS4s.

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

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

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

8.96.050 Illicit discharges and non-stormwater discharges
A. No person shall cause or allow an illicit discharge to enter the municipal stormwater system.
B. Any person causing an illicit discharge to the MS4 may be required by the Director to pay for the cost of cleanup and remediation.
C. Any owner of any private property from which a non-stormwater discharge is observed may be required by the Director to pay for the cost of collecting and analyzing the discharge to determine if it is an illicit discharge.
D. Any person causing a discharge which exceeds a receiving water limitation shall be required to halt the discharge.
E. The following non-stormwater discharges are not considered illicit discharges:
   1. Exempt discharges specified in the Municipal NPDES Permit, including flows from riparian habitats and wetlands, diverted stream flows authorized by the State Water Board or Los Angeles Water Board,
natural springs, rising ground waters where groundwater seepage is not otherwise covered by a NPDES permit, uncontaminated groundwater infiltration; and discharges or flows from emergency firefighting activities.

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

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

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

8.96.080 Reduction of pollutants in runoff.

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

B. The owner of parking lot surfaces, public or private, that are exposed to stormwater shall clean the parking lot surface as often as necessary to remove refuse, residual oil, grease or other pollutants that might otherwise be discharged to the MS4 by runoff.
Section 4. Section 8.96.090 of the Long Beach Municipal Code is amended to read as follows:

8.96.090 Control of pollutants from commercial facilities.

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

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

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

8.96.100 Control of pollutants from industrial activities.

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

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

1. A copy of the notice of intent for general permit to
discharge stormwater associated with industrial activity;

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

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

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

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

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

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

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

A. No person shall be granted a grading permit or shall commence or continue any construction activity in the City that causes the disturbance of one (1) acre or more of land by clearing, grading, or
excavating without demonstrating to the City that such person has obtained a NPDES Construction General Permit from the SWRCB. NPDES construction activity does not include: 1) routine maintenance to maintain original line and grade; 2) hydraulic capacity; 3) the original purpose of the facility; or 4) emergency construction activities required to immediately protect the public health and safety.

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

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

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

8.96.120 Control of pollutants from other construction activities.

A. No person shall be granted a grading permit for a construction project that is expected to cause a disturbance of less than one (1) acre of land by grading, clearing, and/or excavation without consenting to
implement erosion and sediment control BMPs prescribed by the City to reduce pollutant discharges to the MS4 associated with construction activities. Such BMPs include those identified in Table 7 and Table 8 of the Municipal NPDES Permit.

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

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

8.96.130 Control of pollutants from new development/redevelopment projects.

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

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

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

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

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

8.92.210 Fees.

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

Section 10. The City Clerk shall certify to the passage of this ordinance by the City Council and shall cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor, but in no event prior to January 1, 2023.
I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of November 15, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw, Mungo, Saro, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.

Recusal(s): Councilmembers: None.

Approved: 11/2/2022 (Date)

Mayor

City Clerk

For Monique DeLaGarza
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA     ) ss
COUNTY OF LOS ANGELES   )
CITY OF LONG BEACH      )

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 16th day of November 2022, I posted three true and correct copies of Ordinance No. ORD-22-0034 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.

Alyssa Campos

Subscribed and sworn to before me
This 16th day of November 2022.

CITY CLERK