

**CITY OF CHICO
STORM WATER MANAGEMENT PROGRAM**

Submitted to:

**California Regional Water Quality Control Board
Central Valley Region**

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EXECUTIVE SUMMARY

This document presents the City of Chico's Draft Storm Water Management Program (SWMP) for submittal to the Regional Water Quality Control Board. The document has been prepared by Public Works – Engineering Division.

The purpose of the SWMP is to present a program that is consistent with Federal and State regulations and to meet permitting requirements. Specific objectives of this document include: presenting a review of the legal framework for the necessity of being permitted and a brief background on pollutants, urban runoff, and the City's storm water facilities; the program itself; estimated costs to implement the program; and penalties for failure to comply with regulations and the program.

A. Legal Regulatory Framework

The 1987 Clean Water Act amendments required the U.S. Environmental Protection Agency (EPA) to develop a tiered implementation strategy for the National Pollution Discharge Elimination System (NPDES) Storm Water Program. Phase I began in the early 1990s and covered municipalities and urban areas of 100,000 population and above. Phase II regulations were published in the Federal Register on December 8, 1999. The Chico Urban Area has been identified as one which is being required to comply with NPDES Phase II permitting because it has been identified as an "Urbanized Area" by the Bureau of Census, specifically, per regulation:

Owners or operators of small, municipal, separate, storm sewer systems (MS4s) located in any incorporated city, county, or place under the jurisdiction of a governmental entity within a census-designated urbanized area. Small MS4s located in a census-designated urbanized area (such as the Chico Urban Area) must apply for a NPDES permit by March 10, 2003. Some cities or counties may be partially located in census-designated urbanized areas. Only the portion located in the urbanized area would be automatically regulated.

In the Chico Urban Area, the County of Butte, City of Chico, Chico Unified School District, and California State University, Chico are required to develop a storm water management program that implements six minimum measures focusing on a Best Management Practice (BMP) approach. The BMPs chosen by the operators of the MS4s should be designed to reduce pollutants in urban storm water compared to existing levels in a cost-effective manner. Best Management Practices include public education, treatment practices, operating procedures, and practices to control site runoff, spillage, or leaks.

NPDES permits are issued for five-year terms and generally follow a progressive pattern. This SWMP presents strategies, goals, priorities, and management activities for years 2003-2008. In the first five years of the program, the focus is on establishing a program customized to local conditions using the following six minimum measures:

1. Public education and outreach;
2. Public participation/involvement;
3. Construction site runoff control;
4. Post-construction runoff control;
5. Pollution prevention/good housekeeping; and
6. Program Evaluation Activities.

Future permits will be issued based on using the knowledge gained during the first five-year permitting and putting it to work on improving water quality incrementally over time.

Public Works has prepared the attached Draft SWMP to comply with NPDES Phase II requirements. A Draft SWMP and Notice of Intent is required to be submitted to the Regional Water Quality Control Board (RWQCB), Redding office, by March 10, 2003.

B. City's Efforts to Comply

The City has been committed to improving the quality of urban runoff through the development and implementation of a proactive, comprehensive storm water management program that recognized its unique position in the Sacramento River watershed and the need to protect these important resources.

Public Works is responsible for the City storm water drainage conveyance system, which includes gutters, swells, ditches, culverts, storm drain inlets, catch basins, storm drainage pipes, and detention facilities. This conveyance system provides an opportunity for pollutants to reach waterways because motor oil, paint products, pet wastes, and chemicals used in homes and gardens are washed into street gutters and storm drains via rain water. Streets typically contain

vehicle exhaust products, brake and tire materials, oil and grease, litter and other materials that can get flushed through the storm drainage system. This mix of rain and other water is called urban runoff. If not managed, urban runoff and all its pollutants flow untreated through the storm drainage system into local creeks and flood control channels where it can harm wildlife, pollute fisheries, and negatively impact overall water quality.

The City has been working with other agencies and operators in the Chico Urban Area to provide for consistency in the Chico Urban Area Storm Water Management Programs. Those agencies include the County of Butte, Chico Unified School District, and Chico Area Recreation Department. Representatives from these agencies met biweekly for several months to draft their programs. By working together, the program for each agency in the Urban Area will be consistent in approach.

C. Storm Water Management Program

The attached program will guide staff activities related to storm water control with the objective of this program to:

- Effectively manage and coordinate implementation of the storm water program;
- Identify and eliminate illicit connections and illicit discharges to the storm drain system;
- Reduce storm water impacts associated with development and redevelopment projects;
- Reduce storm water quality impacts associated with public agency activities;
- Increase public knowledge about the impacts of storm water pollution and about actions that can be taken to prevent pollution.
- Increase knowledge and understanding about the quality, quantity, sources, and impacts of urban runoff.
- Evaluate the effectiveness of implementing storm water management programs.

1. Purpose and Objective of the Storm Water Management Program

The purpose of the SWMP, through education, inspection, response, and, if required, water quality monitoring, is to prevent pollutants from entering the storm drainage system. The objectives of the SWMP are to provide guidance to the public and businesses, and act as a coordinating entity towards a cohesive storm water program. An NPDES Phase II SWMP must meet six minimum controls, use best management practices (BMPs) to the maximum extent practicable, and achieve measurable goals.

2. The Storm Water Management Program: Six Minimum Control Measures

The following is a brief overview of the six minimum elements contained in the Draft SWMP and how the City plans to incorporate them.

a. Public Education and Outreach:

Generate awareness by educating citizens about the storm water system and the impact of polluted storm water on water quality through educational materials and other outreach programs, such as;

- i. Storm drain stenciling
- ii. Developing clean water business partners
- iii. Sponsoring community events
- iv. Developing and maintaining a storm water web site
- v. Developing media campaigns
- vi. Sponsoring water-wise pest control programs
- vii. Developing and implementing classroom programs, and
- viii. Surveying the public

b. Public Participation/Involvement: Provide opportunities for citizens to be involved in developing and implementing the storm water management program by sponsoring public meetings and panels and water body cleanups.

c. Illicit Discharge Detection and Elimination:

- i. Develop and put into action plans to detect and eliminate illicit discharges to storm drainage systems.
- ii. Develop a system map and inform citizens of hazards associated with illegal discharges and improper wastewater disposal.
- iii. Create a storm water ordinance for regulating illegal discharges and for providing enforcement capability.
- iv. Coordinate with other agencies with regard to code enforcement, building inspection, proper waste disposal alternatives, updating storm drain system map, etc., and
- v. Continue to update City GIS.

- d. Construction Site Runoff Control:
 - i. Develop and enforce erosion and sediment control programs for construction sites through use of appropriate BMPs, pre-construction review of Storm Water Pollution Prevention Plans, site inspections during construction for compliance, and penalties for non-compliance.
 - ii. Reduce the discharge of storm water pollutants to the maximum extent practicable.
 - iii. Reduce litter and pollutants of concern such as petroleum product, chemical toilets, herbicides, and pesticides from construction sites.
 - iv. Provide information and serve as technical source to development community.
 - v. Development Engineering review of Notice of Intent and Storm Water Pollution Prevention Plan for construction sites, and
 - vi. Perform BMP research and updates.
- e. Post-Construction Runoff Control:
 - i. Develop and implement programs to address discharge of post-construction storm water runoff from new construction and redevelopment.
 - ii. Develop and implement structural BMPs including storage, infiltration, and vegetative practices.
 - iii. Develop and implement non-structural BMPs including guidelines for proper disposal of household waste and toxins; proper use of pesticides, herbicides, and fertilizer; good housekeeping; preventative maintenance and prevention of spills.
 - iv. Monitor compliance during construction and long-term compliance.
- f. Pollution Prevention/Good Housekeeping:
 - i. Develop programs to prevent or reduce runoff from municipal operations.
 - ii. Identify activities that could be significant sources of pollutants.
 - iii. Develop measures to reduce discharge of pollutants to the maximum extent practicable.
 - iv. Identify and control discharges of non-storm water from facilities owned or operated by the City, and
 - v. Provide employee training.
- g. Program Evaluation Activities In addition to the minimum six elements, the City is required to monitor the progress of the program. Permitting require that the City:
 - i. Obtain feedback that will allow the City to continually improve the program.
 - ii. Measure whether program activities are making progress toward reducing pollution in storm water discharges to the maximum extent practicable.
 - iii. Provide information useful to other permit holders within the Chico Urban Area for modifying joint efforts and evaluating area-wide effectiveness of the SWMP activities.
 - iv. Ensure compliance requirements of the City's MS4 permit.
 - v. Demonstrate that an appropriate level of effort is being made.
 - vi. Verify that public funds are being utilized appropriately by targeting limited resources for the most significant local environmental problems.
 - vii. Submit annual reports to RWQCB.

D. Costs to implement program

1. Personnel. Public Works has identified in its Strategic Plan the need for additional staff in order to implement the SWMP. Additional full-time positions: Senior Civil Engineer and Construction Inspector, as well as a portion of a Geographical Information System Analyst and Administrative Analyst, will be needed to implement, monitor, enforce, and update this program required by the NPDES Phase II permit. The estimated annual cost to fund these positions is \$200,000.
2. Operating Costs. Public Works anticipates that an annual operating budget of \$200,000 to \$300,000 should be established. Industry-wide implementation of this program has been running approximately \$4-\$6.00 per capita annually.

E. Failure to Comply

The final permit regulations have not yet been issued. However, draft regulations indicate that a fine not to exceed \$27,500 per calendar day can be made for permit violations. In addition, the Porter Cologne Act provides for administrative, civil, and criminal penalties.

This document contains the minimum elements required by the current draft regulations for preparing and submitting a Storm Water Management Program. It is anticipated that the current Draft regulations will be changing on a fairly regular basis over the next year. Until the permit is issued, it is unknown if any other program elements will be required by the RWQCB.

ACRONYMS AND TERMS AS USED IN THIS DOCUMENT

The definitions below are intended strictly for clarification purposes, and may not contain the full legal definition as per regulation.

Annual Report	A yearly report to the RWQCB on the Permit's' compliance with the permit requirements, including an accounting of progress made towards each of the Permit's' measurable goals.
BMPs	Best Management Practices – physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of storm water.
CEQA	California Environmental Quality Act.
CWA	Clean Water Act.
EPA	U.S. Environmental Protection Agency.
HHW	Household Hazardous Waste.
Measurable goals	The City's Storm Water Program goals, which are intended to gauge permit compliance and program effectiveness.
MEP	Maximum Extent Practicable – the standard for evaluating permit compliance.
Minimum measures	Storm Water management programs that are required under the NPDES MS4 permit. They include public education and outreach, public participation/involvement, illicit discharge detection and elimination, construction site storm water runoff control, post-construction storm water management, and pollution prevention/good housekeeping for municipal operations.
MS4	Municipal Separate Storm Sewer System – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by the City to dispose of storm water runoff.
Municipality	A city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.
NAWQA	National Water Quality Assessment Program of the U. S. Geological Survey.
N.O.I.	Notice of Intent – Submittal form to comply with the terms of the General Permit for Storm Water Discharges from Small MS4s.
NPDES	National Pollutant Discharge Elimination System – Section 402 of the Federal Clean Water Act.
Permittee	the MS4 operator to whom the NPDES storm water discharge permit is issued.
Phase II	Second stage of the State and Federal storm water permit.
RWQCB	Regional Water Quality Control Board.
SIE	Separate Implementing Entity – an entity, such as a school district, other than the entity in question, that implement parts or all of a storm water program for a Permittee.
SWRCB	State Water Resources Control Board.
SWMP	Storm Water Management Plan.
SWPPP	Storm Water Pollution Prevention Plan.

1. INTRODUCTION

1-1 The Program

This document presents the City of Chico's Storm Water Management Program (Program). It provides a comprehensive outline to direct the Program and its priorities and activities for the years 2003-2008. This Program was developed as a requirement of Phase II of the National Pollutant Discharge Elimination System (NPDES) Program as ordered by the United States Environmental Protection Agency. The City's Program is required by federal law to be submitted by March 10, 2003. Other agencies within the Chico Urban Area were also automatically designated by the United States Environmental Protection Agency pursuant to 40 CFR t122.32(a)(1) of the Federal Water Pollution Control Act (also referred to as the Clean Water Act) to comply with the Phase II requirements of NPDES. Full implementation of the Program is required from each permittee by the end of the 5-year permit term.

The City of Chico has a population of 60,400 within the City limits and 95,000 within the Urban Area as of the January 2000 census. The City is 28.7 square miles, while the Urban Area encompasses 56 square miles. There are five channels traversing the Urban Area that accept storm water runoff. They are Comanche Creek, Little Chico Creek, Big Chico Creek, Lindo Channel, and Mud/Sycamore Creek. Big Chico Creek has spring-run Chinook and Steelhead habitat. Little Chico Creek is a tributary of Butte Creek, which is a spring-run Chinook stream. All of the channels that traverse the Urban Area are tributary to the Sacramento River, a source of drinking and agricultural water for the State of California. The City operates and maintains a vast municipal storm drainage system that consists of miles of pipe, open drainage ditches and detention basins. The detention basins have water quality features incorporated into them. For many years, the City has been committed to improving the quality of urban runoff through the development and implementation of a proactive, comprehensive storm water management program that recognizes its unique position in the Sacramento River watershed and the need to protect these important resources.

1-2 Program Organization

The following provides a brief summary of the Program:

- **Chapter 1: INTRODUCTION**

This chapter contains a brief introduction to the Program, information on Program organization, and a description of the process for preparing this Program.

- **Chapter 2: PROGRAM OVERVIEW**

This chapter provides an overview of Program strategy, direction, and organization; and regulatory background and history. It also contains a brief summary of coordination with other storm water programs.

- **Chapter 3: PROGRAM MANAGEMENT**

This chapter provides a detailed description of Program structure, staffing, and funding.

- **Chapter 4: PROGRAM ELEMENT IMPLEMENTATION**

This chapter is the heart of the City of Chico's Storm Water Program. A complete description of the six Program Elements are provided: Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control/New Development, Post Construction Storm Water Management, Pollution Prevention/Good Housekeeping for Municipal Operations. Element-specific activities, BMPs, and effectiveness and performance measures are identified.

- **Chapter 5: PROGRAM EVALUATION ACTIVITIES**

This chapter provides the conceptual approach to Program effectiveness evaluation. Evaluation activities are a required and important aspect of the Program; conducting assessments and obtaining feedback allow for continued improvement of Program activities, including modification of existing activities and identification of new efforts.

- **APPENDICES**

- A - City of Chico MS4 NPDES Storm Water Permit Application (N.O.I.)
- B - City of Chico Storm Water Ordinances
- C - Agreements
- D - Program Element Accomplishments, Annual Reports
- E - Program Tasks and Timelines
- F- Construction Ordinance
- G - Post Construction ordinance
- H - Development Standards/Attachment 4
- I - Operation & Maintenance Program

1-3 Program Update Process

This Program contains approaches and guidance for activities, Best Management Practices (BMPs), and effectiveness evaluation for the permit term. The approved Program will be in effect until it is replaced or updated in the future. This Program serves to provide the description and approach to effectiveness evaluation. The Annual Reports will provide the specific activities and effectiveness evaluations accomplished for each fiscal year, based on the direction and targets of the Program. Input from regulators and the public are important to the process of developing an effective Program during the initial permit term.

Activities to obtain input included:

- Conducting meetings with the Regional Board, County departments, City officials and other interested parties
- Announcing availability of the Program
- Posting relevant information and the Program on the City’s web site
- Addressing public comments and include in the Program

The intent of the City is to have a current, relevant, and dynamic Program. In order to remain proactive and effective, the Program should reflect the most recent information and needs. The Program will continue to evolve and improve through evaluations and feedback from various sources and activities. Input from regulators and the public throughout the permit term can be used to modify specific portions of the Program. Program effectiveness evaluations and Annual Reports are also used to facilitate review and adjustments to the Program.

The Program will be revised as needed to adjust to future needs. As a living document, modifications may be made directly to the Program, subject to Regional Water Quality Control Board approval. Departmental reports will be prepared yearly to meet long-term Program objectives. The Annual Report to be submitted to the Regional Water Quality Control Board by September 15th of each year will describe the activities and accomplishments of the Program during the preceding year starting July 1st and ending June 30th.

2. PROGRAM OVERVIEW

2-1 Program Implementation Overview

The City’s Storm Water Management Program (Program) is a comprehensive program comprised of various elements and activities designed to reduce storm water pollution to the maximum extent practicable (MEP) and eliminate prohibited non-storm water discharges in accordance with federal and state laws and regulations. These laws and regulations are implemented through National Pollutant Discharge Elimination System (NPDES) municipal storm water discharge permits.

The core Program Elements are:

- Public Education and Outreach
- Public Participation/Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control / New Development
- Post-Construction Storm Water Management
- Pollution Prevention/Good Housekeeping for Municipal Operations and Facilities

The City of Chico recognizes the importance of effective storm water management. The Department of Public Works provides management and administration of the Program. The Department of Public Works is responsible for the City storm water drainage conveyance system. Drainage facilities include gutters, swales, ditches, culverts, storm drain inlets, catch basins, storm drainage pipes, and detention basins.

2-2 Regulatory Background

The 1972 amendments to the federal Clean Water Act (CWA) prohibited the discharge of pollutants from point sources to waters of the United States, unless the discharge was authorized by a permit issued under the NPDES permitting program. The 1987 amendments to the CWA added Section 402(p), which defined storm water discharges from certain defined municipal and industrial activities as point sources required to be permitted by a NPDES permit. The amendments directed the U.S. Environmental Protection Agency (EPA) to adopt regulations establishing permitting requirements for municipal and industrial storm water discharges. The Phase I amendments also required storm water discharges from municipal separate storm sewer systems (known as MS4 systems) serving populations greater than 100,000 to obtain coverage under a national surface water permit program. The EPA then developed the Phase II Storm Water Program to include small MS4 systems in urban areas and operators of small construction sites. In California, the federal National Pollution Discharge Elimination System (NPDES) permitting program is implemented through the Porter-Cologne Act, a part of the California Water Code, by the State Water Resources Control Board (State Board) and the Regional Water Quality Control Boards (Regional Boards).

The EPA promulgated the NPDES Phase II regulations on December 8, 1999. Municipalities to be addressed in Phase II are defined as any municipal separate storm sewer system (MS4s) not already covered by the Phase I program and defined by the Bureau of Census as an "Urbanized Area" or on a case-by-case basis on small MS4s located outside of "Urbanized Areas" that the NPDES permitting authority designates.

3. PROGRAM MANAGEMENT

3-1 Introduction

This chapter presents the City of Chico Storm Water Management Program (Program) strategy, goals, priorities and management activities for 2003-2008; legal authority; organization; planning and reporting activities; and budget/staff resources. The continuing joint activities and coordination efforts of the City of Chico Area Storm Water Permittees are included as well as activities in which the City of Chico implements portions of the Program through coordination with other programs and agencies.

3-2 Program Strategy

The 1987 amendments to the Clean Water Act added Section 402(p), which established National Pollutant Discharge Elimination System (NPDES) permit requirements for municipalities to develop and implement comprehensive storm water management programs. The storm water management program is required to describe the Best Management Practices (BMPs) to reduce the discharge of pollutants in storm water runoff to the maximum extent practicable (MEP). The MEP standard for municipal storm water management programs is also required by U.S. Environmental Protection Agency (EPA) Phase II storm water regulations promulgated on December 8, 1999.

This strategy is pursued through the implementation of the City's Program. The Program is a living document with periodic modifications to ensure that it is effectively carrying out activities to accomplish the Program mission. If it is determined that the Program is not adequately addressing particular pollutants or sources, minor modifications and additions will be identified, which are submitted to the Regional Water Quality Control Board, for review and approval.

Significant changes in the scope or direction of the Program will be accomplished through a Program revision or update process in accordance with Regional Board procedures. Modifications to the Program will generally be made in response to effectiveness evaluations and to incorporate new Best Management Practices (BMPs). It is important that the Plan reflects current and improved BMPs and includes activities that have been shown to be successful in other storm water programs.

- **Pollutant Removal:** Will the BMP address the target pollutant?
- **Regulatory Compliance:** Is the BMP compatible with environmental regulations?
- **Public Acceptance:** Does the BMP have public support?

- **Implementation:** Is the BMP compatible with land uses, facilities, or the activity in question?
- **Technical Feasibility:** Is the BMP technically feasible considering soils, geography, etc.?
- **Cost Effectiveness:** Is the cost for the BMP commensurate with the environmental benefit?

The City is committed to the continual expansion of the core Program Elements to further incorporate pollutant reduction activities. These strategies explore opportunities for participation in regional, state, and national efforts to address storm water pollution issues that are beyond the City's ability to control at the local level.

Expanding core Program activities will require increasing Program efficiency, utilizing experience from other programs, and participating in local and regional coordinated efforts.

3-3 Program Priorities and Management Activities

Program priorities for 2003-2008 include implementing the Program and achieving regulatory compliance. Staff will continue to develop and improve Program activities to reduce storm water pollution to the MEP and eliminate prohibited non-storm water discharges, while facilitating understanding and involvement in storm water management by various City departments such as Planning, Building, Operations and Maintenance, and Public works. See appendix E for responsible Departments. Another high priority for staff will be to keep abreast of the latest technology and approaches to storm water management. Program activities will also strive to encourage environmental stewardship and continue to build partnerships with other agencies and the community for active participation in accomplishing the Program goals.

3-4 Legal Authority

Legal authority and responsibility to implement a municipal storm water management program is provided in the Federal Clean Water Act (CWA), California Water Code, and associated regulations. The California Environmental Quality Act (CEQA) and Subdivision Map Act also provide municipalities with authority to establish conditions for development projects. This legislation, coupled with the development of additional City ordinances, will provide sufficient legal authority to implement and administer the Program within the permit term.

3-5 Program Organization

The Program is a comprehensive storm water management program that includes the traditional core elements necessary to comply with federal and state regulations. The core elements include Public Education and Outreach, Public Participation/Involvement, Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control/New Development Element, Post Construction Storm Water Management, and Pollution Prevention/Good Housekeeping for Municipal Operations. The City seeks innovative, proactive activities to tackle the most significant local problems. Public education and resultant changes in behavior are necessary to bring about long-term improvements to urban runoff quality and protection of the environment.

Another important aspect of the Program is that each Program Element includes ongoing development in an interactive feedback process resulting in a suite of activities tailored to meet Program goals. It is important to strive to measure or assess the effectiveness of Program activities and BMPs so they can meet current conditions and be continually improved.

The City as a whole, including elected officials, Department Heads, and City employees, are responsible for compliance with the City's MS4 Permit requirements and the Program. The City owns a municipal separate storm drain system. The Department of Public Works is responsible for construction, maintenance, and operation of the storm drainage system as well as the administrative and management functions of the Program. The Department of Public Works is involved with development review to ensure that public and private projects include the necessary control measures for erosion and sediment control as well as permanent features to minimize storm water pollution from development projects. The review process also ensures that construction projects have the necessary permits and that on-site regional control measures are considered for new development projects.

The Department of Public Works is responsible for Program development and implementation. The Department of Public Works includes staff assigned to the various aspects of the Program.

Staff assignments include responsibilities associated with the Program Elements as well as assistance with Program management activities such as coordination with other agencies. The Program will establish several control

programs, procedures, and policies aimed at identifying and reducing sources of storm water pollution caused by discharges, in both wet and dry weather, from the storm drain system. Cost effectiveness is obtained by integrating the Program with existing resources, programs, and functions, whenever possible.

The Department of Public Works provides education, training, and technical assistance to other City departments and the development community; reviews new development projects; provides inspections; develops guidance; and implements multiple activities and BMPs.

The Program is the primary assignment for the Public Works Department. However, staff from other departments such as Planning, Building, and Operations & Maintenance will perform functions for the City's Program, which include maintaining compliance with other regulatory water quality programs; developing and implementing plans for managing sediments and other waste streams generated from routine maintenance of the related City infrastructure; and providing consultation and assistance to the public. Through its various departments, the City provides a full range of activities. See appendix E for responsible Departments

One of the goals of the Program is for City employees to be concerned and knowledgeable as well as responsible for protecting the quality of storm water. Implementation of the Program requires the participation and assistance of other City departments. See appendix E for responsible Departments

3-6 Annual Planning and Reporting Activities

The City will perform annual planning and prepare Annual Reports to comply with the NPDES Permit requirements.

3-7 Implementation and Interaction with Other Agencies

In order to be most effective and utilize resources most efficiently, it is important for the Program to implement various programs and efforts through other agencies. This section describes the relationship of the Program to joint activities of other permit holders within the Chico Urban Area; implementation of certain activities through other City departments (see Appendix E); and participation in regional, statewide, and national activities.

3-8 Relationship of Program Elements to the Permittees' Efforts

The City will meet on a regular basis with the other Phase II permit holders to explore sharing resources and will strive to create a comprehensive Program that addresses storm water pollution in the Chico Urban Area.

The Permittees has a long history of information sharing and coordination with other programs in the region for joint projects. A committee comprised of representatives from the Permittees will meet regularly for these purposes. Meetings will include discussion, planning, and decisions on joint efforts. Common responsibilities and programs will be identified to provide regional benefits.

This coordinated approach works well for activities that have clear, common goals and benefits from sharing and combining resources (e.g., BMP special studies; and development of various guidelines, general Program strategies, and pollutant reduction strategies). Incorporation of storm water inspections with Butte County's inspection program is a practical way to conduct industry compliance with storm water regulations efficiently in tandem with existing activities.

Anticipated joint efforts for 2003-2008 include:

- Identification and strategy development for BMP effectiveness
- Illicit spill prevention and notification
- Various regional educational and outreach efforts

3-9 Illicit Discharge Enforcement Procedure

The City will develop an illicit discharge Enforcement Procedure through the development of and or revisions to the City's Code section. The Enforcement will involve written warnings to stop the discharge followed up with fines and court proceedings if necessary.

3-10 Participation in Regional, Statewide, and National Activities

The City will play a role in regional storm water management activities. Program staff will participate in statewide and regional efforts to share information on topics related to storm water quality issues, storm water program implementation, and urban runoff within the context of the watershed as a whole. The purpose of sharing information and coordination is to ensure development of BMPs for the City that are most likely to be effective in reducing storm water pollution to the maximum extent practicable (MEP). Also, some BMPs require partnering with other programs on a state or national level. Coordination with the Regional Board and other programs such as the U.S. Geological Survey National Water Quality Assessment Program (NAWQA) and the Sacramento River Watershed Program may provide valuable information for effective targeting of Program resources.

4. PROGRAM ELEMENT IMPLEMENTATION

4-1 Introduction

Implementation of the City of Chico Storm Water Management Program (Program) is conducted through the Program management activities and six Program Elements: Public Education and Outreach, Public Participation/Involvement, Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control, Post Construction Storm Water Management, Pollution Prevention/Good Housekeeping for Municipal Operations.

The Program provides a description of each Program Element's activities/BMPs and corresponding implementation actions. Minimum performance standards are also provided for those activities/BMPs that are quantifiable and predictable. These performance standards will be used to demonstrate the City's commitment to the Program and achievement of a reasonable level of implementation. Some activities are not easily quantifiable, and minimum performance standards may not be appropriate. Other activities like spill responses and ordinance revisions are not predictable and will therefore be accomplished as needed.

Performance and effectiveness evaluations are key to ensuring that the Program implements activities which are successful in changing behaviors and reducing storm water pollution. Performance measures are intended to describe the level of effort and involve enumeration of activities or the number or percentage of participation in a Program activity. Examples of performance measures include the number of public events attended, training sessions conducted, or media spots. This information is used by Program staff for purposes of planning and scheduling resources required to conduct the Program.

Effectiveness measures provide assessments of the degree to which activities reduce pollutants to the maximum extent practicable or eliminate non-storm water discharges. This information is used to focus and modify activities to maximize environmental benefits. Effectiveness measures include quantifying the effectiveness of a particular effort; for example, the percentage increase in public awareness is measured by public opinion surveys. The results of these effectiveness evaluations, including performance and effectiveness measures, will be provided in the Annual Reports.

The Annual Reports will quantify the previous fiscal year (where possible), including the performance and effectiveness of activities, BMPs, and specific tasks. This annual evaluation will assess how well the Program goals were achieved and whether the minimum performance standards were accomplished. Activities and specific BMPs may also be modified, added, or deleted as needed to meet Program Element goals. In-depth evaluation of each Program Element will be conducted at least once during this 5-year span, or as needed.

4-2 Public Education and Outreach Element

The Public Education and Outreach Element is the cornerstone of the City of Chico Storm Water Management Program (Program). Whether dealing with the general public, local industry, developers, or City of Chico officials and departments, the goal of the Public Education and Outreach Element is to: (1) generate awareness of storm water pollution prevention by educating people about the storm drain system and its relationship to the health of local waterways; and (2) change behavior patterns through education and encouragement of active participation in water pollution prevention and (3) let the public know what steps they can take to reduce pollutants in storm water runoff.

Outreach activities can be grouped into four categories:

- Outreach to the general public and target sectors
- Outreach to children and schools

- Outreach to public officials and agency managers
- Regional activities

It has become evident over the years that an important component of a successful outreach program for all categories is a commitment to building lasting relationships and partnerships. These partnerships assist in promoting the strategic plan's key messages and expand City resources. During the permit term, the Public Education and Outreach Element will continue to actively seek opportunities to work with others to promote water quality protection and the quality of life in the City of Chico.

Because City staff is highly visible in the community, City department activities are a vital target for partnerships. The coordinated efforts of the Public Education and Outreach and Pollution Prevention/Good Housekeeping for Municipal Operations Elements will result in knowledgeable City staff that can implement appropriate control measures and serve as role models for water quality protection.

The Public Education and Outreach Element will ~~become~~ have an active presence at community events where children will be present, ~~in classrooms through elementary school classroom presentations with development and implementation of water quality curricula. The long range goal is to become an integral part of the classroom lesson plan developed for each school year.~~ By educating the children about the importance of water quality protection, a new generation will have the necessary tools to make informed decisions on how best to protect Butte County's natural waterways.

Public Education and Outreach Element Activities - Best Management Practices

Public Education-I: General Public and Target Sector Outreach

PE I-A: Storm Drain Inlet Stenciling/Marking Program

Require that newly constructed DI be to be stenciled. Promote volunteer storm drain inlet stenciling through volunteer organizations, community neighborhood associations, and schools. Develop and distribute information on the program and the storm water Web site. Inspect ~~20%~~ as many of DI's every year for maintenance of storm drain markers. Manufacturers of storm drain markers indicate a 10-year life of the marker.

PE I-B: Clean Water Business Partners

Develop a priority list of businesses that may impact water quality as a result of the services they provide. Annually provide these businesses with appropriate brochures of proper BMP's.

PE I-C: Community Events

Partner with environmental and watershed groups and provide staff for storm water pollution prevention informational booths at public events such as farmers' markets, the Silver Dollar Fair and Butte County Fairs, Pollution Prevention Week, and other community activities.

PE I-D: Storm Water Web Site

The City will develop and maintain a storm water Web site. This website will provide educational material, downloadable and printable material. The website will also give a place to receive public feedback and report Illicit Discharges.

PE I-E: Media Campaigns

Develop multimedia campaigns and partnerships to target large sectors of the population. Look for ways to partner with businesses or industries.

PE I-F: Pet Waste Control

Post signs along major public trails to educate and remind the public as to their responsibility to clean up waste from their pets. Non-compliance with pet waste rules will result in a verbal warning or fine.

PE I-G: Public Knowledge Measurement Surveys

Conduct an initial public survey early in the permit term to serve as a baseline for determining the level of the public knowledge related to storm water pollution. Distribute one public knowledge survey starting in year 05/06. Evaluate results of public knowledge survey for information to develop brochures to hand out at one community event per year.

PE 1-H: Water Wise Pest Control Program

~~By providing literature and brochures, encourage nurseries, landscapers, and pest control operators to use less toxic methods of pest control in order to reduce pesticide toxicity in urban creeks.~~

This Item has been combined with PE I-B Clean Water Business Partners

Public Education-II: School Outreach

PE II-A: Storm Water Classroom Presentations

Work with local Elementary Schools to include a storm water pollution message into one third grade classroom per year. ~~their curriculum.~~

Public Education-III: Public Agency Outreach

PE III-A: City Officials

Provide opportunities for local agency officials to participate in environmental education and the distribution of material for local groups.

PE III- B: Annual City Council Update

Provide City Council with copies of Annual Reports as they are submitted to the Regional Water Quality Control Board.

PE III-C: City Department Partnerships

Provide a program to educate City personnel about the importance of water quality through training, brochures, and newsletters. Brochures will be made available at public counters.

Public Education-IV: Statewide and Regional Outreach Activities

PE IV-A: Storm Water Quality Task Force

Attend meetings as needed depending on the topic.
Continue to work with other regions to share information.

Effectiveness Evaluation

There are many methods of evaluating the effectiveness of the Public Education and Outreach Element. The success of some BMPs, such as participation in community events and the volunteer storm drain stenciling program, may be evaluated through public response or the amount of information that is distributed. The number of people reached or the frequency of the message may measure media campaigns. However, the best tool for measuring the effectiveness of overall outreach efforts will be the public knowledge measurement survey developed as part of the original strategic plan. The survey provides information on whether or not the public is receiving and accepting the outreach information in the format in which it has been presented. The information indicates whether or not there is a trend toward behavioral change and stewardship, while providing an updated base for continuing outreach efforts.

Performance and Effectiveness Measures

The following are examples of the type of performance measures (P) and effectiveness measures (E) that may be used to measure the degree of Program Element implementation and activity effectiveness. Performance measures

involve enumeration of activities or the number or percentage of participation in a Program activity. This information is used by staff for purposes of planning and scheduling resources required to conduct the Program. Effectiveness measures provide assessments of the degree to which activities reduce pollutants to the maximum extent practicable (MEP) or eliminate non-storm water discharges. This information is used to focus and modify activities to maximize environmental benefits. The specific goals and level of effort for effectiveness evaluation activities as well as the results of the performance and effectiveness measures will be provided in the Annual Reports.

Public Education-I: General Public and Target Sector Outreach

PE I-A: Storm Drain Inlet Stenciling Program

- Number of storm drain inlets stenciled (P)
- Requirement of new storm drain inlets to be Stenciled (P)
- Inspect ~~20%~~ as many DI's as possible per year for maintenance of stencils

PE I-B: Clean Water Business Partners

- Develop List of business to be targeted (P)
- Develop brochures for each type of business identified (P)
- Distribute brochures to business listed and make available on website (P)

PE I-C: Community Events

- Contact Local environmental and watershed groups about partnering (P)
- Develop Locally appropriate storm water outreach materials for handout at community events and make available on website (P)
- Attend community events. (P)

PE I-D: Storm Water Web Site

- Create City storm water website (P)
- Continue to modify, update, and add new features to website (P)

PE I-E: Media Campaigns

- Develop brochure
- Number of brochures handed or mailed out (P)
- Frequency of message (P)
- Feedback from target audience (E)

PE I-F: Pet Waste Control

- Number of pet waste stations installed (P, E)
- Number of fines handed out (P, E)

PE I-G: Public Knowledge Survey

- Number of surveys handed out and received (P, E)
- Survey results (E)

~~PE I-H: Water-wise Pest Control Program~~

- ~~• Materials developed for distribution (P,E)~~
- ~~• Number of brochures mailed out~~

Public Education-II: School Outreach

PE II-A: Storm Water Classroom Presentations

- Number of classrooms participating (P)
- ~~Results of pre and post presentation testing (P,E)~~
- ~~Response from teachers and students (E)~~
- Number of events attended where school aged children attend (P)

Public Education-III: Public Agency Outreach

PE III-A: City Officials

- Participation in events (P)
- Number of proclamations awarded (P)

PE III-B: Annual City Council Update

- Response from City Council members (E)
- Requests for materials (P)

PE III-C: City Department Partnerships

- Number of employees from other departments participating in events (P)
- Departments incorporating water quality message in department outreach (P,E)

Public Education-IV: Statewide and Regional Outreach Activities

PE IV-A: Storm Water Quality Task Force

- Participate in local and statewide outreach campaigns (P)

The following is an example of measurable goals for a Public Education and Outreach plan for the initial permit term.

	= Year Implemented		= Ongoing Update
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Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Public Education and Outreach Element Activities							
Public Education -I: General Public and Target Sector Outreach							
PE I-A Storm drain inlet stenciling	<ul style="list-style-type: none"> • Require 100% of new storm drain inlets to be stenciled. 						Director of Building Department and Development Services
	<ul style="list-style-type: none"> • Stencil 20% of existing storm drain inlets per year 						BDSD
	<ul style="list-style-type: none"> • Develop maintenance program and inspect 20% of storm drain inlets per year to replace missing stencils 						BDSD
PE I-B Clean Water Business Partners	<ul style="list-style-type: none"> • Develop list of types of businesses to be targeted 						BDSD
	<ul style="list-style-type: none"> • Develop a mailing list of businesses to be targeted 						BDSD
	<ul style="list-style-type: none"> • Develop one brochure for each type of Business identified 						BDSD
	<ul style="list-style-type: none"> • Distribute brochure to as many 100% of the businesses listed & make available on City website 						BDSD
Public Education -I: General Public and Target Sector Outreach							
PE 1-C Community Events	<ul style="list-style-type: none"> • Develop a list of local environmental and watershed groups for possible partnering 						BDSD
	<ul style="list-style-type: none"> • Contact Local Environmental and watershed groups about partnering for community events 						BDSD

Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Public Education and Outreach Element Activities							
	<ul style="list-style-type: none"> Develop at least one locally appropriate brochure for handout at community events and make available on the City web site and then one each year thereafter until three per year is reached 						BDSD
	<ul style="list-style-type: none"> Attend at least one community event per year 						BDSD
PE I-D Storm Water Website	<ul style="list-style-type: none"> Create initial City Storm water website Continue to modify, update, and add new features to the website 						BDSD
PE I-E Media Campaigns	<ul style="list-style-type: none"> Research cost for newspaper ads, radio spots, TV spots, and billboards Develop a list of potential community groups, businesses, and other agencies for partnering with and cost sharing Research Partnering and cost sharing opportunities with community groups, businesses, and other agencies & develop a media campaign. At a minimum implement two storm water message newspaper ads per year Mail one brochure with storm water message with water bill at least once per year 						BDSD
PE I-F Pet Waste Control	<ul style="list-style-type: none"> Continue to post pet waste information and collection bag stations at public trails and parks at a rate of at least one per year 						BDSD
PE I-G Public Knowledge Measurement Surveys	<ul style="list-style-type: none"> Research existing public knowledge surveys created by other agencies Develop a locally appropriate public survey Conduct City wide phone survey beginning in October of 2005 and a follow up city wide survey in May 2007 and document results. Conduct one "convenience survey each year. Distribute public survey at community events collect them and analyze the results at least once a year at the community events 						BDSD
PE I-H Water-Wise Pest Control Program	<ul style="list-style-type: none"> This item has been combined with PE I-B Clean Water business partners Develop list of local nurseries, landscapers, and pest control operators Develop and distribute at least one brochure for each type of business 						BDSD
Public Education –II: School Outreach							
PE II-A Storm Water Classroom Presentation	<ul style="list-style-type: none"> Investigate and determine what classroom presentations are currently being done by the School District or and or other Groups Review current presentation for appropriate content and frequency of message Incorporate existing classroom presentations, if necessary into City program or vice versa Attend at least two events per year with informational booths where school aged children attend Implement program into one <u>third grade</u> K-6th grade class per school once per year 						BDSD
Public Education – III: Public Agency Outreach							
PE III-A City Officials	<ul style="list-style-type: none"> Provide information to City Council regarding upcoming community events and encourage Council participation starting with one event in 04/05 up to three events per year 						BDSD
PE III-B Annual City Council Update	<ul style="list-style-type: none"> Provide City Council with copies of the annual report as they are submitted to the RWQCB once per year 						BDSD

PE III-C City Department Partnerships	<ul style="list-style-type: none"> Provide information to Department Heads regarding upcoming community events and encourage staff participation at the three events per year 							BDS
Public Education – IV: Statewide and Regional Outreach Activities								
PE IV-A Storm Water Quality Task Force	<ul style="list-style-type: none"> Continue participation in the California Storm Water Task Force. at least two meetings per year 							BDS
	<ul style="list-style-type: none"> Continue to work with other Chico Area NPDES II permittees. Attempt to set up regular meetings with a minimum of two meeting per year 							BDS

4-3 Public Participation/Involvement Element

The Public Participation/Involvement Element of the City of Chico’s Storm Water Management Program will allow the public to provide valuable input and assistance in implementing the Program.

Benefits of a Public Participation and Involvement Program

Since it is the activities of the public within urban landscapes that produce diffuse pollution, and the public funds municipalities, it is imperative that the public is given opportunities to play an active role in both the development and implementation of the Program. An active and involved community is crucial to the success of a storm water management program because it allows for:

- **Broader public support**, since citizens who participate in the development and decision-making process are partially responsible for the Program and are more likely to take an active role in its implementation;
- **A broader base of expertise and economic benefits**, since the community can be a valuable, free, intellectual resource; and
- **A conduit to other programs**, as citizens involved in the storm water program development and implementation process provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a storm water program integrated on a watershed basis.

To satisfy this minimum control measure, the City of Chico will:

- Comply with applicable State and local public notice requirements using an effective mechanism for reaching the public; and
- Determine the appropriate Program activities and measurable goals for this minimum control measure. Possible implementation approaches are described below.

Guidelines for developing and implementing this measure will include public participation in developing, implementing, and reviewing each minimum measure of the storm water management Program. The public participation process should make every effort to reach out and engage all economic and ethnic groups.

The best way to handle common notification and recruitment challenges is to know the audience and think creatively about how to gain its attention and interest. Since traditional methods of soliciting public input, such as advertising in local newspapers to announce public meetings and other opportunities for public involvement, are not always successful in generating interest and subsequent involvement in all sectors of the community, possible alternative methods of advertising to be used whenever possible may include radio or television spots, postings at bus stops, billboards, announcements in neighborhood newsletters, announcements at civic organization meetings, distribution of flyers, and mass mailings. These efforts, of course, are closely tied to the efforts for the Public Education and Outreach minimum control measure.

Public Participation/Involvement - Best Management Practices

PP I-A: Public Meetings/Website Postings

Allow citizens to present various viewpoints and provide input concerning appropriate storm water management policies and program activities. Items will be posted on the website for comments. Major items that may have an impact on the direction of the program will require public meetings.

PP I-B: Community Water Body Cleanups

Creek cleanups are currently being conducted by various organizations with the City. The City will Partner with these organizations and others which want to get involved and allow citizens to participate in the cleanup of different water body drainage areas under the direction of either the City, school districts, or watershed groups. This partnering of governmental and citizen groups will help foster good working relationships throughout the community.

Effectiveness Evaluation

Measurable goals are intended to gauge permit compliance and Program effectiveness. At a minimum, the measurable goal for this Program would be to provide adequate public notice of all public hearings, published in a community publication or newspaper of general circulation, when implementing the storm water management programs required under the permit.

PP I-A: Public Meetings

- Number of Notices for public meetings or items posted on City Website(P)

PP I-B: Community Water Body Cleanups

- Number of cleanups performed (P)
- Amount of public participation increases (P,E)

The following are examples of measurable goals used for a Public Participation/Involvement minimum measure during the initial permit term.

	= Year Implemented		= Ongoing Update
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Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts.
		03/04	04/05	05/06	06/07	07/08	
Public Participation/Involvement							
Public Participation/Involvement-I:							
PP I-A Public Meetings	<ul style="list-style-type: none"> • Information about programs will be discussed at public meetings and made available on the City's web site to encourage citizen participation and allow input to all programs being developed as part of this SWMP in addition to the SWMP itself. 						BDSD
PP I-B Community Water Body Cleanups	<ul style="list-style-type: none"> • Continue to partner with local groups and sponsor two creek cleanup events per year 						BDSD

4-4 Illicit Discharge Detection and Elimination Element

The goal of the Illicit Discharge Detection and Elimination Element is to prevent non-storm water sources from entering the drainage system and from reaching Butte County waterways and the Sacramento Valley waterways. Achieving the goal of the Illicit Discharge Detection and Elimination Element depends on the coordinated efforts of all other local agencies.

The public also plays an important role in identifying and reporting incidents of spills or illegal dumping. In addition to activities currently being practiced, additional planned activities are: (1) development of structured enforcement policy and guidance procedures, with appropriate monetary penalties and/or cost recovery for violations of the City of Chico

Storm Water Ordinance (Storm Water Ordinance); (2) identification of high priority watersheds or drainage areas for targeted investigation/enforcement/correction efforts; (3) public education of illicit discharge identification and reporting procedures and alternatives for proper disposal methods; (4) mapping of the storm water conveyance system within the Chico Urban mapped area.

Illicit Discharge Detection and Elimination Element Activities - Best Management Practices

Illicit Discharge-I: Storm Water Ordinance Enforcement

Create a Storm Water Ordinance, which provides the legal authority for regulating illegal discharges. Development of enforcement policy, procedures, and guidance for Program staff and other City departments in accordance with the Storm Water Ordinance and other City codes. Ensure compliance with the Storm Water Ordinance.

ID I-A: Create Ordinance

Create and periodically review, as necessary, the Storm Water Ordinance. Develop and implement administrative enforcement procedures and guidance for violations of the Storm Water Ordinance. Maintain compatibility with related ordinances, federal and state law.

The Following categories are authorized as non-storm water discharges unless they are identified as a significant contributor of pollutants: 1) Water line flushing; 2) Landscape irrigation; 3) Diverted stream flow; 4) Rising ground water; 5) Uncontaminated ground water infiltration; 6) Uncontaminated pumped ground water; 7) Discharge from potable water source; 8) Foundation drains; 9) Air conditioning condensation; 10) Irrigation water; 11) Springs; 12) Water from crawl spaces pumps; 13) Footing drains; 14) Lawn watering; 15) Individual car washing; 16) Flows from riparian habitats and wetlands; and 17) De-chlorinated swimming pool discharge.

Illicit Discharge-II: Plan Development

Develop a plan to detect and address illicit discharges which will include identifying priority areas for screening, determining the source if any, and eliminating the illicit discharge.

ID II-A: Identify Priority Areas

Develop and prioritize a list of outfalls based on the likelihood of illicit connections or discharges. Methods of prioritizing areas may include but are not limited to visual screening and public complaints. City staff will visually inspect and measure pH. City Staff will attend training on illicit discharges when training becomes available.

ID II-B: Find the Source

If an illicit discharge is detected, additional efforts will be used to determine the source. Methods of prioritizing areas may include but are not limited to tracing the discharge upstream of the storm drain facility and determining ways to eliminate discharge.

ID II-C: Remove/Correct Illicit Connection

Once the source is identified, the offending discharger will be notified and directed to correct the problem. The Storm Water Ordinance will provide direction for enforcement and punitive measures.

Illicit Discharge-III: Illicit Discharge Prevention

Identify measures for illicit discharge identification and the promotion of correct disposal alternatives and preventative measures for both the public and private sectors, in conjunction with the Public Education and Outreach Element.

ID III-A: Storm Drain Stenciling

Develop and maintain the volunteer storm drain stenciling program and new development inlet labeling program.

ID III-B: Hazardous Waste Collection

In conjunction with the Butte County Solid Waste Division, continue to promote the availability of the small quantity household hazardous waste (HHW) collection center.

ID III-C: Waste Oil Collection

Continue to support the ~~agricultural and~~ used oil recycling program ~~performed by the Butte County Solid Waste Division.~~

Illicit Discharge-IV: Storm Drain System Map

Continue to update the City's storm drain system map. The storm drain map is to indicate the intake and discharge areas of the system. It is to help determine the possible sources of dry weather flow and the particular waterbodies these flows may be affecting.

ID IV-A: Develop Storm Drain System Map

Continue to update the City's storm drain system map which shows the locations of all outfalls, tributary areas, and the names and locations of all waters of the United States that receive discharges from these outfalls. The map will be continually updated as improvement plans are entered into the City's filing system. Along with the annual report, the City will identify new outfalls in the permitted area. The City will submit with the annual report, a map that shows the location of any new outfall and names the receiving water name, location on the storm drain system map, drainage area in acres, land use designation, and provide certification that the SWMP shall be amended to include the drainage area.

Effectiveness Evaluation

The number and types of discharge incidents as well as the number of enforcement actions taken measure the effectiveness of the Illicit Discharge Detection and Elimination Element. Assessments will include feedback from drainage maintenance inspectors and other City staff, as well as public comments.

Performance and Effectiveness Measures

The following are examples of the types of performance measures (P) and effectiveness measures (E) that may be used to measure the degree of Program Element implementation and activity effectiveness. Performance measures involve enumeration of activities or the number or percentage of participation in a Program activity. This information is used to focus and modify activities to maximize environmental benefits of the plan. The results of the performance and effectiveness measures will be provided in the Annual Reports.

Illicit Discharge-I: Storm Water Ordinance Enforcement

- Develop, review and revise Storm Water Ordinance, as necessary (P, E)
- Development and implementation of enforcement procedures and guidance (P, E)
- Support for enforcement activities (P, E)

Illicit Discharge-II & III: Program Development and Illicit Discharge Prevention and Spill Response

- Number of illegal discharges reported via City Web site (P, E)
- Number of illegal discharges reported via telephone (P, E)
- Total number of spills reported (P)
- Number of illegal discharges identified (P)
- Training for field staff, number of workshops, and attendance (P)
- Feedback from field staff (E)
- Support for spill response (P, E)
- Number of spills responded to, contained, or cleaned up (P, E)
- Number or percentage of spills in which the responsible party is identified (P, E)
- Development of database for reported illegal discharges (P)

- Evaluation of occurrence of common types of illegal discharges and locations (P, E)
- Annual analysis of data for types, frequencies, and locations and updating of database (P, E)
- Number of groups, participants, and storm drains stenciled per year (P, E)
- Number of outfalls screening during dry weather (P,E)

Illicit Discharge-IV: Storm Drain System Map

- Number of new development projects and storm drains constructed per year (P,E)
- Number of additions of new outfalls from new developments (P)

Measurable Goals

The measurable goals, as well as the BMPs, should reflect the needs and characteristics of the MS4 operator and the area served by the MS4. The minimum measurable goals for the permit term may include activities such as the following:

	= Year Implemented		= Ongoing Update
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Activity/ BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Illicit Discharge Detection and Elimination Element							
Illicit Discharge -I: Storm Water Ordinance Enforcement							
ID I-A Create Ordinance	<ul style="list-style-type: none"> • Review current ordinances and determine where changes/additions are necessary • Changes/additions or creation made to the ordinances and get approved by Council • Develop and implement an enforcement procedure and guidelines 						BDS
							BDS
							BDS
Illicit Discharge –II: Plan Development							
ID II-A Identify Priority Areas	<ul style="list-style-type: none"> • Review storm drain maps and Identify outfalls which include industrial & manufacturing facilities within their tributary areas. • During dry weather visually inspect and PH test all priority outfalls for illicit discharges and identify them for further investigation and enforcement as necessary • Identify all non-priority outfalls and visually inspect and PH test for illicit discharges 						BDS
							BDS
							BDS
D II-B Find the Source	<ul style="list-style-type: none"> • Trace any illicit discharges identified upstream of initial discovery by visually inspecting manholes and drop inlets until the source is found 						BDS
	<ul style="list-style-type: none"> • Make City website available for reporting illicit discharges that will automatically notify storm water personnel • Develop a 24-hour telephone procedure for receiving illicit discharge reports 						BDS
							BDS
ID II-C Remove/ Correct Illicit Connections	<ul style="list-style-type: none"> • Remove identified Illicit discharges pursuant to developed enforcement procedures & guidelines 						BDS
Illicit Discharge-III: Illicit Discharge Prevention							
ID III-A Storm Drain Stenciling	<ul style="list-style-type: none"> • See activities in PE I-A of Public Education and Outreach Activities 						BDS
ID III-B Hazardous Waste Collection	<ul style="list-style-type: none"> • Continue to promote the availability of the regional Household Hazardous Waste Collection Facility • <u>Promote The facility on the City’s website</u> • Include one brochure in the water bill once per year promoting the facility 						BDS
							BDS
Illicit Discharge-IV: Storm Drain System Map							

Activity/ BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Illicit Discharge Detection and Elimination Element							
ID III-C Waste oil Collection	<ul style="list-style-type: none"> Continue to promote the availability of the used oil collection facilities Promote locations that take used oil on the website. Include one brochure in the water bill once per year promoting the facilities and to inform the public of the hazards associated with illegal discharges and improper disposal of waste. 						BDSB
							BDSB
ID IV-A Develop Storm Drain System Map	<ul style="list-style-type: none"> Continue to update the existing storm drain system map to show facilities as they are constructed 						BDSB

4-5 Construction Site Storm Water Runoff Control

The goal of the Construction Site Storm Water Runoff Control Element is to reduce the discharge of storm water pollutants to the maximum extent practicable (MEP) by: (1) requiring construction sites to reduce sediment in site runoff and (2) requiring construction sites to reduce other pollutants such as litter and concrete wastes through good housekeeping procedures and proper waste management.

Excessive erosion and sediment transport can harm creek habitat through both scour and smothering of spawning areas. The Construction Element conducts outreach activities, development reviews and approvals, and inspections and enforcement at construction sites. This Program Element also develops and maintains standards for erosion and sediment control. Development reviews and approvals include reviewing California Environmental Quality Act (CEQA) documents, applying standard conditions during the entitlement process, and reviewing and approving improvement plans. Appropriate standards are based on research into Best Management Practice (BMP) effectiveness and maintenance requirements.

The Construction Element also assists in educating the development community and municipal project managers about the State General Permit for Discharges of Storm Water Associated with Construction Activities (State Construction General Permit) requirements. Applicable projects must provide proof to the City of Chico that a Notice of Intent (NOI) has been submitted to the State Water Resources Control Board (SWRCB) and a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. This outreach is conducted as part of a slate of outreach activities that also address the City’s own requirements for construction projects.

The development review process will incorporate storm water requirements for private development projects from the planning process to completion of construction. Resources will also be focused on ensuring that all municipal projects have the tools and procedures in place to effectively comply with City and state requirements. This may include items such as the development of activity-specific BMPs.

Construction Site Storm Water Runoff Control –Best Management Practices

Construction-I: Ordinance and Standards

CE I-A: Update/Create Ordinance

The City will update or create a storm water ordinance to address the regulatory programs required under NPDES Phase II, including Requiring implementation of BMP’s for Construction Site Runoff Control. This Ordinance will include provisions to address both erosion/sediment control and construction site materials and wastes such as building materials, concrete truck washouts, chemicals, litter, and sanitary waste. It will address grading and land disturbance of one acre or more. The ordinance will also include financial guarantees and or work stoppage for compliance and site stabilization. The Ordinance will include all applicable items as required by Attachment 4 of the General Permit.

CE I-B: Update Development Standards

The City will develop and adopt erosion, sediment, and pollution control standards and specifications, as necessary. These standards will be updated based on the latest technology and practices. Alternative and innovative control measures will be identified and evaluated through networking with other programs, product research, literature reviews, and BMP performance studies. These Development Standards will include the items in Attachment 4 of the General Permit.

Construction-II: Inspection and Enforcement

CE II-A: Plan Review and Approval

Plan review will ensure projects adequately address City erosion, sediment, and pollution control requirements through the development approval process. Plan review will take into consideration what potential impacts to water quality the project may have. Plan review will also take into account any public comments that are submitted through the existing public comment period as required by state law and city ordinances. For all projects, the City notifies all property owners within 300 feet of the project site and requests comments. Projects will be required to adequately address requirements during the CEQA process by reviewing and commenting on items such as Environmental Impact Reports, Declarations of Negative Impact and mitigation monitoring plans and conditioning projects to comply with City and State requirements during the entitlement process. During plan review, the developer or builder will submit a written statement to the City as to the total amount of land disturbance their project will cover, thereby certifying if the disturbance area exceeds the threshold limit of one acre. If one acre or more of land, or if less than one acre that is part of a later common plan of development that will be one acre or more will be disturbed, the City will require the submission of a Notice of Intent and a Storm Water Pollution Prevention Plan to the State Water Quality Control Board.

CE II-B: Inspection/Training

Inspection and enforcement staff will ensure that control measures and practices are implemented, properly installed, and maintained during the construction of a project. As applicable, inspectors will verify that SWPPPs are on-site at private development construction sites or being implemented for City project construction sites. If the SWPPP is not being followed the Inspector will have the ability to fine or stop work until compliance has been met. To ensure thorough and accurate inspections, City Inspection Staff will undergo ongoing training by attending classes if offered and manuals which show proper installation procedures.

CE II-C: Enforcement

Enforcement shall consist of verbal warnings and fines. If after a verbal warning has been given and no action has been taken by the next re-inspection, a written notice will be issued. If no action has been taken by the next re-inspection, a fine will be issued. If after being fined and action has still not been taken, the case will be referred to the California Regional Water Quality Control Board for further action.

CE II-D: Record Keeping

Develop and implement record keeping and data management procedures for evaluation of Construction Element Activities and reporting. Data will be maintained in an electronic format.

Construction-III: Outreach and Education

CE III-A: City Staff Outreach

Coordinate training and technical assistance for staff, including City project managers and development review staff, on proper design, installation, inspection, and maintenance of both on-site and regional control measures and on new technology and practices. Training will ensure that agency staffs are aware of their inspection, maintenance, and plan checking responsibilities. This may be accomplished through workshops, training sessions, staff meetings, user-friendly fact sheets, brochures, and memos.

CE III-B: Developer Outreach

Educate and provide guidance to the development community on local and State requirements and new technology and practices. Outreach may take the form of fact sheets, workshops, preconstruction meetings, City web site, and brochures.

Effectiveness Evaluation

The effectiveness of the Construction Element will be based on whether on-site storm water quality control measures have been designed, constructed, and maintained according to the developed criteria. Inspection records, visual monitoring and enforcement activities will provide verification that the control measures are working.

Performance and Evaluation – Construction Site Storm Water Runoff Control

The following are examples of the type of performance measures (P) and effectiveness measures (E) that may be used to measure the degree of Program Element implementation and activity effectiveness. Performance measures involve enumeration of activities or the number or percentage of participation in program activity. This information is used by staff for the purpose of planning and scheduling resources required to conduct the program. Effectiveness measures provide assessments of the degree to which activities reduce pollutants to the maximum extent practicable or eliminate non-storm water discharges. This information is used to focus and modify activities to maximize environmental benefits. The result of the performance and effectiveness measures will be provided in the annual reports.

Construction –I Ordinance and Standards

CE I-A Update Ordinances

- Review of existing ordinances (P)
- Creation of new ordinances (P)

CE I-B Update Development Standards

- Review of existing development standards (P)
- Creation of new construction development standards (P)

Construction –II Inspection and Enforcement

CE II-A Plan Review and Approval

- Number of plan reviews (P)
- Number of new BMP's incorporated into development projects (P,E)
- Number of projects conditioned(P)

CE II-B Inspection

- Number of inspections performed (P, E)
- Number of enforcement actions taken (P,E)

CE II-C Enforcement

- Number of verbal warnings (P,E)
- Number of written warnings for compliance and inspection reports (P,E)
- Number of fines (P,E)
- Number of cases referred to California Regional Water Quality Control Board

CE II-D Record Keeping

- Development of record keeping management procedure (P, E)
- Annual analysis of data for types, frequencies, and locations and updating of database (P, E)

Construction –III Outreach and Education

CE III-A/B Developer/City Assistance

- Types and number of outreach material (P)
- Number of workshops and workshop attendance (P)
- Workshop evaluations (E)
- Feedback from City Staff(E)

	= Year Implemented		= Ongoing Update
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Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Construction Site Storm Water Runoff Control							
Construction-I: Ordinance and Standards							
CE I-A: Update Ordinances	<ul style="list-style-type: none"> • Review existing ordinances and determine where changes/additions need to be made • Create ordinance to include construction site runoff control including erosion/sediment control and construction site materials and wastes controls 						DBSD
							DBSD
CE I-B: Update Development Standards	<ul style="list-style-type: none"> • Review existing construction development standards and determine where changes/additions are required • Revise development standards to include construction related erosion, sediment and pollution control BMP's • Implement design standards as indicated in Attachment 4 of the General Permit 						DBSD
							DBSD
							DBSD
Construction-II: Inspection and Enforcement							
CE II-A Plan Review and Approval	<ul style="list-style-type: none"> • Require certification of land disturbance of project • Review and ensure that improvement plans to meet City Development Standards 						DBSD
							DBSD
CE II-B Inspection/ Training	<ul style="list-style-type: none"> • Inspect construction sites for compliance with the approved SWPPP's and inspectors trained in proper installation of BMP's 						DBSD
CE II-C Enforcement	<ul style="list-style-type: none"> • Begin enforcement of ordinance • See Page 19 for enforcement procedure 						DBSD
CE II-D Record Keeping	<ul style="list-style-type: none"> • Develop Record keeping and data management procedure for evaluating construction element activities and reporting • Implement Record Keeping as noted above 						DBSD
							DBSD
Construction-III: Outreach and Education							
CE III-A Developer Assistance	<ul style="list-style-type: none"> • Keep developers informed about technical resources, policies, requirements, City design standards, and seminars by either newsletters, fact sheets or the city website or at City counter 						DBSD
CE III-B City Staff Assistance	<ul style="list-style-type: none"> • Keep City Staff up to date on proper design installation and inspection of BMP's. This will be accomplished through workshops, training sessions fact sheets, brochures, and memos 						DBSD

4-6 Post-Construction Storm Water Management in New Development and Redevelopment Element

Post-construction storm water management in areas undergoing new development or significant redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving water bodies. Many studies indicate that prior planning and design for the minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

There are generally two forms of substantial impacts from post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in storm water runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. These pollutants often become suspended in runoff and are carried to receiving waters such as lakes, ponds, and streams. Once deposited, these pollutants can enter the food chain through small aquatic life, eventually entering the tissues of fish and humans. The second kind of post-construction runoff impacts occurs by increasing the quantity of water delivered to the water body during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which often leads to a loss of aquatic life and damage to property.

The City of Chico will develop and implement strategies to include a combination of structural and/or non-structural BMPs appropriate for the community. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law, and ensure adequate long-term operation and maintenance of BMPs. The Program calls for the implementation of planning procedures and enforcement controls to reduce the discharge of pollutants after construction is complete from areas of new development and redevelopment that disturbs one acre or more of land (including projects less than one acre that are part of a larger common plan of development).

Post Construction Storm Water Management - Best Management Practices

Post Construction-I: Regulatory Mechanism

PC I-A: Regulatory Mechanism

The City of Chico will establish an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls. New developments and re-developments that disturb one acre or more (including projects less than one acre that are part of a larger common plan) will be required to provide nonstructural and or structural BMPs.

PC I-B: Review and Approval Procedures

The City currently requires new commercial developments, new residential developments, and any construction that increases runoff to incorporate water quality facilities in accordance with current design standards. The Design standards will be updated to reflect those items as indicated in Attachment 4 of the General Permit. The City requires all developments to submit drainage studies that assure local numeric design standards are met. Such studies include BMP criteria in addition to flood control criteria. The City conditions projects to comply with post-construction requirements during the entitlement process. The City utilizes the development approval process (i.e., plan check and inspection process) or municipal procedures (i.e., City project managers) to ensure projects adequately incorporate and construct on-site control measures that meet design standards. Inspection staff will be trained on Attachment 4 to ensure that on-site control measures are properly installed.

Post Construction-II: Design Criteria and Standards (BMPs)

The City will review and or create an ordinance or other regulatory mechanism to require the use of appropriate non-structural and structural BMPs. The design criteria and standards will be provided by reference to existing criteria manuals. These standards will include traditional methods such as infiltration systems and sediment basins, or may use appropriate non-traditional methods. Runoff problems will be addressed effectively with sound procedures with existing and new technologies, as they become available.

PC II-A: Update Standards

The City of Chico in accordance of Attachment 4 of the General permit will develop and implement Design Standards as indicated in Attachment 4. Projects subject to the new design standards will be:

- Single-family Hillside Residences
- 100,000 Square Foot Commercial Developments
- Automotive Repair Shops
- Restaurants

- Home Subdivisions with 10 or more housing units
- Parking lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed storm water runoff
- Retail Gasoline Outlets
- Projects discharging to environmental sensitive areas

These design standards will be adopted and in effect by year 06/07 (see Appendix B for copy of Attachment 4).

PC II-B: Non-Structural BMP Practices

These Practices are intended to prevent or control the sources of pollutants. These can include guidelines for the proper disposal of household waste and toxins, proper use of pesticides, herbicides, and fertilizer, good housekeeping and preventative maintenance, and public education and outreach.

PC II-C: Structural BMP Practices

These practices are intended to reduce the amount of pollutants that enter the waterways. They include:

Storage Practices – Storage or detention BMP’s control storm water by gathering runoff in wet ponds, dry basins, or multi-chamber catch basins and slowly releasing it to receiving waters or drainage systems. These practices control storm water volume and settle out particulates for pollution removal.

Infiltration Practices – Infiltration BMP’s are designed to facilitate the percolation of runoff through the soil to groundwater, thereby reducing both storm water quantity and mobilization of pollutants. Examples are infiltration basins/trenches and porous pavement.

Vegetative Practices – Vegetative BMP’s are landscaped features that, with optimal design and good soil conditions, enhance pollutant removal, maintain/improve natural site hydrology, promote healthier habitats, and increase aesthetic appeal.

Post Construction-III: Monitoring Compliance during Construction

PC III-A: Construction Inspection

The City will develop a procedure to determine if the BMP’s required are being installed according to specifications. This will be developed in conjunction with the construction program. Ordinances or other mechanisms will allow measures to be taken to ensure the BMP’s are installed correctly, such as not to release development bonds or not issue a certificate of occupancy until the proper BMP’s are in place and operating properly.

Post Construction-IV: Ensure Adequate Long Term Operation and Maintenance of BMPs

The City of Chico will ensure the adequate long-term operation and maintenance of Post Construction BMPs. BMPs must be maintained to operate properly. The responsibility for operation and maintenance of structural controls will remain with the private property owner if located on private property and with the City if located on City property. The city code will be written to require private property owners to submit a letter every year indicating that the BMP’s have been inspected and operating properly.

For residential areas, the land area in subdivision where a BMP is located is usually granted to the City. The City requires that the subdivision create a maintenance district to pay for the operation and maintenance of the water quality facilities.

For commercial developments, such as a shopping mall, a relatively large area of land is involved that would be developed by one individual (or corporation), and subsequently sold or leased to relatively few tenants or property owners. It is likely that this land would be built at one time with one or two structural BMPs comprising a system for the entire site. Individual lots for industrial or commercial use are required to install on-site BMPs for each individual lot at the time of development. For these properties, the requirements for operation and maintenance of on-site BMPs will be the responsibility of the property owner. The City will require property owners to comply with the onsite inspections as in accordance with Attachment 4 of the General Permit. Property owners will be required to provide documentation that their BMP’s have been inspected and are working properly.

PC IV-A: Monitoring Long-Term Compliance

By requiring them to provide documentation that their BMP's have been inspected and are working properly in order to ensure adequate long-term operation and maintenance of BMPs, inspection and enforcement programs are required. The elements of the programs will include the following:

a. The City will develop a database of all post-construction BMPs in its jurisdiction. In addition to being an important tool for other elements of the Post-Construction minimum measure, such as inspections and enforcement, the database could be used for mailings to remind BMP owners to perform necessary maintenance.

b. The Post-Construction Inspection Program is a continuation of the Construction Program and contains the same program elements. A standard will be developed for performing inspections. The program will include the following:

Inspections – The City will create an ordinance or other procedure for requiring annual inspection of BMP's. City Staff will inspect City facilities. Inspection of BMP's on private property will be the responsibility of the property owner.

Complaint Response Inspections – The City will have the ability to respond to third party concerns regarding malfunctioning or poorly maintained BMP's. This will include a point of contact, response protocol, and site review as appropriate. A suitable level of follow-up and enforcement will be included when deficiencies are discovered.

c. Failure to Maintain BMPs - It is important to ensure that the BMPs implemented are maintained. It is also necessary to determine the cause of any noncompliance. Corrective actions include the following:

- Document the need for maintenance. Provide time for the developer/property owner to address the concerns. A follow-up inspection will need to be conducted.
- If the developer/property owner fails to take the necessary measures, meet with the developer/property owner to discuss the necessary measures and time frames for addressing the problems.
- If actions are not taken in the specified time frame, begin enforcement procedures.

d. Enforcement Program - An Enforcement Program will be implemented. The program will address appropriate responses to common noncompliance issues with developers/property owners, such as failure to maintain BMPs. Several options for formal action are available. They include:

- Verbal warning to the developer/property owner
- Letter of noncompliance
- Notice of violation and order
- Charge back to contractor for work completed by the City
- Municipal summons

Post Construction-V: Technical Assistance

PC V-A: Developer Assistance

Conduct outreach to the development community to provide information and serve as a technical resource on policies, requirements, and new technology and practices. This will be accomplished through developer input of new City design standards, notifying the developers of upcoming seminars, newsletters, or user-friendly fact sheets and Web sites.

PC V-B: City Staff Assistance

Coordinate training and technical assistance for staff, including City project managers and development review staff, on proper design, installation, inspection, and maintenance of both on-site and regional control measures and on new technology and practices. Training will ensure that agency staffs are aware of their responsibilities. This may be accomplished through workshops, training sessions, staff meetings, user-friendly fact sheets, brochures, and memos.

PC V-C: BMP Research

Identify and evaluate alternative and innovative control measures through networking with other programs, product research, literature reviews, and BMP performance studies.

Effectiveness Evaluation

The effectiveness of the New Development Element will be based on whether on-site and regional storm water quality control measures have been designed, constructed, and maintained according to the developed criteria. Maintenance records, inspection records, and visual monitoring will provide verification that the control measures are working.

In addition to collecting and evaluating data on control measures that have been installed, literature reviews and special studies on the effectiveness and maintenance requirements of specific control measures will be conducted as needed. The City of Chico Area Storm Water Permittees (Permittees), other public agencies, environmental groups, manufacturers, or property owners may conduct special studies. Information from the special studies and literature reviews will be used to develop and revise selection requirements, design criteria, and maintenance protocols.

Performance and Effectiveness Measures

The following are examples of the types of performance measures (P) and effectiveness measures (E) that may be used to measure the degree of Program Element implementation and activity effectiveness. Performance measures involve enumeration of activities or the number or percentage of participation in a Program activity. Staff uses this information for the purposes of planning and scheduling resources required to conduct the Program. Effectiveness measures provide assessments of the degree to which activities reduce pollutants to the MEP or eliminate non-storm water discharges. This information is used to focus and modify activities to maximize environmental benefits. The results of the performance and effectiveness measures will be provided in the Annual Reports.

Post Construction-I: Regulatory Mechanism

- Number of projects conditioned (P)
- Number of projects constructed or approved (P)
- Number of inspections and maintenance activities performed (P)
- Number of and type of enforcement actions taken (P)
- Training of Staff (P)

Post Construction-II: Design Criteria and Standards

- Number of new BMP designs incorporated into new development projects (P)
- Number of hits to Web site (P)
- Results of BMP performance studies (E)

Post Construction-III: Monitoring During Construction

- Development of inspection procedure (P)
- Number of inspections (P)
- Number of enforcement/referrals

Post Construction-IV: Long Term Maintenance

- Number of new BMP's mapped
- Number of non-compliant violations

Post Construction-V: Technical Assistance

- Type and number of outreach materials (P)
- Number of workshops and workshop attendance (P)
- Workshop evaluations (E)
- Feedback from municipal staff (E)

Measurable Goals

The measurable goals, as well as the BMPs, will reflect the needs and characteristics of the City of Chico and the area served by the MS4. The City of Chico's approach for this minimum measure will include the following goals:

	= Year Implemented		= Ongoing Update
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Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Post-Construction Storm Water Management In New Development and Redevelopment Element							
Post Construction-I: Regulatory Mechanism							
PC I-A: Regulatory Mechanism	<ul style="list-style-type: none"> Review current ordinance/policies requiring implementation of post construction storm water runoff controls and determine if changes/additions are required 						DBSD
	<ul style="list-style-type: none"> Changes/additions to ordinance/policies made and in place 						DBSD
	<ul style="list-style-type: none"> Inspection and enforcement procedures for Attachment 4 in place 						DBSD
PC I-B: Review and Approval Procedures	<ul style="list-style-type: none"> Continue to require post construction BMP's for new development or redevelopment that disturb one acre or more of land 						DBSD
	<ul style="list-style-type: none"> Train plan reviewers on Attachment 4 requirements 						DBSD
Post Construction -II: Design Criteria and Standards (BMP's)							
PC II-A Update Standards In accordance with Attachment 4 of the General Permit	<ul style="list-style-type: none"> Review current City design standards 						DBSD
	<ul style="list-style-type: none"> Determine what changes/additions to Design standards are required 						DBSD
	<ul style="list-style-type: none"> Meet with each City Department affected by changes to Design Standards and gather input on changes/additions 						DBSD
	<ul style="list-style-type: none"> Implement changes/additions to design standards 						DBSD
	<ul style="list-style-type: none"> Provide City staff with training on Attachment 4 						DBSD
Post Construction-III Monitoring Compliance During Construction							
PC III-A Construction Inspection	<ul style="list-style-type: none"> Continue to inspect construction of water quality facilities to ensure they are installed according to specifications 						DBSD
Post Construction-IV Ensure Adequate Long Term Operation and Maintenance of BMP's							
PC IV-A Monitoring Long Term Compliance	<ul style="list-style-type: none"> Develop a GIS database to map location and type of structural BMP's 						DBSD
	<ul style="list-style-type: none"> Create ordinance/policy to require annual inspections of BMP's 						DBSD
	<ul style="list-style-type: none"> Develop Enforcement procedure for non compliance with inspections/repairs 						DBSD
Post Construction-V Technical Assistance							
PC V-A Developer Assistance	<ul style="list-style-type: none"> Keep Developers/contractors up to date on proper design installation and inspection of BMP's. This will be accomplished through workshops, training sessions fact sheets, brochures, memos, and through City Counter Staff 						DBSD
PC V-B City Staff Assistance	<ul style="list-style-type: none"> Keep City Staff up to date on proper design installation and inspection of BMP's. This will be accomplished through workshops, training sessions fact sheets, brochures, and memos 						DBSD

Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Post-Construction Storm Water Management In New Development and Redevelopment Element							
PC V-C BMP Research	<ul style="list-style-type: none"> Research alternate and innovative BMP's through product research, literature reviews, and BMP performance studies 						DBSD

4-7 Pollution Prevention/Good Housekeeping for Municipal Operations Element

The City of Chico conducts numerous municipal operational and maintenance activities, some of which have the potential to result in discharges of pollutants in runoff or be sources of non-storm water discharges. The goal of the Municipal Operations Element is to reduce these discharges of pollutants in runoff and control non-storm water discharges.

The Municipal Operations Element evaluates activities to identify those that could be significant sources of pollutants in runoff, develops appropriate measures to reduce the discharge of pollutants from these sources to the maximum extent practicable (MEP), and identifies and controls discharges of non-storm water from facilities owned or operated by the City. This Program Element also conducts operation and maintenance activities that remove pollutants. City operations and maintenance activities provide for the collection and removal of significant quantities of pollutants from storm water runoff. The City's street sweeping program also will remove sediment and associated pollutants from roadways and gutters that would otherwise enter the storm drains. Furthermore, planning efforts provide the opportunity to incorporate water quality features in the design of regional detention basins to provide treatment and removal of pollutants as well as flood and drainage control.

Proposed activities include continued efforts to identify and improve municipal operations that are potentially significant sources of pollutants. Outreach and training are essential to ensure that municipal employees are aware of and able to implement the Municipal Operations Element. Employee education will be conducted. Areas of focus include: (1) equipment maintenance and washing; (2) pesticide application practices; and (3) waste storage and disposal. Development of fact sheets, performance standards, and procedure manuals for common municipal activities will help ensure that pollutant prevention practices are followed. Street sweeping and catch basin cleaning activities will be evaluated to determine effectiveness, and alternatives will be considered to improve pollutant removal. Proposed activities will help protect and improve the habitat of urban creeks.

Municipal Operations and Facilities Element Activities - Best Management Practices

The purpose of this section is to develop an operation and maintenance program that will prevent or reduce pollutant runoff from municipal operations.

Municipal-I: Technical Assistance

ME I-A: Municipal Facility SWPPPs

Conduct inspections and prepare Storm Water Pollution Prevention Plans (SWPPPs) and Best Management Practices (BMPs) for City facilities. Provide follow-up consultation as necessary.

ME I-B: Municipal Activity Education

Educate City departments on activities that may contribute to storm water pollution.

ME I-C: New Facility BMPs

Review design plans for proposed municipal facilities and provide guidance on pollutant and non-storm water discharge control measures.

ME I-D: Non-Storm Water Discharges

Discharges of non-storm water from City facilities will be identified and characterized. Control measures to eliminate or reduce pollutants will be described and implemented. If necessary, obtain Regional Water Quality Control Board approval for authorized discharges.

Municipal-II: Pollutant Removal Activities

ME II-A: Street Sweeping

Continue City street sweeping program and evaluate alternative equipment and sweeping schedules to optimize pollutant removal.

ME II-B: Drainage System Maintenance

Continue maintenance activities that remove accumulated sediment and floatables from storm drainage facilities.

ME II-C: Structural Control Operation and Maintenance

Operate and maintain structural devices such as settling/treatment facilities at detention basins and low-flow control measures to ensure pollutant removal.

Municipal-III: Employee Training Program

ME III-A: Employee Training Program

Conduct specific training sessions for City employees to provide Storm Water Management Program (Program) information on appropriate municipal control measures. Provide education to City personnel about the importance of water quality through training brochures and newsletters.

ME III-B: Employee Feedback Program

Gather information on City activities and suggestions for improvement of Municipal Operations Element activities.

Effectiveness Evaluation

The effectiveness of the Municipal Operations Element is dependent on adequate training, resources, and staff to ensure that City operations and facilities are reducing storm water pollution and controlling non-storm water discharges. Assessments will include inspections, review of feedback from County staff, and public comments. Public comments may be useful indicators of the consistency and fairness of storm water requirements being established for businesses and residents.

Performance and Effectiveness Measures

The following are examples of the types of performance measures (P) and effectiveness measures (E) that may be used to measure the degree of Program Element implementation and activity effectiveness. Performance measures involve enumeration of activities or the number or percentage of participation in a program activity. This information is used by staff for purposes of planning and scheduling resources required to conduct the program. This information is used to focus and modify activities to maximize environmental benefits. The results of the performance and effectiveness measures will be provided in the Annual Reports.

Municipal-I: Technical Assistance

- Number of SWPPPs and BMPs prepared for City facilities (P)
- Revisions to SWPPPs and BMPs prepared for City facilities (E)
- Number of City construction projects with NOI and SWPPPs (P)
- Number of site inspections of City facilities to ensure that appropriate control measures are implemented (P)
- Number of municipal facility plans reviewed and designed to incorporate storm water control measures (P)
- Literature reviews on the effectiveness and maintenance requirements of specific control measures (E)
- Feedback from staff on SWPPPs and BMPs (E)
- Actions taken to correct problems (E)

Municipal-II: Pollutant Removal Activities

- Amount of street sweeping conducted (P)
- Number of facilities receiving storm drain maintenance (P)
- Number of structural devices operated and maintained for settling/treatment (P)

Municipal-III: Employee Training Program

- Number of training sessions (P)
- Feedback from training (E)
- Number of fact sheets, brochures, procedure manuals, and other outreach material to describe BMPs for municipal activities (P, E)
- Feedback from City staff for improvement to the Municipal Operations Element activities (E)

Measurable Goals

Measurable goals are meant to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, should consider the needs and characteristics of the operator and the area served by its MS4. The measurable goals should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum control measure could include activities such as the following:

	= Year Implemented		= Ongoing Update
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Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Pollution Prevention/Good Housekeeping for Municipal Operations							
Municipal – I: Technical Assistance							
ME I-A Municipal Facility SWPPP's	<ul style="list-style-type: none"> • Develop list of all City facilities • Conduct review of all City facilities and determine which ones need to have SWPPP's developed • Develop SWPPP's for City facilities 						DBSD
ME I-B Municipal Activity Education	<ul style="list-style-type: none"> • Review City facilities and develop a list of activities that may contribute to storm water pollution • Develop or purchase information to MSC one brochure for each type of activity identified • Distribute/show information brochure to 100% of City facilities & make available on City website Have annual meeting for City crews to view information and have question and answer period 						DBSD
ME I-C New Facility BMP's	<ul style="list-style-type: none"> • Require storm water BMP's on new City facilities 						DBSD
ME I-D Non-Storm Water Discharges	<ul style="list-style-type: none"> • Identify and characterize non-storm water discharges • Obtain Regional Water Quality Control Board approval for non-storm water discharges when recognized 						DBSD
Municipal – II Pollutant Removal Activities							
ME II-A Street Sweeping	<ul style="list-style-type: none"> • Continue the City's street sweeping program and document number of miles swept 						DBSD
ME II-B Drainage System Maintenance	<ul style="list-style-type: none"> • Continue storm drain maintenance activities and document activities 						DBSD
ME II-C Structural Control Operation & Maintenance	<ul style="list-style-type: none"> • Continue to maintain City owned water quality facilities and document activities 						DBSD
Municipal – III Employee Training Program							

Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Pollution Prevention/Good Housekeeping for Municipal Operations							
ME III-A Employee Training Program	<ul style="list-style-type: none"> Research the availability of training material for reducing pollution for activities such as park and open space maintenance, fleet building maintenance, and new construction and land disturbances 						DBSD
	<ul style="list-style-type: none"> Conduct one training sessions per year for each activity 						DBSD
ME III-B Employee Feedback Program	<ul style="list-style-type: none"> At each training session provide City staff the opportunity to make suggestions on how to reduce pollution for the activities they perform 						DBSD

5. PROGRAM EVALUATION ACTIVITIES

5-1 Introduction

Program evaluation is an important part of the interactive process for improvement of the City of Chico Storm Water Management Program (Program). Selection of appropriate activities and Best Management Practices (BMPs) to reduce pollutants to the maximum extent practicable (MEP) includes evaluation of pollutant removal capabilities, compatibility with environmental regulations, applicability for the City, and cost effectiveness. The successes or problems in other California locales, including public acceptance, will also be reviewed. Regular evaluations are required and are critical for a variety of reasons:

- Obtain feedback that will allow the City to continually improve the Program.
- Measure whether Program activities are making progress toward reducing pollution in storm water discharges to the MEP and protecting the beneficial uses of local receiving waters.
- Provide information useful to the other permit holders within the Chico Urban Area for modifying joint efforts and evaluating the area-wide effectiveness of the City’s storm water management activities.
- Ensure compliance with the requirements of the City’s MS4 Permit.
- Demonstrate that an appropriate level of effort is being expended to implement pollution prevention activities to the MEP.
- Verify that public funds are being utilized appropriately by targeting limited resources for the most significant local environmental problems.

Evaluation activities will always be a part of the City’s Program. The City will be evaluating Program activities consistently over the years. Evaluations will generally be done as state law defines beneficial uses of California’s waters that may be protected against quality degradation to include (and not be limited to) “domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves” (Water Code Section 13050(f)).

5-2 Evaluation Strategy

The City recognizes that the ultimate goals of the Program are to reduce storm water pollution to the MEP, eliminate prohibited non-storm water discharges, and protect beneficial uses of local receiving waters. However, evaluating whether the Program is accomplishing these goals presents a difficult task. At this point in time, there are no practicable measurements that can directly correlate Program accomplishments with water quality in the receiving waters. Several factors preclude a simple evaluation of Program effectiveness. These factors include the following:

- Urban runoff pollution comes from a wide array of diffuse sources in the urban environment.
- The solutions or BMPs used to control storm water pollution are diverse in nature; some act to prevent pollution (e.g., education) and others act to remove pollutants that have already entered the runoff (e.g., detention basins). It generally takes years to see the impacts of BMPs. For example, many years of implementing recycling programs were necessary before the public began to change its behavior.

To meet this challenge, the City has established specific objectives for the overall Program and Program Elements to make progress toward reducing storm water pollution, eliminating prohibited non-storm water discharges, and protecting receiving waters. On a regular basis, the City will evaluate the ability of Program activities to achieve these standards and reach Program goals by using both performance measures and effectiveness measures:

- **Performance measures** are designed to measure level of effort such as the number of staff assigned to the Program, number of public events attended, or number of people reached through media campaigns.
- **Effectiveness measures** are intended to measure the degree to which a particular effort is successful. For example, the percentage increase in public awareness is measured by public opinion surveys. In some cases, effectiveness measures can be used to directly assess an activity's environmental benefit. For example, documenting the maintenance and cleaning of catch basins each year shows a measure of pollutants that would have otherwise been discharged downstream to a local creek.

5-3 Program Performance and Effectiveness Evaluation

The City plans to evaluate the Program on three levels:

- Overall Program
- Program Element
- Activity/BMP

Overall Program evaluation includes assessments of Program progress, adequacy of resources to conduct the Program. Program Element evaluation provides consideration of the combined effectiveness of the various activities of each Program Element. Activity/BMP evaluation includes reporting and assessments specific to the Program Element activities and BMPs. Special studies may also be conducted on BMPs, generally as joint efforts of the Permittees, to provide information on pollutant removal capabilities, experience of other storm water management programs, and local applicability in the City, cost effectiveness, and maintenance requirements.

5-4 Reporting Performance and Effectiveness Evaluations

The Annual Reports submitted to the Regional Water Quality Control Board by the City as required in the permit will describe the goals, activities, and performance/effectiveness measures proposed for the upcoming permit year. They also will document the City's accomplishments in the previous permit year and evaluate progress toward reaching the goals in completing the proposed activities. To provide information for these reports, records and data from various internal agency departments and divisions are compiled and analyzed. At the end of each permit year, the compiled data from that year will be reviewed and presented to demonstrate Program performance. It is also anticipated that a more comprehensive evaluation of each Program Element will be performed at least once during the permit term.

5-5 Continued Program Improvements

On a regular basis, the City will network with other agencies and groups in an effort to stay current about national and statewide storm water efforts and to obtain ideas for continued improvement of the Program. The City, along with the other permit holders within the Urban Area, will meet regularly on various joint efforts and to share information on activities. Refinement of evaluation tools will be accomplished over time using local program experience in addition to that of other agencies and groups including:

- Regulatory agencies such as the State Water Resources Control Board, Regional Board and U.S. Environmental Protection Agency
- Other storm water management programs
- California Storm Water Quality Association
- National organizations
- The local community

The various types of data provided by these groups include results of BMP effectiveness studies, public awareness surveys, and program evaluations. The evaluation process will allow the City to benefit from experience and use that experience to improve the Program by modifying activities that did not work well, enhancing those that have proven to be effective, and selecting activities and BMPs to address new areas.

APPENDICES

Appendix A – City of Chico MS4 NPDES Storm Water Permit Application (N.O.I.)

Appendix B – City of Grading Ordinances

Appendix C – Storm Water Ordinance

Appendix D – Revised Portion of City Code Section 18R

Appendix E – Program Tasks and Time Lines

APPENDIX A

CITY OF CHICO MS4 NPDES STORM WATER PERMIT APPLICATION (N.O.I.)

State Water Resources Control Board
 NOTICE OF INTENT
 TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT FOR
 STORM WATER DISCHARGES FROM
 SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

I. NOI Status

Mark Only One Item	1. <input checked="" type="checkbox"/> New Permit	2. <input type="checkbox"/> Change of Information WQID # _____
--------------------	---	--

II. Agency Information

A. Agency City of Chico			
B. Contact Person Fritz McKinley, P.E.		C. Title Director of Public Works	
D. Mailing Address 411 Main Street		E. Address (Line 2) P.O. Box 3420	
F. City Chico	G. State CA	H. Zip 95927	I. County Butte
J. Phone (530) 895-4875	K. FAX (530) 895-4899	L. Email Address fmckinle@ci.chico.ca.us	
M. Operator Type (check one) 1. <input checked="" type="checkbox"/> City 2. <input type="checkbox"/> County 3. <input type="checkbox"/> State 4. <input type="checkbox"/> Federal 5. <input type="checkbox"/> Special District 6. <input type="checkbox"/> Government Combination			

III. Permit Area

Chico Urbanized Area _____

IV. Boundaries of Coverage (include a site map with the submittal)

City of Chico Urbanized Area within the Sphere of Influence _____

V. Billing Information

A. Agency City of Chico			
B. Contact Person Collene Halldorson		C. Title Public Works Administration Manager	
D. Mailing Address 411 Main Street		E. Address (Line 2) P.O. Box 3420	
F. City Chico	G. State CA	H. Zip 95927	I. County Butte
J. Phone (530) 895-4882	K. FAX (530) 895-4899	L. Email Address challdor@ci.chico.ca.us	
M. Population <u>60,400</u>		<input type="checkbox"/> Population greater than 250,000 \$20,000 <input type="checkbox"/> Population between 200,000 and 249,999 \$17,500 <input type="checkbox"/> Population between 150,000 and 199,999 \$15,000 <input type="checkbox"/> Population between 100,000 and 149,999 \$12,500 <input type="checkbox"/> Population between 75,000 and 99,999 \$10,000	
Please check the appropriate box on the right and submit the corresponding fee. Check(s) should be made payable to the SWRCB.			

VI. Discharger Information (check applicable box(es) and complete corresponding information)

1. Applying for Individual General Permit Coverage

2. Applying for a permit with one or more co-permittees

The undersigned agree to work as co-permittees in implementing a complete small b-254 storm water program. The program must comply with the requirements found in Title 40 of the Code of Federal Regulations, parts 122.33. Attach additional sheets if necessary. Each co-permittee must complete an NCI.

Lead Agency	Signature
Agency	Signature
Agency	Signature
Agency	Signature

3. Separate Implementing Entity (SIE)

A. Agency			
B. Contact Person		C. Title	
D. Mailing Address		E. Address (Line 2)	
F. City	State CA	G. Zip	H. County
I. Phone	I. FAX	E. Email Address	
II. Operator Type (check one) <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Special District <input type="checkbox"/> Government Combination			
Minimum Control Measures being implemented by the SIE (check all that apply)			
<input checked="" type="checkbox"/> Public Education		<input type="checkbox"/> Public Involvement	
<input type="checkbox"/> Construction		<input type="checkbox"/> Post Construction	
		<input type="checkbox"/> Illicit Discharge/Elimination	
		<input checked="" type="checkbox"/> Good Housekeeping	
<p>"I agree to coordinate with the agency identified in Section II of this form and comply with its qualifying storm water program. I certify under penalty of law that this document and all attachments were prepared under my direction and 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, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. Additionally, I certify that the provisions of the permit, including the development and implementation of a Storm Water Management Program, will be complied with."</p>			
N. Signature of Official		Date	

VII. Storm Water Management Plan (check box)

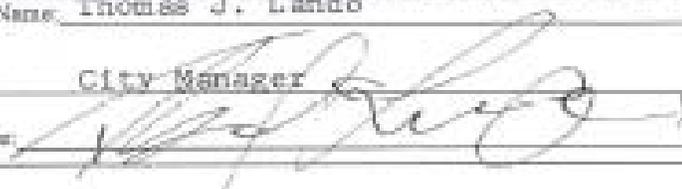
The SWMP is attached.

VIII. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction and 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, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. Additionally, I certify that the provisions of the permit, including the development and implementation of a Storm Water Management Program, will be complied with."

A. Printed Name: THOMAS J. LERDO

B. Title: CITY MANAGER

C. Signature: 

D. Date: MARCH 7, 2003

Appendix B

CITY OF CHICO GRADING ORDINANCE

Chapter 16.22

GRADING REGULATIONS - GENERAL PROVISIONS

Section:

16.22.010	Purpose.
16.22.020	Administration of grading regulations.
16.22.030	Maintenance of copies of current grading standards.
16.22.040	Manner of serving notices.
16.22.050	Administrative review of determination or action of building official by community development director.
16.22.060	Appeal from decision of the community development director.
16.22.070	Administrative review and appeals - Aggrieved person.
16.22.080	Grading regulations preempted by state or federal law.

16.22.010 Purpose.

The purpose of the grading regulations adopted by this title is to safeguard life, property and the environment from the hazards and effects of grading work performed within the city.
(Ord. 1847 §2 (part))

16.22.020 Administration of grading regulations.

The building official shall be primarily responsible for the administration of the grading regulations adopted by this title, subject to the overall direction and control of the community development director. In carrying out such responsibility, the duties of the building official shall include but not be limited to the application of the grading standards adopted by Chapter 16.26 of this title, issuance of the grading permits required by Chapter 16.28 of this title, conduct of the inspections and tests required by Chapter 16.30 of this title, and undertaking the enforcement actions provided for by Chapter 16.32 of this title.
(Ord. 1847 §2 (part), Ord. 2012 §3 (part))

16.22.030 Maintenance of copies of current grading standards.

The building official shall make available in the offices of the building division, for review by the public, at least one copy of all uniform codes or other grading standards adopted by or pursuant to Chapter 16.26 of this title.
(Ord. 1847 §2 (part))

16.22.040 Manner of serving notices.

Any notice required to be served on a person pursuant to the provisions of the grading regulations adopted by this title shall be deemed served when made in writing and either personally delivered to such person or deposited in the U.S. mail, registered and postage prepaid, addressed to such person's last known address. However, when a notice is required to be served on the owner of any property, such notice may be served by depositing a copy of same in the U.S. mail, registered and postage prepaid, addressed to the owner of the property at the address as it appears on the last equalized assessment roll of the County of Butte. Service of a notice by mail in a manner provided by this section shall be effective on the date of mailing and the failure of any person to receive such notice shall not affect the validity of the notice.
(Ord. 1847 §2 (part), Ord. 2268)

16.22.050 Administrative review of determination or action of building official by community development director.

- A. Right to Administrative Review. Any person aggrieved by a determination made or action taken by the building official under the grading regulations adopted by this title may apply to the community development director for administrative review of such determination or action.
- B. Applications for Administrative Review. Applications for the administrative review of a determination made or action taken by the building official shall be in writing and shall be filed in the office of the community development director no later than 15 days following the date such determination or action was made or taken, or where a written notice of such determination or action is required to be served, no later than 15 days following the date such notice is served; provided, however, that the community development director may extend the time for filing an application for administrative review of a determination made or action taken by the building official for good cause shown. In addition to setting forth a request for administrative review of a determination made or action taken by the building official, such

application shall contain a brief statement of the reasons why the applicant believes such determination or action does not comply with the grading regulations adopted by this title and the relief requested by the applicant from such determination or action.

- C. Decision on Application for Administrative Review. Upon the filing of an application for administrative review of a determination made or action taken by the building official, the community development director shall consider the application and render a decision either affirming the determination or action of the building official or reversing or modifying such determination or action. Prior to rendering a decision, the community development director may, with sole discretion, convene an informal hearing for the purpose of reviewing evidence or hearing arguments bearing on such decision. Notice of the date, time and place of such hearing shall be served a reasonable time prior to the hearing on the applicant and any other person who would be aggrieved by a decision reversing or modifying the determination or action of the building official and who has filed with the community development director a written request for notice of such decision. After rendering a decision, the community development director shall promptly inform the building official of the decision and cause a notice of the decision to be served on the applicant and any other person who would be aggrieved by a decision reversing or modifying the determination or action of the building official and who has filed with the community development director a written request for notice of such decision.

D. Stay of Determination Made Or Action Taken by Building Official Pending Administrative Review. Any determination made or action taken by the building official, save and except for an order revoking a permit, or an order to stop work which is made by the building official pursuant to Chapter 16.32 of this title, shall be stayed pending a decision of the community development director on an application for administrative review of such determination.

(Ord. 1847 §2 (part), Ord. 2012 §3 (part), Ord. 2268)

16.22.060 Appeal from decision of the community development director.

- A. Right to Appeal. Any person aggrieved by a decision of the community development director following the filing of an application for the administrative review of a determination made or action taken by the building official, may appeal such decision to the city council within the time and in the manner provided for by Title 2 of this code.
- B. Stay of Decision of Community Development Director Pending Appeal. Any decision of the community development director on an application for administrative review of a determination made or action taken by the building official, save and except for a decision affirming or modifying an order revoking a permit or an order to stop work which was made by the building official pursuant to Chapter 16.32 of this title, shall be stayed pending a decision of the city council on such appeal.

(Ord. 1847 §2 (part), Ord. 2004 §21, Ord. 2012 §3 (part))

16.22.070 Administrative review and appeals - Aggrieved person.

A person shall be deemed “aggrieved” for the purposes of the administrative review of a determination made or action taken by the building official or for purposes of the appeal of a decision of the community development director following the filing of an application for administrative review, if such determination, action or decision has a significantly greater effect on such person than on the public in general.

(Ord. 1847 §2 (part), Ord. 2012 §3 (part))

16.22.080 Grading regulations preempted by state or federal law.

The grading regulations adopted by this title shall not apply to nor govern any condition where the local regulation of such condition is preempted by any federal or state law. Provided, however, that the purpose of this section is merely to confirm existing law and is not intended to grant an exemption or exclusion from compliance with the city's grading regulations in any instances where the city may exercise jurisdiction under the laws of the federal and state government as well as the City Charter and this Code.

(Ord. 1847 §2 (part))

Chapter 16.24

GRADING REGULATIONS - DEFINITIONS

Section:

- 16.24.010** **General provisions.**
16.24.020 **Earth material.**
16.24.030 **Excavation.**
16.24.040 **Fill.**
16.24.050 **Grading.**

- 16.24.010** **General provisions.**

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the construction of the words and phrases used in the grading regulations adopted by this title.
(Ord. 1847 §4 (part))

16.24.020 Earth material.

The term “earth material” means any rock, any natural soil or fill, any leaves, dead trees or similar vegetative material, or any combination of the foregoing.
(Ord. 1847 §4 (part))

16.24.030 Excavation.

The term “excavation” shall mean the mechanical removal of earth material.
(Ord. 1847 §4 (part))

16.24.040 Fill.

The term “fill” shall mean deposit of earth material by artificial means.
(Ord. 1847 §4 (part))

16.24.050 Grading.

The term “grading” shall mean any excavating or filling or combination thereof.

Chapter 16.26

GRADING REGULATIONS - STANDARDS

Section:

- 16.26.010 General provisions.**
- 16.26.020 Adopted standards.**
- 16.26.030 Application of standards to existing conditions.**
- 16.26.040 Additional standards and applicable environmental impact report.**
- 16.26.050 Alternative methods of work.**
- 16.26.060 Variances.**
- 16.26.070 Conflicting laws and regulations.**

16.26.010 General provisions.

No person shall perform any grading work which fails to comply with or violates the grading standards adopted by this chapter.
(Ord. 1847 §5 (part))

16.26.020 Adopted standards.

Grading standards now or hereafter adopted by Chapter 16R.22 of this code shall constitute the grading standards of the city.
(Ord. 1847 §5 (part))

16.26.030 Application of standards to existing conditions.

Except when otherwise specifically provided for therein, the grading standards adopted by this chapter shall not apply to any existing conditions if:

- A. Such existing condition was legally established prior to the enactment or amendment of such standards;
- B. Such existing condition complies with the standards, if any, in effect at the time the existing condition was first established; and
- C. Such existing condition has been determined by the building official not to be hazardous to life, property or the environment.

(Ord. 1847 §5 (part))

16.26.040 Additional standards and applicable environmental impact reports.

Where grading work is performed as part of a project which required the preparation of an environmental impact report, such work shall comply with all mitigation measures which are identified in the environmental impact report and required as a condition of approval of the project in order to avoid or lessen any significant environmental effect identified in the environmental impact report for the project.

(Ord. 1847 §5 (part))

16.26.050 Alternative methods of work.

- A. The grading standards adopted by this chapter are not intended to prevent alternative methods of grading work other than those specifically proscribed by such standards, and the building official may approve any alternative method of grading work upon finding that such alternative method of work is consistent with the provisions of the grading standards adopted by this chapter in regard to stability of cuts and fills, drainage, erosion control and environmental protection.
- B. Where the building official has approved an alternative method of grading work, the building official shall cause details of such alternative method of work to be recorded and entered in the files of the building division relating to the property on which the work is to be performed.

(Ord. 1847 §5 (part))

16.26.060 Variances.

- A. Where there are practical difficulties in complying with the grading standards adopted by this chapter, the building official may approve a variance from such standards upon finding that (1) compliance with such standards is impossible or impracticable, (2) a variance from such standards is in conformity with the purpose of the standards, and (3) a variance from such standards will not cause a condition which is hazardous to life, property or the environment.
- B. Where the building official has approved a variance from the grading standards adopted by this chapter, the details of such variance shall be recorded and entered into the files of the building division relating to the property on which the grading work subject to such variance is to be performed.

(Ord. 1847 §5 (part))

16.26.070 Conflicting laws and regulations.

Where there is a conflict between the grading standards adopted by this chapter and the standards in any applicable federal or state law, that standard which provides the most protection for life and property and the environment, as determined by the building official, shall govern. Provided that where there is a conflict between the grading standards adopted by this chapter and the standards in any applicable federal or state law or regulation and such federal or state law or regulation expressly preempts local standards which apply to or govern the same subject matter, the standards in the federal or state law or regulation shall govern to the exclusion of the standards adopted by this chapter.

(Ord. 1847 §5 (part))

Chapter 16.28

GRADING REGULATIONS - PERMITS

Section:

- 16.28.010 Required permit.**
- 16.28.020 Application for permits - Place of filing, form and content.**
- 16.28.030 Application for permits - Form and content of required plans and specifications, soils engineering reports and engineering geology reports.**
- 16.28.040 Application for permits - Preparation of required plans and specifications, soils engineering reports and engineering geology reports.**
- 16.28.050 Environmental review.**
- 16.28.060 Issuance of permits - Form and content of permits.**
- 16.28.070 Issuance of permits - Approval of permits.**
- 16.28.080 Issuance of permits - Approval of required plans and specifications.**
- 16.28.090 Issuance of permits - Issuance prior to recordation of final map or certificate of compliance.**
- 16.28.100 Effect and validity of permits.**
- 16.28.110 Transferability of permits.**
- 16.28.120 Expiration of permits.**
- 16.28.130 Grading permit fees.**
- 16.28.140 Grading permit fee - Fee refunds.**

16.28.010 Required permit.

No person shall perform any grading work within the city without a grading permit issued in the manner hereinafter provided by this chapter, except that a grading permit shall not be required for the following:

- A. Accumulations of dead trees, leaves or similar vegetative material not located on property containing wetlands, rare or endangered plants or rare or endangered animal species not located on property within a special flood hazard area as

- defined in the floodplain regulations adopted by this title, or which will not produce a leachate draining into any stream or watercourse or onto any property containing wetlands, rare or endangered plants or rare or endangered animal species;
- B. Excavations below finished grade for basements, footings of a building, retaining walls or other structures authorized by a building permit issued pursuant to the provisions of this code, other than excavations for the footings of a building, a retaining wall or other structures which have an unsupported height greater than five feet after the completion of such building, retaining wall or other structure;
 - C. Excavations for cemetery graves;
 - D. Excavations for a well authorized by a permit issued pursuant to this code or by a permit issued by the county health officer when acting as the city health officer pursuant to the provisions of this code;
 - E. Excavations and fills when made on developed lots which are zoned for single-family residential use and which are zoned for single-family residential use and which contain an area of one acre or less, provided that no drainage courses or patterns are obstructed or altered in a manner which would affect adjoining properties, and no rare or endangered plants or animal species exist or inhabit the area to be excavated or filled;
 - F. Exploratory excavations made under the direction of a registered soils engineer or engineering geologist;
 - G. Grading performed in connection with a city project subject to environmental review;
 - H. Grading performed in a public right-of-way in accordance with an encroachment permit issued pursuant to the provisions of this code, provided that the right-of-way is not located within a special flood hazard area as defined in the floodplain regulations adopted by this title;
 - I. Grading performed pursuant to subdivision improvement plans approved pursuant to the provisions of this code; and
 - J. Grading performed in the course of the routine maintenance of existing roads, levees, or manmade flood control channels.

(Ord. 1847 §6 (part), Ord. 1859, Ord. 2131 §3)

16.28.020 Application for permits - Place of filing, form and content.

Applications for a grading permit required by this chapter shall be filed with and shall be in a form prescribed by the building official. Such application shall be signed by the person to whom the grading permit is to be issued or by the person's authorized agent and shall contain the following information:

- A. A general description of the grading work to be performed;
- B. A description of the premises on which the grading work is to be performed by street address or other description which will readily identify the location of such premises;
- C. An estimate of the quantity of material to be graded, in cubic feet; and
- D. Any grading plans and specifications, soils engineering report, engineering geology report, or other data and information as may be required by the building official.

(Ord. 1847 §6 (part))

16.28.030 Applications for permits - Form and content of required plans and specifications, soils engineering reports and engineering geology reports.

- A. Grading Plans. When required by the building official, grading plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the grading work to be performed and shall show in detail that such work will conform to the grading standards adopted by Chapter 16.26 of this title, and any other applicable laws or regulations. Such grading plans shall include the following information:
 - 1. General vicinity of the site of the proposed grading work;
 - 2. Property limits, accurate contours of the existing ground, and details of terrain and area drainage;
 - 3. The location of any buildings or structures on the property where the grading work is to be performed, and the location of any buildings or structure on adjacent property which is within fifteen feet of the property where the grading work is to be performed or which may be affected by the grading operations;
 - 4. The height of any cuts, the depth of any fills, and a description and the estimated volume, in cubic yards, of any on-site or imported fill materials;
 - 5. Limited dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;
 - 6. Detailed plans of all surface and sub-surface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as part of the proposed grading work, together with a map showing the drainage area and the estimated runoff of the area served by any drains;
 - 7. A plan for the disposal and/or deposition of any spoils or vegetative wastes which result from the grading work; and
 - 8. Any recommendations included in a required soils engineering report and/or engineering geology report.
- B. Grading Specifications. When required by the building official, grading specifications shall contain information covering construction and material requirements as well as any recommendations included in any required soils engineering report or engineering geology report.

- C. Soils Engineering Report. When required by the building official, a soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, including buttress fills when necessary, and opinions and recommendations covering adequacy of sites to be developed by the grading, including the stability of slopes.
- D. Engineering Geology Report. When required by the building official, an engineering geology report shall include an adequate description of the geology of the site, the grading work to be performed, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the grading.

(Ord. 1847 §6 (part))

16.28.040 Application for permits - Preparation of required plans and specifications, soils engineering reports and engineering geology reports.

When required by the building official, grading plans and specifications, soils engineering reports, and/or engineering geology reports shall be prepared by a civil engineer licensed under the laws of the state of California or such other qualified professional acceptable to the building official.

(Ord. 1847 §6 (part))

16.28.050 Environmental review.

Notwithstanding any provisions of this code to the contrary, every project requiring a grading permit pursuant to this chapter shall be subject to environmental review under the California Environmental Quality Act as set forth in Division 13 of the Public Resources Code (commencing with Section 21000) in the manner provided in such Act for discretionary projects.

(Ord. 1847 §6 (part)), Ord. 2033 §1)

16.28.060 Issuance of permits - Form and contents of permits.

A grading permit issued pursuant to the provisions of this chapter shall be in a form prescribed by the building official and shall set forth the following:

- A. A general description of the grading work authorized by the permit;
- B. A description of the property on which such grading work will be performed;
- C. The expiration date of the permit, if any; and
- D. Any conditions on the conduct of the grading work authorized by the permit which are prescribed by the building official in order to ensure that such work does not constitute a danger to life, property, or the environment.

(Ord. 1847 §6 (part))

16.28.070 Issuance of permits - Approval of permits.

Following the filing of an application for a grading permit, the building official shall review the application and any grading plans and specifications, soils engineering report, engineering geology report or other data and information required to be submitted therewith and shall approve and issue a permit to the applicant authorizing the grading work described on the application upon determining that:

- A. The application and any grading plans and specifications, soils engineering report, engineering geology report or other data and information required to be submitted therewith complies with the grading standards adopted by Chapter 16.26 of this title;
- B. All permit fees adopted pursuant to this chapter have been paid; and
- C. All other requirements of this code or other applicable laws or regulations have been met.

(Ord. 1847 §6 (part), Ord. 2033 §2, Ord. 2113 §16)

16.28.080 Issuance of permits - Approval of required plans and specifications.

Where the building official approves and issued a grading permit for which grading plans and specifications have been required, the building official shall endorse in writing or stamp the plans and specifications "approved." Thereafter, such approved plans and specifications shall not be changed, modified, or altered without authorization from the building official and all grading work shall be done in accordance with the approved plans and specifications.

(Ord. 1847 §6 (part))

16.28.090 Issuance of permits - Issuance prior to recordation of final map or certificate of compliance.

The building official may issue a grading permit authorizing grading work within a subdivision to be created by a final map or certificate of compliance prior to the recordation of such final map or certificate of compliance if the community development director has determined that all of the conditions of the final map or certificate of compliance have been fulfilled and that the final map or certificate of compliance may be recorded.

(Ord. 1847 §6 (part), Ord. 2113 §17)

16.28.100 Effect and validity of permits.

- A. A grading permit issued pursuant to the provisions of this chapter shall authorize only that grading work described in the permit.
- B. A grading permit issued pursuant to the provisions of this chapter and any grading plans and specifications approved incident to the issuance of such permit shall not be construed to be a permit for or approval of any violation of this title or other provisions of this code, and no permit presuming to give authority to violate this title or other provisions of this code shall be valid.
- C. A grading permit issued pursuant to the provisions of this chapter, which is based on grading plans and specifications or other data and information, shall not prevent the building official from thereafter requiring correction of errors in such plans and specifications, data, and other information, or from preventing any activities or operations from being carried on thereunder when in violation of this title or other provisions of this code.
- D. A grading permit issued pursuant to the provisions of this chapter shall not prevent the building official from requiring grading operations and project designs to be modified when required by weather-generated problems not considered at the time the permit was issued.

(Ord. 1847 §6 (part))

16.28.110 Transferability of permits.

No person to whom a grading permit has been issued pursuant to this chapter shall transfer, assign, or convey such permit to another person for the purpose of completing the grading work for which such permit was issued. When the person to whom the grading permit was issued no longer has a vested interest in the property on which such work is to be performed or is no longer responsible for the work being performed, the permit shall automatically become null and void and no person shall proceed with such work without first obtaining a new permit from the building official.

(Ord. 1847 §6 (part))

16.28.120 Expiration of permits.

- A. A grading permit issued pursuant to this chapter shall expire and become null and void if the grading work authorized by such permit does not commence within 180 days of the date such permit is issued or if, following the commencement of the grading work authorized by such permit, such work is suspended or abandoned for a period of 180 consecutive days. Provided that, upon a request by a person holding an unexpired grading permit, the time within which grading work is to be commenced or resumed under such permit may be extended by the building official once for a period not exceeding 180 days when the applicant demonstrates that circumstances beyond the applicant's control have prevented such work from being commenced or resumed under such permit.
- B. When a grading permit issued pursuant to this chapter expires after commencement of the grading work authorized by such permit, the person to whom such permit was issued may renew the permit by paying a new permit fee equal to 50 percent of the grading permit set forth in the schedule of grading permit and plan check fees established by resolution of the council, provided no changes have been or will be made in the original plans and specifications for such work and the suspension or abandonment of such work has not exceeded a period of one year.

(Ord. 1847 §6 (part), Ord. 2268)

16.28.130 Grading permit fees.

A grading permit fee shall be assessed and levied by the building official upon each applicant for a grading permit required by this chapter which fee shall be due and payable on or before the issuance of such permit. In addition, if grading plans and specifications have been required by the building official in the manner provided for by this chapter, a grading plan check fee shall be assessed and levied by the building official upon the applicant for a grading permit required by this chapter which fee shall be due and payable at the time of filing of the permit application. All grading permit and grading plan check fees shall be amounts set forth in the schedule of grading permit and plan check fees established by resolution of the city council.

(Ord. 1847 §6 (part))

16.28.140 Grading permit fee - Fee refunds.

- A. The building official may authorize the refund of a grading permit fee or grading plan check fee assessed and levied incident to the filing of an application for or issuance of a grading permit required by this chapter under the following circumstances:
 - 1. The building official may authorize a refund of all or any part of a grading permit fee or grading plan check fee which was erroneously collected or paid;
 - 2. The building official may authorize the refund of not more than eighty percent of a grading plan check fee when an application for a grading permit for which a grading plan check fee has been paid is withdrawn or cancelled before the review of any grading plans and specifications, soils engineering report, engineering geology report, or other data and information required to be submitted with the application has been completed;
 - 3. The building official may authorize the refund of not more than eighty percent of a grading permit fee when no work has been done under the grading permit for which the fee was paid.
 - B. The building official shall not authorize the refund of any grading permit fee or grading plan check fee assessed and levied incident to the filing of an application for or issuance of a grading permit required by this chapter unless written application for the refund is filed by the applicant or permit holder not later than one hundred eighty days after the date the fee was collected or paid.
- (Ord. 1847 §6 (part))

Chapter 16.30

GRADING REGULATIONS - INSPECTIONS

Section:

- 16.30.010** **General provisions.**
- 16.30.020** **Inspections required as a condition of a permit.**
- 16.30.030** **Other inspections.**
- 16.30.040** **Access to place or thing to be inspected.**
- 16.30.050** **Special inspections and tests.**

16.30.010 **General provisions.**

All grading work governed by the grading regulations adopted by this title shall be subject to the inspections and/or tests hereinafter provided for by this chapter.
 (Ord. 1847 §7 (part))

16.30.020 **Inspections required as a condition of a permit.**

When a grading permit is issued pursuant to the provisions of Chapter 16.28 of this title which require that grading work performed pursuant to such permit to be inspected by the building official on a specific date or at a particular state of such grading work, the building official shall conduct such inspection on such date or at such stage and shall either approve the grading work as complying with the grading standards adopted by Chapter 16.26 of this title and/or the grading permit issued pursuant to Chapter 16.28 of this title, or shall notify the permit holder or an authorized agent as to the reason why such grading work does not comply with same. Provided that, when a grading permit requires the inspection of grading work at a particular stage of such work, it shall be the responsibility of the permit holder or an authorized agent to request the building official, either orally or in writing, to make such inspection no less than 24 hours prior to the time the inspection is desired, unless the building official waives the time in which request is to be made for good cause shown. Moreover, when a grading permit requires grading work to be inspected either on a specific date or at a particular stage of such work, the grading work shall be suspended and not resumed until the inspection has been made and the work approved as complying with the grading standards adopted by Chapter 16.26 of this title and/or the conditions of the grading permit issued pursuant to Chapter 16.28 of this title.

(Ord. 1847 §7 (part), Ord. 2268)

16.30.030 **Other inspections.**

Where the building official has reasonable cause to believe that grading work is being performed in a manner which violates the grading regulations adopted by this title, including but not limited to the grading standards adopted by Chapter 16.26 of this title and/or conditions of any grading permit issued pursuant to the provisions of Chapter 16.28 of this title, the building official is authorized to make any inspections of such grading work necessary to ascertain whether such a violation has occurred.

(Ord. 1847 §7 (part))

16.30.040 Access to place or thing to be inspected.

When inspections are required prior to or as a condition to the issuance of a grading permit required by Chapter 16.28 of this title, it shall be the responsibility of the permit holder or any authorized agent of the permit holder to provide the building official with a safe and convenient access to the place or thing to be inspected as well as all facilities and assistance necessary for the building official to make such inspection. Moreover, when an inspection will entail the removal of any material, such removal shall be carried out by the permit holder or an authorized agent and all costs of such removal shall be borne by the permit holder.

(Ord. 1847 §7 (part), Ord. 2268)

16.30.050 Special inspections and tests.

When provided for by the grading standards adopted by Chapter 16.26 of this title or the conditions of a grading permit issued pursuant to the provisions of Chapter 16.28 of this title, or whenever determined necessary to verify compliance with such standards or the conditions of such permit, the building official may require the permit holder, or any permit applicant requesting approval of a variance or alternative method of work, to perform such special inspections and/or tests which are conducted by an individual, association or agency having particular qualifications or technical expertise to carry out such inspections or make such tests. Such special inspections and/or tests shall be made at the sole cost and expense of the permit holder or applicant, shall be undertaken by an individual, association or agency whose qualifications and technical expertise have been approved by the building official, and shall be conducted in accordance with the inspection or test protocol established by the grading standards adopted by Chapter 16.26 of this title or by other recognized inspection or test methods.

(Ord. 1847 §7 (part))

Chapter 16.32

GRADING REGULATIONS - ENFORCEMENT

Section:

- 16.32.010 General provisions.**
- 16.32.020 Request to correct violation.**
- 16.32.030 Order revoking a permit.**
- 16.32.040 Order to stop work.**
- 16.32.050 Right of entry.**
- 16.32.060 Violation declared to be a public nuisance.**
- 16.32.070 Penalties.**

16.32.010 General provisions.

The grading regulations adopted by this title may, upon any violation thereof, be enforced by the enforcement actions and penalties provided for in this chapter. Except as otherwise specifically set forth in this chapter, all enforcement actions and penalties provided for herein shall be deemed cumulative, and the commencement and/or imposition of any one such enforcement action or penalty as a result of a violation of the grading regulations adopted by this title shall not preclude commencement and/or imposition of any other enforcement action or penalty for the same violation.

(Ord. 1847 §8 (part))

16.32.020 Request to correct violation.

- A. Determination by Building Official to Request Correction of a Violation. Whenever the building official determines that grading work is being performed or a condition exists in violation of the grading regulations adopted by this title, the building official may, by service of a notice provided for by this section, request such violation to be corrected.
- B. Service of Notice Requesting Correction of a Violation. Upon determining to request a correction of a violation of the grading regulations adopted by this title, the building official shall cause a written notice of such request to be served on the owner of the property on which the violation has occurred, and on any other person known to the building official to be wholly or partially responsible for such violation if such person is someone other than the owner of the property on which the violation has occurred. Such notice shall contain a brief description of the nature of the violation, the action to be taken to correct the violation, and a date certain by which the corrective action must be completed; shall contain a statement of the right of a person aggrieved by the determination of the building official that a violation has occurred to apply for administrative review of such determination and to appeal such determination in the manner provided for by Chapter 16.22 of this title; and shall advise the person upon whom the notice is served that a failure to correct the violation on or before the date required by the notice may subject such person to the infraction penalties provided for in Section 16.32.070 of this chapter.

- C. Effect of a Request to Correct Violation. Any person served with a request of the building official to correct a violation of the grading regulations adopted by this title shall cause such violation to be corrected on or before the date required by such notice. Provided, however, that if a person is served with a notice to correct a violation, such person shall not be subject to any of the infraction penalties provided for in Section 16.32.070 of this chapter unless such person fails to correct such violation on or before the date required by such notice.

(Ord. 1847 §8 (part))

16.32.030 Order revoking a permit.

- A. Determination by the Building Official to Order the Revocation of a Grading Permit. Whenever the building official determines that a grading permit was issued pursuant to the provisions of Chapter 16.28 of this title based on a permit application, grading plans and specifications, a soils engineering report, an engineering geology report or other data and information which contain material misrepresentation of fact, or that such permit authorizes grading work which is in violation of the grading regulations adopted by this title, the building official may, by service of notice required by this section, order the revocation of such permit.
- B. Service of the Notice of Order Revoking a Permit. Upon determining to order the revocation of a grading permit issued pursuant to the provisions of Chapter 16.28 of this title, the building official shall cause a written notice of such order to be served on the person to whom the permit was issued. In addition to setting forth the order of the building official revoking such permit, the notice shall contain a brief description of the reasons why the permit is being revoked and the action, if any, which may be taken in order to cause the permit to be reinstated or reissued; shall contain a statement of the right of a person aggrieved by the order to apply for administrative review of the order and to appeal the order in the manner provided for by Chapter 16.22 of this title; and shall advise the person upon whom this notice is served that unless and until such permit is reinstated, further work on the grading for which such permit was issued may subject each person to the misdemeanor penalties provided for in Section 16.32.070 of this chapter.
- C. Effect of Order Revoking the Permit. No person served with a notice of the order of the building official revoking a permit issued pursuant to the provisions of Chapter 16.28 of this title shall cause or permit any work on the grading for which the permit was issued unless and until such permit has been reinstated or reissued. Provided that, where the building official has ordered a permit revoked because the application or the grading plans and specifications, soils engineering report, engineering geology report, other data and information accompanying the permit application contained a material misstatement of fact, such permit shall not be reinstated or reissued unless an additional grading plan check and/or grading permit fee in an amount set forth in the schedule of grading permit and plan check fees adopted pursuant to Chapter 16.28 of this title has been paid.

(Ord. 1847 §8 (part))

16.32.040 Order to stop work.

- A. Determination of the Building Official to Order Work to be Stopped. Whenever the building official determines that grading work is being performed in violation of the grading regulations adopted by this title, the building official may, by service and posting of the notices required by this section, order such work to be stopped.
- B. Service of Notice of Order to Stop Work. Upon determining to order grading work to be stopped, the building official shall cause a written notice of such order to be served on the owner of the property on which such work is being performed, and on any person known to the building official to be engaged in the work if such person is someone other than the owner of the property on or within which the work is being performed. In addition to setting forth the order of the building official to stop grading work, such notice shall contain a brief description of the reasons why such work is being ordered stopped and the action, if any, which may be taken in order that the work may be resumed; shall contain a statement of the right of a person aggrieved by such order to apply for administrative review of the order and to appeal the order in a manner provided for by Chapter 16.22 of this title; and shall advise the person on whom the notice is served that unless authorized by the building official, any further work on such grading may subject such person to the misdemeanor penalties provided for in Section 16.32.070 of this chapter.
- C. Posting of Notice of Order to Stop Work. Upon determining to order grading work to be stopped, the building official shall also cause a written notice of such order to be posted in a conspicuous place on the property on which grading work is being performed. In addition to setting forth the order of the building official to stop grading work, such notice shall state that it is a misdemeanor for any person to perform any further grading work without authorization of the building official or to remove or deface the posted notice of such order.
- D. Effect of an Order to Stop Grading Work. No person served with a notice of the building official's order to stop grading work shall cause or permit such work to be performed.

(Ord. 1847 §8 (part))

16.32.050 Right of entry.

Whenever necessary to enforce the grading regulations adopted by this title, the building official may enter upon any property located within the city at a reasonable time to inspect such property and any grading work being performed thereon; provided, that if such property is occupied, the building official shall first present proper credentials to the occupant thereof and demand entry; and if such property is not occupied, the building official shall first make reasonable effort to locate the owner or other person having charge or control of the property and demand entry. Should entry be refused, the building official shall have recourse to every remedy provided by this code and the laws of the state of California to secure same. (Ord. 1847 §8 (part))

16.32.060 Violation declared to be a public nuisance.

Any grading work performed in violation of the grading regulations adopted by this title shall be and is declared to be a public nuisance, and the city attorney is authorized to commence an action or proceed in a court of appropriate jurisdiction to abate such nuisance in the manner provided for by law. (Ord. 1847 §8 (part))

16.32.070 Penalties.

A violation of the grading regulations adopted by this title shall be an infraction which is punishable by a fine in an amount provided by Section 1505 of the Charter of the City of Chico; except that a violation of any order to stop work and/or the removal or defacement of any notice of such order posted by the building official in the manner provided for by this chapter shall be a misdemeanor punishable by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars, or by both. (Ord. 1847 §8 (part), Ord. 2136 §8)

APPENDIX C

STORM WATER ORDINANCE

ORDINANCE NO.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO
ADDING CHAPTER 15.50 ENTITLED “STORM WATER MANAGEMENT
AND DISCHARGE CONTROLS” TO THE CHICO MUNICIPAL CODE**

BE IT ORDAINED by the Council of the City of Chico as follows:

SECTION 1. Chapter 15.50, entitled “Storm Water Management and Discharge Controls,” is added to the Chico Municipal Code to read as follows:

Chapter 15.50

STORM WATER MANAGEMENT AND DISCHARGE CONTROLS

Section:

- 15.50.010 Intent and purpose.**
- 15.50.020 Definitions.**
- 15.50.030 General provisions.**
- 15.50.040 Prohibited activities.**
- 15.50.050 Exceptions to discharge prohibition.**
- 15.50.060 Discharges in violation of an industrial or construction activity NPDES storm water discharge permit.**
- 15.50.070 Requirement to prevent, control and reduce storm water pollutants.**
- 15.50.080 Development planning and design standards.**
- 15.50.090 Grading activity and permits.**
- 15.50.100 Inspection authority.**
- 15.50.110 Sampling, monitoring, analysis and reporting authority.**
- 15.50.120 Containment and notification of spills.**
- 15.50.130 Enforcement powers and remedies.**
- 15.50.140 Appeal.**
- 15.50.150 Judicial review.**
- 15.50.160 Ultimate responsibility of discharger.**
- 15.50.170 Remedies cumulative.**

15.50.010 Intent and purpose.

The purposes of this chapter are:

- A. To protect and enhance the water quality of the City's watercourses, water bodies and wetlands pursuant to, and consistent with, the federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. § 1251 et seq.), the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 et seq.) and the City's National Pollutant Discharge Elimination System (NPDES) permit, as such permit is amended and/or renewed by the California Regional Water Quality Control Board (Regional Board).
- B. To protect and promote the health, safety and general welfare of the citizens of the City by prescribing regulations to effectively prohibit non-storm water discharges to the City's storm drain system and to reduce the discharge of pollutants in storm water to the maximum extent practicable by:
1. Regulating non-storm water discharges to the City's storm drain system;
 2. Controlling the discharge to the City's storm drain system from spills, overland flow, dumping or disposal of materials other than storm water;
 3. Reducing pollutants in storm water discharges from the City's storm drain system to the maximum extent practicable;
 4. Minimizing degradation of the water quality of watercourses and the disruption or pollution of natural or City-authorized drainage flows caused by the activities of clearing and grubbing, grading, filling and excavating of land, as well as sediment and pollutant run off from other construction-related activities; and
 5. Controlling industrial and commercial pollutant discharges to the City's storm drain system.

15.50.020 Definitions.

■ The following words and phrases, when used in this chapter, shall have the following meanings. Words and phrases used in this chapter and not otherwise defined shall be interpreted as defined in the regulations of the United States Environmental Protection Agency to implement the provisions of the federal Clean Water Act and as defined by the California Water Resources Control Board to implement the Porter-Cologne Water Quality Control Act.

- A. “Best management practices” or “BMPs” means physical, structural and/or managerial practice that when used singly or in combination, prevent or reduce pollution of storm water.
- B. “Clearing and grubbing” means moving or removing by manual or mechanical means, trees, vegetation and/or the top four inches or more of soil for purposes of construction. Clearing and grubbing does not include lawn mowing or tree trimming.
- C. “Construction site” means any land area on which the activity of clearing and grubbing, grading, excavating, filling, construction or development activity is occurring.
- D. “Development” means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project, industrial, commercial, retail and all other nonresidential projects, public or private, or grading for future construction, for which either discretionary land use approval or any permit is required.
- E. “Director” means the Building and Development Services Director or his or her designee who is authorized to enforce compliance with this chapter.
- F. “Discharge” means any release, spill, leak, pumping, flow, escape or leaching, including subsurface migration to groundwater, dumping or disposal of any gas, liquid, semi-solid or solid substance, whether accidental or intentional.

- G. “Foothill” means the area of the City located easterly of Cohasset Road, north of the Sycamore Creek Diversion Channel, and east of Bruce Road and generally at elevations of 250 feet and above as shown on the City Zoning Map.
- H. “Illicit discharge” means any discharge to the storm drain system that is not composed entirely of storm water except discharges pursuant to a NPDES permit or discharges excepted under Section 15.50.050 of this chapter.
- I. “National Pollutant Discharge Elimination System (NPDES) permit” or “NPDES permit” means a discharge permit issued by the State Water Resources Control Board, the Regional Water Quality Control Board or the United States Environmental Protection Agency.
- J. “Non-storm water discharge” means any discharge to the storm drain system that is not entirely composed of storm water.
- K. “Pollutant” means any contaminant that can degrade the quality of the receiving waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients or temperature.
- L. “Redevelopment” means land-disturbing activity that results in the creation, addition or replacement of impervious surface area on an already developed site. Redevelopment includes, but is not limited to, the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces.
- M. “Storm drain system” means a conveyance or system of conveyances owned, operated or controlled by the City designed or used to convey storm water to waters of the United States. The conveyance system may include, but is not limited to, any roads with drainage systems,

streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, open fields, parking lots, impervious surfaces used for parking, and storm drains.

- N. “Storm water” means water that originates from atmospheric moisture (rainfall, hail, snow or snowmelt) that falls onto land, water or other surfaces and any surface flow, runoff or drainage associated with such atmospheric events.
- O. “Storm water pollution prevention plan” or “SWPPP” means a plan required by the State Water Resources Control Board, the Regional Water Quality Control Board or the United States Environmental Protection Agency which sets forth the site map, identifies the activities that have the potential to pollute storm water which may enter the City’s storm drain system, describes the proposed BMPs to be implemented by the discharger, and contains a description of any other requirements that the State Water Resources Control Board, the Regional Water Quality Control Board or the United States Environmental Protection Agency requires the discharger to list in the SWPPP.

15.50.030 General provisions.

This chapter shall be administered by the Director and shall be construed to assure consistency with the requirements of the federal Clean Water Act, applicable implementing regulations, and any City NPDES permits as amended, revised or reissued. In the event of any conflict between this chapter and any federal or state law, regulation, order or permit, the requirement that establishes the higher standard for public health or safety shall govern. Nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order or permit. Nothing in this chapter is intended to diminish or preempt the authority of the fire department to investigate, clean-up or abate the effects of any hazardous materials under state

law or applicable sections of this code, and any such actions of the fire department shall be in addition to, and not in place of, measures set forth in this chapter.

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15.50.040 Prohibited activities.

- A. **Illicit Discharge.** Non-storm water discharges to the City's storm drain system are prohibited except as specifically permitted under Section 15.50.050.
- B. **Discharge in Violation of Permit.** Any discharge that would result in, or contribute to, a violation of the City's NPDES permit as amended, revised or reissued, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge as well as the property owner from whose property the discharge occurs or originates. Such responsible persons shall be strictly liable for discharges in violation of the City's NPDES permit and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement act relating to such discharge.

15.50.050 Exceptions to discharge prohibition.

The following discharges are exempt from the prohibitions set forth in Section 15.50.040 above:

- A. Any discharge regulated under a NPDES permit issued to the discharger provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations.
- B. Discharges from the following non-storm water activities unless identified by either the City or the Regional Water Quality Control Board as a significant source of pollutants to waters of the United States:
 - 1. Water line flushing;
 - 2. Landscape irrigation;
 - 3. Diverted stream flows;
 - 4. Rising ground waters;
 - 5. Uncontaminated ground water infiltration (as defined at 40 C.F.R. § 35.2005(20)) to separate storm sewers;
 - 6. Uncontaminated pumped ground water;
 - 7. Discharges from potable water sources;
 - 8. Foundation drains;
 - 9. Air conditioning condensation;
 - 10. Irrigation water;
 - 11. Springs;

12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Discharges or flows from fire fighting activities; and
19. City municipal storm drain maintenance line clearing activities.

15.50.060 Discharges in violation of an industrial or construction activity NPDES storm water discharge permit.

Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit shall be submitted to the Director or his or her designee, if so requested. Proof of compliance shall include a copy of the notice of intent (NOI) submitted to the State Water Resources Control Board, the SWPPP for the construction project, and the waste discharge identification (WDID) number provided by the State Water Resources Control Board. Construction activity permits are required for construction projects disturbing one acre or more of land. Construction activities of any size are also subject to the City's grading regulations at Titles 16 and 16R of this code. The Director or his or her designee shall, at any time, have the authority to inspect construction sites to ensure compliance with the measures outlined in the SWPPP for the projects and to implement the enforcement measures of this chapter and Chapters 1.12 and 1.14 of this code.

15.50.070 Requirement to prevent, control and reduce storm water pollutants.

The City will require implementation of BMPs for any activity, operation or facility that may

cause or contribute to pollution or the contamination of storm water, the storm drain system or waters of the United States. Where BMP requirements are promulgated by the City or any federal, state or regional agency for any activity, operation or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the United States, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such requirements.

15.50.080 Development planning and design standards.

A. The provisions of this section shall apply to the following discretionary development and redevelopment projects:

1. All projects that disturb one acre or more of soil;
2. Single-family foothill residences;
3. Multi-family developments;
4. Commercial developments;
5. Automotive repair shops;
6. Restaurants;
7. Residential subdivisions with two or more housing units;
8. Parking lots;
9. Retail gasoline outlets; and
10. Projects discharging to environmentally sensitive areas.

B. An applicant for a discretionary development or redevelopment project identified in subsection A above shall incorporate a Storm Water Mitigation Plan (SWMP) into the project plan that includes the BMPs necessary to control storm water pollution from construction and post-construction activities and facilities.

C. The following design standards and requirements shall be applicable to all of the development and redevelopment projects listed in subsection A above:

1. Peak Storm Water Runoff Discharge Rates. Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments when the increased peak storm water discharge rate will result in increased potential for downstream erosion or flooding, as determined by the Director.
2. Conservation of Natural Areas. Site layouts and subdivision designs shall be consistent with the General Plan and any relevant Specific Plans.
3. Minimize Specific Storm Water Pollutants of Concern.
4. Outdoor Material Storage Areas. Materials with the potential to contaminate storm water shall be:
 - a. Placed in an enclosure such as, but not limited to, a cabinet, shed or similar structure that prevents contact with runoff or spillage to the storm drain system or protected by secondary containment structures such as berms, dikes or curbs.
 - b. The storage areas shall be paved and sufficiently impervious to contain leaks and spills.
 - c. The storage area shall have a roof or awning to minimize collection of storm water within the secondary containment area.
5. Trash Storage Areas. Trash storage areas shall be designed as follows:
 - a. Trash container areas shall have drainage from adjoining roofs and pavement diverted around the area.
 - b. Trash container areas shall be screened or walled to prevent off-site transport of trash.
6. Proof of Ongoing BMP Maintenance. Commercial and industrial facility owners implementing privately-owned, post-construction BMPs shall verify on or before

September 1 of each year that their BMPs have been inspected and provide written certification to the Director that they are operating as designed. The transfer of property to a new owner shall contain conditions requiring the recipient to assume responsibility for maintenance of any structural or treatment control BMPs to be included in the sales or lease agreement for that property and will be the owner's responsibility. The condition of transfer shall include a provision that the property owners conduct maintenance inspection of all structural or treatment control BMPs at least once a year and retain proof of inspection. For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by an association, language regarding the responsibility for maintenance shall be included as a condition of project approval. Printed educational materials shall be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what storm water management facilities are present, signs that maintenance is needed and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

D. The following design standards and requirements shall be applicable only to the following development and redevelopment project categories:

1. Commercial Developments

- a. Loading/Unloading Dock Areas. Loading and unloading dock areas shall be covered or designed to minimize run-on and runoff of storm water. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
- b. Repair/Maintenance Bays. Design plans for repair/maintenance bays shall include the following:

- i. Repair/maintenance bays shall be indoors or designed to prevent storm water runoff or contact with storm water runoff.
- ii. Drainage systems shall be designed to capture all washwater, leaks and spills. Drains shall be connected to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited.
- c. Vehicle/Equipment Wash Areas. Project plans shall include an area for washing/steam cleaning of vehicles and equipment if applicable. This area shall be:
 - i. Self-contained and/or covered, equipped with a clarifier or other pretreatment facility, and
 - ii. Properly connected to a sanitary sewer or other appropriate permitted disposal facility.

2. Restaurants

- a. Equipment/Accessory Wash Areas. Project plans shall include an area for the washing/steam cleaning of equipment and accessories. The area shall be:
 - i. Self-contained, equipped with a grease trap and properly connected to a sanitary sewer.
 - ii. If the wash area is to be located outdoors, it shall be covered, paved, include secondary containment and be connected to the sanitary sewer or other appropriately permitted disposal facility.

3. Retail Gasoline Outlets - Fueling Area. Project plans shall include the following BMPs:

- a. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions shall be equal to or greater than the area within the grade break. The canopy shall not drain onto the fuel dispensing

area and the canopy downspouts shall be routed to prevent drainage across the fueling area.

- b. The fuel dispensing area shall be paved with Portland cement concrete (or an equivalent smooth impervious surface) and the use of asphalt concrete shall be prohibited.
- c. The fuel dispensing area shall have a 2% to 4% slope to prevent ponding and shall be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.
- d. At a minimum, the concrete fuel dispensing area shall extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus one foot (0.3 meter), whichever is less.

4. Automotive Repair Shops

- a. Fueling Area. Design plans that include fueling areas shall contain the following BMPs:
 - i. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions shall be equal to or greater than the area within the grade break. The canopy shall not drain onto the fuel dispensing area and the canopy downspouts shall be routed to prevent drainage across the fueling area.
 - ii. The fuel dispensing area shall be paved with Portland cement concrete (or an equivalent smooth impervious surface) and the use of asphalt concrete shall be prohibited.

- iii. The fuel dispensing area shall have a 2% to 4% slope to prevent ponding and shall be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.
 - iv. At a minimum, the concrete fuel dispensing area shall extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus one foot (0.3 meter), whichever is less.
- b. Repair/Maintenance Bays. Design plans for repair/maintenance bays shall include the following:
- i. Repair/maintenance bays shall be indoors or designed to prevent storm water run-on or contact with storm water runoff.
 - ii. Drainage systems shall be designed to capture all washwater, leaks and spills. Drains shall be connected to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited.
- c. Vehicle/Equipment Wash Areas. Project plans shall include an area for washing/steam cleaning of vehicles and equipment if applicable. The area in the site design shall be:
- i. Self-contained and/or covered, equipped with a clarifier or other pretreatment facility, and
 - ii. Properly connected to a sanitary sewer or other appropriate permitted disposal facility.
- d. Loading/Unloading Dock Areas. Loading dock areas shall be covered or designed to minimize run-on and runoff of storm water. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

5. Parking Lots

- a. Design of Parking Area. The following design criteria are required:
 - i. Reduce impervious land coverage of parking areas.
 - ii. Infiltrate or treat runoff.
 - b. Limit Oil Contamination and Perform Maintenance. The following design criteria are required:
 - i. Oil and petroleum hydrocarbons shall be treated and removed from parking lots.
 - ii. Adequate operation and maintenance of treatment systems shall be required for sludge and oil removal, system fouling, and plugging prevention control.
- E. Notwithstanding the development planning and design standards applicable to discretionary development and redevelopment projects set forth above, all development and redevelopment projects, including projects requiring only ministerial approval, are prohibited from producing illicit discharges and discharges in violation of the City's NPDES permit pursuant to Section 15.50.040 above.

15.50.090 Grading activity and permits.

All grading work shall be performed in compliance with Titles 16 and 16R of this code and all construction or development activity, including clearing, grading or excavation, whether requiring a grading permit or not, shall be undertaken in accordance with all requirements of this chapter.

15.50.100 Inspection authority.

- A. Whenever necessary to make an inspection of any building or property to enforce any of the provisions of this chapter, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition that constitutes a violation of this chapter, the Director may enter such building or property at all reasonable times to perform

an inspection as well as any of the other activities authorized by this chapter. If an owner, tenant, occupant, agent or other responsible party refuses to grant the City permission to enter or inspect, the City may seek an inspection warrant pursuant to the Code of Civil Procedure.

- B. Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, illicit discharges, discharge of non-storm water to the storm drain system or similar evidence.
- C. The Director may enter and inspect property for which a grading permit has been applied to determine the applicability of, or compliance with, this chapter and City specifications. The Director may also inspect any and all property on which grading, filling, clearing, and grubbing or excavating activities are occurring to ensure compliance with this chapter.

15.50.110 Sampling, monitoring, analysis and reporting authority.

- A. During any inspection the Director may collect samples as necessary in order to implement and enforce the provisions of this chapter. This authority shall include the right to require the installation of sampling and metering devices on private property or to require the person owning or occupying the property to supply samples.
- B. During any inspection the Director may require the person owning or occupying the property to provide any and all records relating to any potential storm water contamination, illegal discharge, non-storm water discharge or other violation of this chapter for review and copying.

C. Whenever the Director has reasonable cause to believe that there may exist on any property a condition that constitutes a violation of this chapter, the Director may require monitoring, analysis and/or reporting of discharges from the property to the storm drain system by serving a written notice of such requirement(s) on the owner of the property or on the operator of a facility or activity on the property. The cost of complying with these requirements shall be borne by the owner of the property or the operator of the facility or activity for which monitoring, analysis and/or reporting has been required, to the extent permitted by law.

15.50.120 Containment and notification of spills.

Any person owning, occupying or responsible for property or responsible for emergency response for a facility or activity has a personal responsibility to train facility personnel and maintain notification procedures to assure immediate notification is provided to the City of any suspected, confirmed or unconfirmed release of materials, pollutants or wastes creating a risk of discharge to the City's storm drain system. As soon as any person owning, occupying or responsible for the property or responsible for emergency response for a facility or activity has knowledge of any suspected, confirmed or unconfirmed release, such person shall take all necessary steps to ensure the discovery, containment and clean-up of such release and shall immediately notify the Director by telephone of the release and shall confirm the notification by written correspondence within 24 hours of such knowledge.

15.50.130 Enforcement powers and remedies.

The Director may utilize any enforcement actions authorized or provided in this code including, but not limited to, administrative remedies as set forth in Chapter 1.14 of this code.

The Director may also exercise any of the following enforcement actions deemed necessary:

A. Abatement

1. Any discharge or condition violating any provisions of this chapter is a threat to the public health, safety and welfare and constitutes a public nuisance.

2. The Director may abate any discharge or condition that violates any provision of this chapter in accordance with the provisions of Chapter 1.14 of this code and such action by the Director shall be subject to appeal as provided for in that chapter. In addition, any notice and order issued by the Director under Chapter 1.14 of this code may require the owner and/or occupant of the subject property to take any or all of the following actions:

- a. Submit and implement a plan approved by the Director for the correction and prevention of the discharge or condition violating any provision of this chapter;
- b. Cease and desist all activities that may cause or contribute to any discharge or condition violating any provision of this chapter;
- c. Clean-up any release of pollutants causing or resulting from the violation of any provision of this chapter;
- d. Mitigate any circumstances that may cause or contribute to any discharge or condition violating any provision of this chapter; and
- e. Adopt and implement BMPs and/or a storm water pollution prevention plan approved by the Director.

3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Director shall so declare in the notice and order issued pursuant to subsection 2 above. Thereafter, the owner or occupant of the subject property shall abate such seasonal and recurrent nuisance every year without the necessity of any further notice and order. If at any time following the issuance of the notice and order the nuisance is not abated as required, the

Director may summarily abate the condition in accordance with provisions of Chapter 1.14 of this code.

4. When, in the opinion of the Director, any discharge from any source to the storm drain system causes or threatens to cause a condition that presents an imminent hazard to the public health, safety or welfare or the environment, or a violation of the City's NPDES permit, the Director may issue a notice requiring the owner or occupant of the property where the discharge is occurring to immediately abate the discharge. In any case where the discharge is not immediately abated or the Director determines that time constraints are such that abatement must occur without providing the notice, the Director may summarily abate the condition in accordance with the provisions of Chapter 1.14 of this code.
5. The owner of any property from which a discharge is made in violation of this chapter and any person making or causing the discharge, if different from the owner, shall be jointly and severally liable for the costs incurred by the City for any abatement, clean-up or restoration, including any related inspection and testing costs arising from the discharge and the costs shall be invoiced to the owner of the property and any responsible persons. If the invoice is not paid within sixty (60) days, the Director may commence proceedings for recovery of these costs in accordance with the provisions of Chapter 1.14 of this code.

B. Civil Actions

In addition to any other remedies or penalties provided in this chapter, any violation of this

chapter may be enforced by civil action brought by the City Attorney. In any such action the

City may seek, as appropriate, any or all available equitable and legal remedies including but not limited to:

1. A temporary or permanent injunction;
2. Assessment upon the violator for the costs of any investigation, inspection, testing or monitoring related to the violation and for the reasonable costs of preparing and bringing legal action under this subsection including attorney fees, whether for in-house or outside counsel;
3. Costs incurred in removing, correcting, abating, cleaning-up or terminating the adverse effects resulting from the violation;
4. Compensatory damages for damage, loss or destruction to water quality, wildlife, fish and aquatic life, or public health and safety;
5. Payment or reimbursement of any governmental fines or penalties imposed on the City as a result of the violation; and
6. Payment of a fine of up to \$5,000 for each day or portion of a day that the discharge occurs.

C. Criminal Violations

A violation of any of the provisions of this chapter shall constitute a misdemeanor, except that notwithstanding any other provision of this code, any such violation may, at the discretion of the City Attorney, be charged and prosecuted as an infraction.

15.50.140 Appeal.

If a decision or action by the Director is not subject to an appeal procedure under any other

provision of this code, any person who is affected by the Director's decision or action may appeal the decision or action to the City Manager within ten (10) days following the effective date of the decision or action by filing a written appeal with the City Manager. Upon receipt of such appeal, the City Manager may request a report and recommendation from the Director and shall set the matter for an informal hearing at the earliest practical date. Not less than seven (7) days prior to the date of the hearing, the City Manager shall provide written notice of the hearing to the person appealing the decision or action. At the hearing, the appellant may be represented by any person of appellant's choice. The City Manager shall hear any additional evidence presented by the appellant or the Director and may reject, affirm or modify the Director's decision or action. The City Manager's decision shall be the City's final administrative determination of the matter.

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15.50.150 Judicial review.

The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the sole procedure for judicial review of any action taken pursuant to this chapter. Parties seeking judicial review of any final action taken pursuant to this chapter shall file such action within ninety (90) calendar days after the occurrence of any event or receipt of any decision constituting the evaluation of administrative remedies provided in this chapter for which review is sought.

15.50.160 Ultimate responsibility of discharger.

The standards established by this chapter are minimum standards and do not imply that compliance by any discharger will ensure that there will not be any contamination, pollution nor unauthorized discharge of pollutants to the City's storm drain system or waters of the United States. This chapter shall not create liability on the part of the City or any city employee for any damages that result from any discharger's reliance on this chapter or any lawful administrative decision.

15.50.170 Remedies cumulative.

The remedies provided in this chapter shall be cumulative and not exclusive and shall be in addition to any and all remedies available to the City.

SECTION 2. This ordinance shall take effect 30 days after its adoption. The Clerk shall cause this ordinance, or a summary of it, to be published as required by law.

THE FOREGOING ORDINANCE WAS ADOPTED by the Council of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

APPENDIX D

CITY ORDINANCE 18R MODIFICATIONS

RESOLUTION NO.

(Codified)

**RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO
AMENDING SECTION 18R.08.050 OF THE CHICO MUNICIPAL
CODE REGARDING STORM DRAINAGE DESIGN CRITERIA**

WHEREAS, the City's Storm Water Management Program, as approved by the California Regional Water Quality Control Board, has been developed to comply with the National Pollutant Discharge Elimination System (NPDES) Phase II permit requirements;

WHEREAS, the City's permit requires that the City implement certain storm water control measures including illicit discharge detection and elimination, construction site runoff control, and post-construction runoff control; and

WHEREAS, in order to implement the required storm water control measures, the following amendments to Section 18R.08.050 are necessary regarding storm drainage design criteria.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Chico as follows:

Section 18R.08.050 entitled, "Storm drainage," is amended to read as follows:

A.-I. [No change.]

J. Temporary Leach Field Type Storm Drainage System. In accordance with the provisions of the "Nitrate Action Plan - Greater Chico Urban Area - Butte County," adopted by city council Resolution No. 141 84-85 on March 19, 1985 as subsequently amended, temporary leach field type storm drainage systems may be installed for temporary use in cases where the building and development services director determines that storm water cannot be conveyed to the city's storm

drainage system or drainage channel because facilities are not available. The following criteria shall apply to design of such systems:

- 1.-2. [No change.]
3. The bottom of the trench(es) shall be at least ~~five~~ **ten** feet above ~~any~~ **the high** water table and there shall be at least ~~five~~ **ten** feet of soil capable of percolation below the bottom of the trench(es).
- 4.-7. [No change.]
8. ***Limitation on Use of Infiltration Best Management Practices (BMPs). Three factors significantly influence the potential for storm water to contaminate ground water. They are: (i) pollutant mobility, (ii) pollutant abundance in storm water, and (iii) soluble fraction of pollutant. In addition, the distance of the groundwater table from the infiltration BMP may also be a factor determining the risk of contamination. A water table distance separation of ten feet in depth in California presumptively poses negligible risk for storm water not associated with industrial activity or high vehicular traffic. Site specific conditions must be evaluated when determining the most appropriate BMP. Additionally, monitoring and maintenance must be provided to ensure groundwater is protected and that the infiltration BMP is not rendered ineffective by overload. This is especially important for infiltration BMPs in areas of industrial activity or areas subject to high vehicular traffic (25,000 or greater average daily traffic (ADT) on a main roadway or 15,000 or more ADT on any intersecting roadway). In some cases pretreatment may be necessary.***

K. Post-Construction Structural or Treatment Control Best Management Practices. Post-construction treatment control Best Management Practices (BMPs) shall incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

1. Volumetric Treatment Control BMPs

- a. *The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or*
- b. *The volume of annual runoff based on unit basin storage water quality volume to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook –Industrial/Commercial, (2003); or*
- c. *The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.*

2. Flow Based Treatment Control BMPs

- a. *The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or*
- b. *The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.*

THE FOREGOING RESOLUTION WAS ADOPTED by the Council of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

APPENDIX E

PROGRAM TASKS AND TIME LINES

	= Year Implemented		= Ongoing Update
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Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		03/04	04/05	05/06	06/07	07/08	
Public Education and Outreach Element Activities							
Public Education -I: General Public and Target Sector Outreach							
PE I-A Storm Drain Inlet Stenciling	<ul style="list-style-type: none"> Require 100% of new storm drain inlets to be stenciled. Stencil 20% of existing storm drain inlets per year Develop maintenance program and inspect 20% of storm drain inlets per year to replace missing stencils 						DBSD
							DBSD
							DBSD
PE I-B Clean Water Business Partners	<ul style="list-style-type: none"> Develop list of types of businesses to be targeted Develop a mailing list of businesses to be targeted Develop one brochure for each type of Business identified Distribute brochure to as many 100% of the businesses listed & make available on City website 						DBSD
							DBSD
							DBSD
							DBSD
PE I-C Community Events	<ul style="list-style-type: none"> Develop a list of local environmental and watershed groups for possible partnering Contact Local Environmental and watershed groups about partnering for community events Develop at least one locally appropriate brochure for handout at community events and make available on the City web site and then one each year thereafter until three per year is reached Attend at least one community event per year 						DBSD
							DBSD
							DBSD
							DBSD
PE 1-D Storm Water Website	<ul style="list-style-type: none"> Create initial City Storm water website Continue to modify, update, and add new features to the website 						DBSD
							DBSD
PE 1-E Media Campaigns	<ul style="list-style-type: none"> Research cost for newspaper ads, radio spots, TV spots, and billboards Develop a list of potential community groups, businesses, and other agencies for partnering with and cost sharing Research Partnering and cost sharing opportunities with community groups, businesses, and other agencies & develop a media campaign At a minimum implement two storm water message newspaper ads per year Mail one brochure with storm water message with water bill at least once per year 						DBSD
							DBSD
							DBSD
							DBSD
							DBSD
Public Education –I: General Public and Target Sector Outreach							
PE I-F Pet Waste Control	<ul style="list-style-type: none"> Continue to post pet waste information and collection bag stations at public trails and parks at a rate of at least one per year 						DBSD
PE I-G Public Knowledge Measurement Surveys	<ul style="list-style-type: none"> Research existing public knowledge surveys created by other agencies Develop a locally appropriate public survey Conduct City wide phone survey beginning in October of 2005 and a follow up city wide survey in May 2007 and document results. Distribute public survey at community events collect them and analyze the results at least once a year at the community events 						DBSD
							DBSD
							DBSD

PE I-H Water-Wise Pest Control Program	<ul style="list-style-type: none"> Develop list of local nurseries, landscapers, and pest control operators 							ADPW
	<ul style="list-style-type: none"> Develop and distribute at least one brochure for each type of business 							ADPW
Public Education – II: School Outreach								
PE II-A Storm Water Classroom Presentation	<ul style="list-style-type: none"> Investigate and determine what classroom presentations are currently being done by the School District or and or other Groups 							DBSD
	<ul style="list-style-type: none"> Review current presentation for appropriate content and frequency of message 							DBSD
	<ul style="list-style-type: none"> Incorporate existing classroom presentations, if necessary into City program or vice versa 							ADPW
	<ul style="list-style-type: none"> Implement program into one K-6th grade class per school once per year 							ADPW
Public Education – III: Public Agency Outreach								
PE III-A City Officials	<ul style="list-style-type: none"> Provide information to City Council regarding upcoming community events and encourage Council participation starting with one event in 04/05 up to three events per year 							DBSD
PE III-B Annual City Council Update	<ul style="list-style-type: none"> Provide City Council with copies of the annual report as they are submitted to the RWQCB once per year 							DBSD
PE III-C City Department Partnerships	<ul style="list-style-type: none"> Provide information to Department Heads regarding upcoming community events and encourage staff participation at the three events per year 							DBSD
Public Education – IV: Statewide and Regional Outreach Activities								
PE IV-A Storm Water Quality Task Force	<ul style="list-style-type: none"> Continue participation in the California Storm Water Task Force, at least two meetings per year 							DBSD
	<ul style="list-style-type: none"> Continue to work with other Chico Area NPDES II permittees. Attempt to set up Regular meetings with a minimum of two meeting per year 							DBSD
Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts	
		3/04	04/05	05/06	6/07	7/08		
Public Participation/Involvement								
Public Participation/Involvement-I:								
PP I-A Public Meetings	<ul style="list-style-type: none"> Information about programs will be discussed at public meetings and made available on the City's web site to encourage citizen participation and allow input to all programs being developed as part of this SWMP in addition to the SWMP itself. 							DBSD
PP I-B Community Water Body Cleanups	<ul style="list-style-type: none"> Continue to partner with local groups and sponsor two creek cleanup events per year 							DBSD
Illicit Discharge Detection and Elimination Element								
Illicit Discharge -I: Storm Water Ordinance Enforcement								
ID I-A Create Ordinance	<ul style="list-style-type: none"> Review current ordinances and determine where changes/additions are necessary 							DBSD
	<ul style="list-style-type: none"> Changes/additions or creation made to the ordinances and get approved by Council 							DBSD
	<ul style="list-style-type: none"> Develop and implement an enforcement procedure and guidelines 							DBSD
Illicit Discharge –II: Plan Development								
ID II-A Identify Priority Areas	<ul style="list-style-type: none"> Review storm drain maps and Identify outfalls which include industrial & manufacturing facilities within their tributary areas. 							DBSD
	<ul style="list-style-type: none"> During dry weather visually inspect and PH test all priority outfalls for illicit discharges and identify them for further investigation and enforcement as necessary 							DBSD
	<ul style="list-style-type: none"> Identify all non-priority outfalls and visually inspect and PH test for illicit discharges 							DBSD

D II-B Find the Source	<ul style="list-style-type: none"> Trace any illicit discharges identified upstream of initial discovery by visually inspecting manholes and drop inlets until the source is found Make City website available for reporting illicit discharges that will automatically notify storm water personnel Develop a 24-hour telephone procedure for receiving illicit discharge reports 						DBSD
							DBSD
							DBSD
ID II-C Remove/Correct Illicit Connections	<ul style="list-style-type: none"> Remove identified Illicit discharges pursuant to developed enforcement procedures & guidelines 						DBSD
Illicit Discharge-III: Illicit Discharge Prevention							
ID III-A Storm Drain Stenciling	<ul style="list-style-type: none"> See activities in PE I-A of Public Education and Outreach Activities 						DBSD
Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		3/04	4/05	5/06	6/07	7/008	
Illicit Discharge-III: Illicit Discharge Prevention							
ID III-B Hazardous Waste Collection	<ul style="list-style-type: none"> Continue to promote the availability of the regional Household Hazardous Waste Collection Facility Include one brochure in the water bill once per year promoting the facility 						DBSD
							DBSD
ID III-C Waste Oil Collection	<ul style="list-style-type: none"> Continue to promote the availability of the used oil collection facilities. Include one brochure in the water bill once per year promoting the facilities and to inform the public of the hazards associated with illegal discharges and improper disposal of waste 						DBSD
							DBSD
Illicit Discharge-IV: Storm Drain System Map							
ID IV-A Develop Storm Drain System Map	<ul style="list-style-type: none"> Continue to update the existing storm drain system map to show facilities as they are constructed 						DBSD
Construction Site Storm Water Runoff Control							
Construction-I: Ordinance and Standards							
CE I-A: Update Ordinances	<ul style="list-style-type: none"> Review existing ordinances and determine where changes/additions need to be made Create ordinance to include construction site runoff control including erosion/sediment control and construction site materials and wastes controls 						DBSD
							DBSD
CE I-B: Update Development Standards	<ul style="list-style-type: none"> Review existing construction development standards and determine where changes/additions are required Revise development standards to include construction related erosion, sediment and pollution control BMP's Implement design standards s indicated in Attachment 4 of the General Permit 						DBSD
							DBSD
							DBSD
Construction-II: Inspection and Enforcement							
CE II-A Plan Review and Approval	<ul style="list-style-type: none"> Require certification of land disturbance of project Review and ensure that improvement plans to meet City Development Standards 						DBSD
							DBSD
CE II-B Inspection/Training	<ul style="list-style-type: none"> Inspect construction sites for compliance with the approved SWPPP's and inspectors trained in proper installation of BMP's 						DBSD
CE II-C Enforcement	<ul style="list-style-type: none"> Beginning enforcement of ordinance. See Page 19 for enforcement procedure 						DBSD
CE II-D Record Keeping	<ul style="list-style-type: none"> Develop Record keeping and data management procedure for evaluating construction element activities and reporting Implement Record Keeping as noted above 						DBSD
							DBSD

Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		3/04	4/05	5/06	6/07	7/08	
Construction-III: Outreach and Education							
CE III-A Developer Assistance	<ul style="list-style-type: none"> Keep developers informed about technical resources, policies, requirements, City design standards, and seminars by either newsletters, fact sheets or the city website or at city counter 						DBSD
CE III-B City Staff Assistance	<ul style="list-style-type: none"> Keep City Staff up to date on proper design installation and inspection of BMP's. This will be accomplished through workshops, training sessions fact sheets, brochures, and memos 						DBSD
Post-Construction Storm Water Management In New Development and Redevelopment Element							
Post Construction-I: Regulatory Mechanism							
PC I-A: Regulatory Mechanism	<ul style="list-style-type: none"> Review current ordinance/policies requiring implementation of post construction storm water runoff controls and determine if changes/additions are required 						DBSD
	<ul style="list-style-type: none"> Changes/additions to ordinance/policies made and in place 						DBSD
	<ul style="list-style-type: none"> Inspection and enforcement procedures for Attachment 4 in place 						DBSD
PC I-B: Review and Approval Procedures	<ul style="list-style-type: none"> Continue to require post construction BMP's for new development or redevelopment that disturb one acre or more of land 						DBSD
	<ul style="list-style-type: none"> Train plan reviewers on Attachment 4 requirements 						DBSD
Post Construction -II: Design Criteria and Standards (BMP's)							
PC II-A Update Standards In accordance with Attachment 4 of the General Permit	<ul style="list-style-type: none"> Review current City design standards 						DBSD
	<ul style="list-style-type: none"> Determine what changes/additions to Design standards are required 						DBSD
	<ul style="list-style-type: none"> Meet with each City Department affected by changes to Design Standards and gather input on changes/additions 						DBSD
	<ul style="list-style-type: none"> Implement changes/additions to design standards 						DBSD
	<ul style="list-style-type: none"> Provide city staff with training of Attachment 4 						DBSD
Post Construction-III Monitoring Compliance During Construction							
PC III-A Construction Inspection	<ul style="list-style-type: none"> Continue to inspect construction of water quality facilities to ensure they are installed according to specifications 						DBSD
Post Construction-IV Ensure Adequate Long Term Operation and Maintenance of BMP's							
PC IV-A Monitoring Long Term Compliance	<ul style="list-style-type: none"> Develop a GIS database to map location and type of structural BMP's 						DBSD
	<ul style="list-style-type: none"> ◆ Create ordinance/policy to require annual inspections of BMP's ty 						DBSD
	<ul style="list-style-type: none"> ◆ Develop Enforcement procedure for non compliance with inspections/repairs 						DBSD
Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		3/04	4/05	5/06	6/07	7/08	
Post Construction-V Technical Assistance							
PC V-A Developer Assistance	<ul style="list-style-type: none"> Keep Developers/contractors up to date on proper design installation and inspection of BMP's. This will be accomplished through workshops, training sessions fact sheets, brochures, memos, and through City Counter Staff 						DBSD
PC V-B City Staff Assistance	<ul style="list-style-type: none"> Keep City Staff up to date on proper design installation and inspection of BMP's. This will be accomplished through workshops, training sessions fact sheets, brochures, and memos 						DBSD
PC V-C BMP Research	<ul style="list-style-type: none"> Research alternate and innovative BMP's through product research, literature reviews, and BMP performance studies 						DBSD

Pollution Prevention/Good Housekeeping for Municipal Operations							
Municipal – I: Technical Assistance							
ME I-A Municipal Facility SWPPP's	<ul style="list-style-type: none"> Develop list of all City facilities Conduct review of all City facilities and determine which ones need to have SWPPP's developed Develop SWPPP's for City facilities 						DBSD
							DBSD
							DBSD
ME I-B Municipal Activity Education	<ul style="list-style-type: none"> Review City facilities and develop a list of activities that may contribute to storm water pollution Develop or purchase information one brochure for each type of activity identified Distribute/show information brochure to 100% of City facilities & make available on City website 						DBSD
							DBSD
							DBSD
ME I-C New Facility BMP's	<ul style="list-style-type: none"> Require storm water BMP's on new City facilities 						DBSD
ME I-D Non- Storm Water Discharges	<ul style="list-style-type: none"> Identify and characterize non-storm water discharges Obtain Regional Water Quality Control Board approval for non-storm water discharges when recognized 						DBSD
							DBSD
Municipal – II Pollutant Removal Activities							
ME II-A Street Sweeping	<ul style="list-style-type: none"> Continue the City's street sweeping program and document number of miles swept 						DBSD
ME II-B Drainage System Maintenance	<ul style="list-style-type: none"> Continue storm drain maintenance activities and document activities 						DBSD
ME II-C Structural Control Operation & Maintenance	<ul style="list-style-type: none"> Continue to maintain City owned water quality facilities and document activities 						DBSD
Activity/BMP	Description	Five Year Implementation Schedule					Responsible Depts
		3/04	4/05	5/06	6/07	7/08	
Municipal – III Employee Training Program							
ME III-A Employee Training Program	<ul style="list-style-type: none"> Research the availability of training material for reducing pollution for activities such as park and open space maintenance, fleet building maintenance, and new construction and land disturbances Conduct one training sessions per year for each activity that has the potential for adding documentation 						DBSD
							DBSD
ME III-B Employee Feedback Program	<ul style="list-style-type: none"> At each training session provide City staff the opportunity to make suggestions on how to reduce pollution for the activities they perform 						DBSD

APPENDIX F

CONSTRUCTION ORDINANCE

APPENDIX G

POST CONSTRUCTION ORDINANCE

APPENDIX H

DEVELOPMENT STANDARDS/ATTACHMENT 4

APPENDIX I

OPERATION AND MAINTENANCE PROGRAM