



City of Sierra Madre

Public Works Department

232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024

phone 626.355.7135 fax 626.355.2251

June 27, 2013

Samuel Unger, Executive Officer
California Regional Water Quality Control Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, California 90013
ATTN: Renee Purdy

VIA Email to: losangeles@waterboards.ca.gov,
Renee.Purdy@waterboards.ca.gov,
Rebecca.Christmann@waterboards.ca.gov

SUBJECT: NOTICE OF INTENT FOR NPDES PERMIT ORDER NO. R4-2012-0175 FOR THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger:

On behalf of the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG), attached is the Notice of Intent to proceed with the collaborative development of an Enhanced Watershed Management Plan (EWMP) and Coordinated Integrated Monitoring Plan (CIMP). The development of the Notice of Intent was a joint effort by the participating agencies listed below:

- City of Arcadia
- City of Azusa
- City of Bradbury
- City of Duarte
- City of Monrovia
- City of Sierra Madre
- County of Los Angeles (local portions)
- Los Angeles County Flood Control District

The NOI submittal packet includes the NOI, Letters of Intent, MOUs, as well as documentation of the compliance with the "early-action" requirements related to Low Impact Development Ordinance and Green Streets Policy.

Should you have any questions regarding this submittal, please contact me at jcarlson@cityofsierramadre.com or Rafael Casillas at rcasillas@accessduarte.com.

Sincerely,



James Carlson
Management Analyst, City of Sierra Madre

Enc. Notice of Intent

cc: City of Arcadia
City of Azusa
City of Bradbury
City of Duarte
City of Monrovia
City of Sierra Madre
County of Los Angeles (local portions)
Los Angeles County Flood Control District

NOTICE OF INTENT

Rio Hondo/San Gabriel River Water Quality Group Enhanced Watershed Management Program (EWMP)

Submitted to:

California Regional Water Quality
Control Board – Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Submitted by:

Cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, and Sierra Madre
County of Los Angeles
Los Angeles County Flood Control District

June 27, 2013

SECTION 1. WATERSHED MANAGEMENT PROGRAM TYPE SELECTION AND PERMITTEES

The Permittees of the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG), listed in Table 1, hereby provide the Los Angeles Regional Water Quality Control Board (Regional Water Board) this Notice of Intent (NOI) to develop an Enhanced Watershed Management Program (EWMP) Plan and Coordinated Integrated Monitoring Program (CIMP) Plan in accordance with Part VI.C.4.b.i and Attachment E, Part IV.C.1 of Order R4-2012-0175.

As will be summarized, the Permittees meet the LID ordinance and Green Street policy development conditions of the Order and will submit an EWMP Development Work Plan within 18 months of the effective date of this Order R4-2012-0175, which is June 28, 2014. The Draft EWMP Plan will be submitted within 30 months of the effective date of Order R4-2012-0175, which is June 28, 2015. In accordance with Attachment E, Part IV.C.3 of the Order, the Permittees will submit the CIMP plan to the Executive Officer on or before June 28, 2015.

Table 1. RH/SGRWQG Permittees

• City of Arcadia
• City of Azusa
• City of Bradbury
• City of Duarte
• City of Monrovia
• City of Sierra Madre
• County of Los Angeles
• Los Angeles County Flood Control District (LACFCD)

SECTION 2. TOTAL MAXIMUM DAILY LOAD COMPLIANCE DATES PRIOR TO APRIL 28, 2016

Total Maximum Daily Loads (TMDLs), identifying listings for impaired waters bodies for which the RH/SGRWQG subwatersheds drain to, are listed on Table 2. Additionally, the San Gabriel River Metals TMDL assigns Waste Load Allocations (WLAs) to each of the RH/SGRWQG Permittees, except the City of Sierra Madre, although no Group subwatershed water bodies are identified in the TMDL as impaired. Interim and final trash TMDL and other TMDL final Water Quality Based Effluent Limitation (WQBEL) and Receiving Water Limitation (RWL) compliance deadlines, occurring prior to the final EWMP approval date of April 28, 2016 are identified in Table 3.

The RH/SGRWQG Permittees have been implementing the trash source control measures and Best Management Practices (BMPs) identified on Table 4. The Permittees will continue to implement these measures to ensure that Municipal Separate Storm Sewer System (MS4) discharges achieve compliance with the interim and final WQBELs on Table 3 during development of the EWMP. The Peck Park Trash TMDL Implementation Schedule will be developed through the EWMP Plan, in accordance with Permit Part VI.E3.

Table 2 TMDLs Applicable to the RH/SGRWQG Watershed

TMDL	Resolution Number	Effective Date	EPA Approval Date
Los Angeles River Watershed Trash TMDL	2001-013	August 28, 2002	August 1, 2002
	2007-012	Reissuance September 23, 2008	July 24, 2008
Los Angeles River Nitrogen and Related Effects TMDL	2003-009	March 23, 2004	March 18, 2004
	2003-016	Interim WLA Revision September 27, 2004	Not Applicable
	R12-010	Reconsideration on December 6, 2012	To Be Determined
Los Angeles River and Tributaries Metals TMDL	2007-014	October 29, 2008	October 29, 2008
	R10-003	Reconsideration on November 3, 2011	November 3, 2011
Los Angeles River Bacteria TMDL	R10-007	March 23, 2012	March 23, 2012
Los Angeles Area Lakes USEPA TMDLs for Peck Road Lake	Not Applicable	March 26, 2012	Not Applicable
Los Angeles Area Lakes USEPA TMDLs for Santa Fe Dam Park Lake	Not Applicable	March 26, 2012	Not Applicable

Table 3 Interim and Final Trash WQBELs and Other Final WQBELs and Receiving Water Limitations Occurring Before RH/SGRWQG EWMP Plan Approval

TMDL Order	WQBEL	Interim/Final	Compliance Date
Los Angeles River	20% Baseline	Interim	September 30, 2013
Watershed Trash	10% Baseline	Interim	September 30, 2014
TMDL	3.3% Baseline	Interim	September 30, 2015
	0% Baseline	Final	September 30, 2016
Los Angeles	10.1 mg/L NH ₃ -N One Hour Average	Final	December 28, 2012
Nitrogen and	2.3 mg/L NH ₃ -N Thirty Day Average	Final	December 28, 2012
Related Effects	1.0 mg/L NO ₂ -N Thirty Day Average	Final	December 28, 2012
TMDL	8 mg/L (NO ₃ +NO ₂)-N 30 Day Average	Final	December 28, 2012

Table 4. Control Measures that will be Implemented Concurrently with EWMP Development for TMDLs

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
LA River Trash TMDL	Cities of Arcadia, Bradbury, Duarte, Monrovia, Sierra Madre, County of Los Angeles	Permittees are employing trash source controls, Automatic Retractable Screens, Connector Pipe Screens and other BMPs and Daily Generation Rate Studies	Conforming to interim WQBEL targets and compliance dates

SECTION 3. DEVELOPMENT OF LID ORDINANCE AND GREEN STREETS POLICY REQUIREMENT

The RH/SGR WQG Permittees have all drafted Low Impact Development (LID) ordinances and Green Streets policies. The Cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, and Sierra Madre each initiated development of their LID Ordinances and Green Streets Policies by February 26, 2013 through participating in a cost-sharing agreement with the San Gabriel Valley Council of Governments. The County of Los Angeles initiated development of their LID Ordinances and Green Streets Policies by February 26, 2013 through internal processes. (Documentation of participation is provided in Appendix D). Table 5 summarizes the adoption status of the LID ordinances, while Table 6 summarizes the adoption status of the Permittees' Green Streets policies. The entire RH/SGR WQG MS4 area will soon have adopted LID ordinances and Green Streets policies. Prior to adoption, each agency should complete, under a timely if expedited schedule, an agency review, verify Municipal Code conformances, prepare and complete an environmental review, and assess compatibility with the final Los Angeles County LID Ordinance and Green Street Policy, so that they will not have to readopt the policy to utilize County Department of Public Works Plan Checking Services.

Table 5. Status of LID Ordinance Adoption Within the RH/SGRWQG WMA

Permittee	LID Ordinance (Indicate Status)	MS4 Watershed Area for which Permittee is Responsible (Sq. Miles)		MS4 Watershed Area Covered by Permittee's LID Ordinance (Sq. Miles)		Percentage of Watershed Area	
		Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River
Arcadia	Draft Ordinance	10.9	0.2	10.9	0.2	34.17%	1.04%
Azusa	Draft Ordinance	0	9.7	0	9.7	0%	50.52%
Bradbury	Draft Ordinance	0.8	1.2	0.8	1.2	2.51%	6.25%
County of Los Angeles	Draft Ordinance	2.8	2.1	2.8	2.1	8.78%	10.94%
Duarte	Draft Ordinance	1.8	4.9	1.8	4.9	5.64%	25.52%
Monrovia	Draft Ordinance	12.6	1.1	12.6	1.1	39.50%	5.73%
Sierra Madre	Draft Ordinance	3	0	3	0	9.40%	0%
LACFCD	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MS4 Watershed Area		31.9	19.2	31.9	19.2	100%	100%
<i>Status Descriptions: Draft Ordinance – By June 28, 2013, Permittee will draft an LID Ordinance in compliance with the requirements of Order R4-2012-0175</i>							

Table 6. Status of Green Streets Policy Coverage of the MS4 Watershed Area Addressed by the EWMP

Permittee	Green Street Policy (Indicate Status)	MS4 Watershed Area for which Permittee is Responsible [Sq. Miles]		MS4 Watershed Area Covered by Permittee's LID Ordinance [Sq. Miles]		Percentage of Watershed Area	
		Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River
Arcadia	Draft Policy	10.9	0.2	10.9	0.2	34.17%	1.04%
Azusa	Draft Policy	0	9.7	0	9.7	0%	50.52%
Bradbury	Draft Policy	0.8	1.2	0.8	1.2	2.51%	6.25%
County of Los Angeles	Draft Policy	2.8	2.1	2.8	2.1	8.78%	10.94%
Duarte	Draft Policy	1.8	4.9	1.8	4.9	5.64%	25.52%
Monrovia	Draft Policy	12.6	1.1	12.6	1.1	39.50%	5.73%
Sierra Madre	In Place	3	0	3	0	9.40%	0%
LACFCD	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total MS4 Watershed Area		31.9	19.2	31.9	19.2	100%	100%

Status Descriptions: Draft Policy –By June 28, 2013, Permittee will draft a Green Street Policy in compliance with the requirements of Order R4-2012-0175.

SECTION 4. GEOGRAPHIC SCOPE OF ENHANCED WATERSHED MANAGEMENT PROGRAM:

The RH/SGRWQG includes the Cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, and the County of Los Angeles, and the LACFCD, several of which are in both the Los Angeles and San Gabriel River Watersheds. The municipalities are significantly residential and commercial in land use characteristics and have a shared perspective regarding water conservation and water quality related issues.

The headwaters of the 834 square mile Los Angeles River Watershed are primarily within the mountains of the Angeles National Forest. The watershed is bordered by the Santa Monica Mountains, the Simi Hills, the Santa Susana Mountains, the San Gabriel Mountains, the San Gabriel River and Dominguez Channel Watersheds. The river extends 40 miles across urbanized areas of the San Fernando and west San Gabriel Valleys, before flowing into the Los Angeles-Long Beach Harbor and the Pacific Ocean. The Rio Hondo is a tributary of the Los Angeles River, which receives drainage from the RH/SGRWQG Permittees via several smaller tributaries:

- Arcadia Wash drains from the Cities of Arcadia and Sierra Madre;
- Santa Anita Wash drains from Cities of Arcadia, Monrovia, Sierra Madre and County of Los Angeles;
- Sierra Madre Wash drains from the City of Sierra Madre; and
- Sawpit Wash drains from the City of Monrovia, Duarte, Bradbury, and County of Los Angeles.

Prior to draining to the Rio Hondo, the Santa Anita and Sawpit Washes drain to Peck Road Water Conservation Park (aka. Peck Road Lake). Peck Road Lake then drains to the Rio Hondo. Peck Road Lake is owned by the LACFCD and maintained by the Los Angeles County Department of Parks and Recreation.

The San Gabriel River Watershed encompasses approximately 682 square miles of Los Angeles County, northwest Orange County, and a small portion of southwest San Bernardino County. The San Gabriel River extends 60 miles from its headwaters in the mountains of the Angeles National Forest flowing primarily south across urbanized areas of the San Gabriel Valley and Los Angeles County Coastal Plain, eventually reaching the Pacific Ocean between the Cities of Seal Beach and Long Beach. The main tributaries are Walnut Creek, San Jose Creek, and Coyote Creek. Reach 5 of the San Gabriel River receives drainage from Duarte, Bradbury, Monrovia, Azusa, Arcadia, and County of Los Angeles.

About four miles below the mouth of the San Gabriel Canyon is the Santa Fe Dam and Reservoir, which is operated and maintained by the LACFCD through an easement with the United States Army Corps of Engineers (USACE). Both the Rio Hondo and San Gabriel River flow into the Whittier Narrows Reservoir and may merge behind the reservoir during large storm events. Flows from the upper watershed are directed to spreading grounds located in and adjacent to the Rio Hondo and San Gabriel Rivers.

The RH/SGRWQG watersheds encompass approximately 51 square miles and Table 7 provides a breakdown of each Permittee's land area within the two major river watersheds. Figure 1 is a map of the watershed and jurisdictional boundaries in the vicinity of the RH/SGRWQG. Of the total Los Angeles River and San Gabriel River Watershed areas, the RH/SGRWQG Permittees

have jurisdiction over just 4% and 3% respectively. The Permittees do not have jurisdiction over lands owned by the State of California (CalTrans), the Federal government (Angeles National Forest), Los Angeles County Metropolitan Transportation Authority (Metro) Gold Line, and local school districts (see Table 8).

Table 7. Watershed Land Area by Permittees

Permittee	Rio Hondo		San Gabriel River	
	Land Area (Square Miles)	Percent of Total Area	Land Area (Square Miles)	Percent of Total Area
Arcadia	10.9	34.17%	0.2	1.04%
Azusa	0	0%	9.7	18.98%
Bradbury	0.8	2.51	1.2	6.25%
County of Los Angeles	2.8	8.78%	2.1	10.94%
Duarte	1.8	5.64%	4.9	25.52%
Monrovia	12.6	39.5%	1.1	5.73%
Sierra Madre	3	9.4%	0	0%
Total	31.9	100%	19.2	100%

Figure 1. RH/SGRWQG

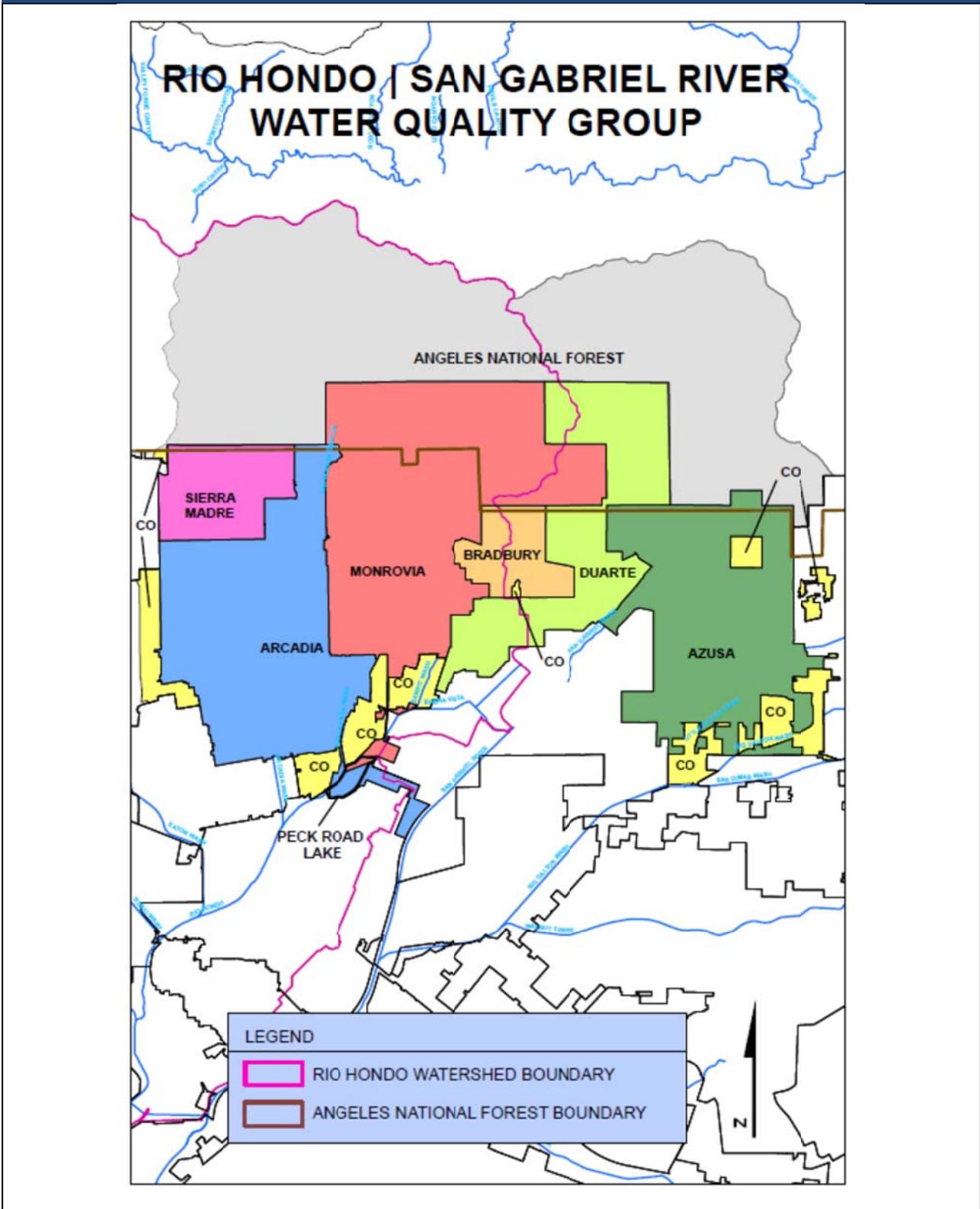


Table 8. RH/SGRWQG Watershed Land Area Distribution and EWMP Participation

Agency	EWMP Agency	Land Area (sq. miles)
Arcadia	Yes	11.1
Azusa	Yes	9.7
Bradbury	Yes	2
County of Los Angeles	Yes	4.9
Duarte	Yes	6.7
Monrovia	Yes	13.7
Sierra Madre	Yes	3
Los Angeles County Flood Control District	Yes	N/A
Angeles National Forest	No	TBD
Caltrans	No	TBD
Metro Gold Line	No	TBD
State of California	No	TBD
RH/SGRWQG Watershed		51.1

SECTION 5. PLAN CONCEPT AND INTERIM MILESTONES AND DEADLINES:

The RH/SGRWQG EWMP agencies have been collaborating since the effective date of the 2012 MS4 Permit and have already selected a consultant and issued a contract for Reasonable Assurance Analysis (RAA), and development of the EWMP and CIMP. The Permittees are planning to develop implementation and compliance strategies that are based on a multi-pollutant approach with green infrastructure best management practices (BMPs) that maximize the use of urban runoff as a resource for aquifer recharge, irrigation, and other beneficial uses. The RH/SGRWQG EWMP will consider existing TMDL implementation plans, evaluate permit proposed watershed source control measures, identify enhanced projects to maximize capture of all non-stormwater runoff and stormwater from the 85th percentile, 24-hour storm event, and identify additional watershed control measures for those areas of the watersheds that cannot be addressed by enhanced projects.

Plan development will be a collaborative process between the RH/SGRWQG EWMP agencies, consultant and Regional Board, coordinated by an Oversight Committee composed of members from each of the RH/SGWQG agencies and receiving local watershed stakeholders input.

Table 9 includes a listing of milestones and deadlines for the development of the EWMP.

Table 9. Enhanced Watershed Management Program & Integrated Coordinated Monitoring Program Interim Milestones and Deadlines

Milestone	Deadline
<i>Compile technical memorandum of water quality priorities</i>	<i>December 2013*</i>
<i>Complete internal draft of EWMP Work Plan</i>	<i>April 2014*</i>
<i>Complete draft CIMP</i>	<i>April 2014*</i>
Submit EWMP Work Plan to Regional Water Board	June 2014
<i>Develop interim numeric milestones for EPA developed TMDLs</i>	<i>August 2014*</i>
<i>Conduct initial RAA based on selected watershed control measures</i>	<i>December 2014*</i>
<i>Complete internal draft of EWMP</i>	<i>April 2015*</i>
Submit CIMP Plan to Regional Water Board	June 2015**
Submit Draft EWMP to Regional Water Board	June 2015
Submit Final EWMP to Regional Water Board (revised based on Regional Water Board comments)	January 2016

* Dates are tentative estimates and may change on an as needed basis.

** Attachment E, Part IV.C.3 of the Order.

SECTION 6. COST ESTIMATE:

The RH/SGRWQG EWMP agencies prepared a scope of work and cost estimates for developing the EWMP Work Plan, CIMP, and EWMP for the RH/SGRWQG. It is estimated that the consultant costs will be \$212,076 for the CIMP, and \$578,461 for the EWMP for a total of \$790,537. Table 10 provides a cost break down of the main cost categories involved in EWMP and CIMP plan development. Additionally, agencies of the RH/SGRWQG will contribute several hundred thousand dollars of in-kind services toward the development of the EWMP and CIMP, including attending RH/SGRWQG and Technical Advisory Committee meetings, as well as several hundred thousand dollars for an environmental review to be developed once the EWMP and CIMP have been prepared. For a more detailed scope and cost breakdown, please see Appendix A.

The LACFCD, having no land authority over the RH/SGRWQG watershed, will contribute funds for 10% of the total Consultant EWMP and CIMP Plan development cost while the other 90% of the cost will be funded amongst the remaining Permittees, based upon their respective land area percentages in the RH/SGRWQG watershed as shown in Table 7.

Table 10. Estimated EWMP and CIMP Development Costs

Jurisdiction	Staff/In-kind Costs (EWMP & CIMP)	Consultant EWMP Plan Development	Consultant CIMP Plan Development	Consultant Environmental Review	Total Costs
TOTAL Estimated Costs	\$620,000	\$578,461	\$212,076	\$300,000*	\$1,710,537

* It is anticipated that Environmental Review will be required once the EWMP has been prepared. Environmental Review costs are anticipated to be approximately \$300,000.

SECTION 7. PERMITTEE MEMORANDA OF UNDERSTANDING

All Permittees are committed to development and implementation of the EWMP Plan. Copies of executed Memoranda of Understanding are included in Appendix B.

SECTION 8. COMMITMENT TO IMPLEMENT A STRUCTURAL BMP OR SUITE OF BMPS:

The Permittees listed in Table 11 will implement the identified structural BMP or suite of BMPs to fulfill the obligations under Part VI.C.b.iii. (5).

Table 11. Structural BMP or Suite of BMPs to be Implemented in the EWMP Watershed(s)

Watershed	Permittee	Structural BMP or Suite of BMPs to be Implemented	Planned Implementation Date
Rio Hondo	Monrovia	<p><u>Monrovia Station Square/Transit Village Multi-Benefit Park and Greenway Project:</u> Design and develop a 2.5 acre multi-benefit green space along the future Metro Gold Line Foothill Extension. The project includes a multi-use trail, native trees and shrubs, runoff storage and infiltration systems prior to discharging into Sawpit Wash and Peck Road Water Conservation Park to the south.</p>	Spring 2015
San Gabriel River	Azusa	<p><u>Metro Gold Line Infiltration Project:</u> The City of Azusa in coordination with the Foothill Construction Authority for the Gold Line Project has constructed infiltration systems at some of the major crossings in town. Infiltration will occur at the catch basins which are soft bottom. Anticipated tributary areas are approximately 17 acres and will include the rail corridor. The 10 year storm event is to be infiltrated.</p>	Spring 2015

APPENDIX A
Detailed Cost to Develop EWMP

Table 12. Estimated Costs Per Permittee for Developing the RH/SGRWQG's EWMP & CIMP

Jurisdiction	Staff/In-Kind Costs	Consultant (EWMP & CIMP Plan Development)	Consultant Environmental Review	Total Costs (*does not include Environmental Review)
Arcadia	\$91,000	\$179,891.39	TBD	*\$270,891
Azusa	\$104,000	\$153,660.80	TBD	*\$257,661
Bradbury	\$103,000	\$39,480.59	TBD	*\$142,481
Duarte	\$88,000	\$65,711.18	TBD	*\$153,711
Monrovia	\$99,000	\$133,602.11	TBD	*\$232,602
Sierra Madre	\$45,000	\$53,367.37	TBD	*\$98,367
County of Los Angeles & Los Angeles County Flood Control District	\$90,000	\$85,769.86 \$79,053.70		*\$254,824
TOTAL	\$620,000	\$790,537.00	~\$300,000	\$1,710,537

APPENDIX B**Memorandum of Understanding**

City of Arcadia
City of Azusa
City of Bradbury
City of Duarte
City of Monrovia
City of Sierra Madre

County of Los Angeles and Los Angeles County Flood Control District have each indicated their intent to participate in the MOU in their Letters of Intent (attached). The MOU is tentatively scheduled for the Board of Supervisors' approval on July 30, 2013, but no later than December 28, 2013.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
THE COUNTY OF LOS ANGELES, AND
THE CITIES OF ARCADIA, AZUSA, BRADBURY, DUARTE, MONROVIA
AND SIERRA MADRE

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT
OF THE ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP) FOR THE
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP'S WATERSHED

This Memorandum of Understanding (MOU), made and entered into as of the date of the last signature set forth below by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), a political subdivision of the State of California, the COUNTY OF LOS ANGELES (LA COUNTY), a political subdivision of the State of California, and the CITIES OF ARCADIA, AZUSA, BRADBURY, DUARTE, MONROVIA, AND SIERRA MADRE. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 Municipal Separate Storm Sewer System (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, LA COUNTY, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the PARTIES have agreed to collaborate on the compliance of certain elements of the MS4 Permit and have agreed to a cost sharing formula set forth in Table 2 of Exhibit A, which is attached and made part of this MOU; and

WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of this MOU; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant to assist the PARTIES in complying with certain elements of the MS4 Permit, as specified in the Scope of Work, which is incorporated into this MOU by reference; and

WHEREAS, the PARTIES propose for the Consultant to prepare and deliver a Final Work Plan, Draft Enhanced Watershed Management Program (EWMP) plan, Coordinated Integrated Monitoring Plan (CIMP), Final EWMP plan, and Environmental Review as appropriate to the EWMP and CIMP (collectively, PLANS) in compliance with certain elements of the MS4 Permit, at a total cost of approximately \$790,537; and

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation in Table 2 of Exhibit A; and

WHEREAS, the PARTIES have agreed to establish an Oversight Committee (comprised of City Managers and/or designated staff from each PARTY) to provide technical oversight and project management for the development of the PLANS, and

WHEREAS, the CITY OF ARCADIA will act on behalf of the PARTIES in the administration of the Consultant services agreements for the preparation of the PLANS .

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises contained in this MOU, the PARTIES agree as follows:

- (1) Recitals: The recitals set forth above are incorporated into this MOU.
- (2) Purpose: The purpose of this MOU is to cooperatively fund the preparation of the PLANS and the submittal of the PLANS to the Regional Board.
- (3) Voluntary: This MOU is voluntarily entered into for the purpose of preparing the PLANS and submitting the PLANS to the Regional Board.
- (4) Terms: This MOU shall become effective the last date of execution by all Parties hereto (“Effective Date”), and shall remain in effect until the CITY OF ARCADIA has provided written notice of completion of the Scope of Work described herein, and payment by all Parties of their allocated pro-rata share hereunder. .
- (5) Responsibilities of the CITY OF ARCADIA:
 - a. The CITY OF ARCADIA shall act as the contract manager on behalf of, and for the benefit of, PARTIES, and as such agrees to invoice the PARTIES for their pro-rata share of the cost for the preparation and delivery of the PLANS as described in Tables 2 and 3 of Exhibit A.
 1. Payments to Third Parties – The CITY OF ARCADIA shall have no obligation to pay vendors or consultants any funds other than those owed for its proportional share as set forth in Table 2 of Exhibit A, and those funds remitted to the CITY OF ARCADIA following invoice. In the event

the CITY OF ARCADIA elects to make a payment on behalf of a Delinquent Party, the Delinquent Party and/or the remaining Parties shall reimburse the CITY OF ARCADIA the funds expended making the payment as described below.

- b. The CITY OF ARCADIA shall solicit proposals for, award, and administer a Consultant contract(s) for the preparation and delivery of the PLANS in accordance with the Scope of Work.
- c. The CITY OF ARCADIA shall utilize the funds deposited by the PARTIES only for payment of the Consultant for the preparation and completion of the PLANS.
- d. The CITY OF ARCADIA shall provide the PARTIES with an electronic copy of the draft and final PLANS within 5 days of receipt from the Consultant.
- e. Upon execution of this MOU, each Party shall provide the name or names of those persons from within the Party's organization who is/are to be representing said Party on the Oversight Committee. Within thirty (30) days from the Effective Date, the CITY OF ARCADIA shall notice all parties hereto of the members of the contact information for the Oversight Committee.
- f. All draft and final Plans shall be reviewed by the Oversight Committee for further revision and/or completion. No PLAN OR PLANS shall be submitted to the Regional Board unless and until it/they have been approved, in writing, for submittal by all PARTIES hereto, excepting only a Party or Parties whose involvement in this MOU has been terminated.
- g. The CITY OF ARCADIA shall provide an accounting upon the early termination of this MOU pursuant to paragraph (6)t.1 or 60 days after the date the Regional Board gives final approval to the last outstanding portion of the PLANS. The CITY OF ARCADIA shall return the unused portion of all funds deposited with the CITY OF ARCADIA in accordance with the cost allocation formula set forth in Table 2 of Exhibit A.

(6) THE PARTIES FURTHER AGREE:

- a. The PARTIES shall make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing their respective administrators, agency heads, and/or governing bodies.
- b. The PARTIES shall fund the cost of the preparation and delivery of the PLANS and pay the CITY OF ARCADIA for the preparation and delivery of the PLANS based on the cost allocation set forth in Table 2 of Exhibit A within 60 days of receiving an invoice.

- c. Delinquent Payments – A PARTY’s payment is considered delinquent 180 days after being invoiced by the CITY OF ARCADIA. The following procedures may be implemented to attain payments from the delinquent PARTY per instructions from the PARTIES: 1) verbally contact/meet with the manager from the delinquent PARTY or PARTIES; and 2) submit a formal letter to the delinquent PARTY OR PARTIES from the City of Arcadia’s legal counsel. If the PARTY or PARTIES remain delinquent after the above procedures, then the CITY OF ARCADIA may notify the Regional Board that the delinquent PARTY OR PARTIES are no longer a participating member of the PLANS, and said PARTY or PARTIES shall then be deemed to have terminated its participation as a PARTY to this MOU (“EXCLUDED PARTY”) and their name(s) may be removed from the PLANS. Any EXCLUDED PARTY’S delinquent amount(s) will be paid in accordance with the remaining PARTIES pro-rata share pursuant to Table 2 of Exhibit A, as adjusted to remove the EXCLUDED PARTY from the allocation. The CITY OF ARCADIA will revise Table 2 of Exhibit A to show the recalculated costs for each remaining participating PARTY; these revised exhibits will be included with the next invoice to the PARTIES. The PARTIES shall retain all contractual, legal, and equitable rights and causes of action to recover any delinquent amounts paid that were owed by an EXCLUDED PARTY or PARTIES who failed to make such payments.
- d. Interest Accrual - Any interest accrued on the funds collected per this MOU during the term of this MOU shall be refunded or credited toward any amount owed at the time of the final accounting. The CITY OF ARCADIA shall report to the PARTIES the amount of the interest accrued by the collected funds at the time of the final accounting.
- e. Excess Funds - Any collected funds not spent in any annual period shall be refunded or credited toward any amount owed at the time of the final accounting.
- f. Each PARTY shall allow reasonable access and entry to the Consultant, on an as needed basis, during the term of this MOU to the PARTY’s storm drains, channels, catch basins, and similar properties (FACILITIES) to achieve the purposes of this MOU, provided, however, that prior to entering any PARTY’s facilities, the Consultant shall secure a permit of entry from the applicable PARTY.
- g. To the maximum extent permitted by law, the CITY OF ARCADIA shall require the Consultant(s) retained pursuant to this MOU to agree to indemnify, defend, and hold harmless each PARTY, its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees,

costs, and expenses (including attorney and expert fees), arising from or connected with the Consultant's performance of its agreement with the CITY OF ARCADIA. In addition, the CITY OF ARCADIA shall require the Consultant(s) to carry, maintain, and keep in full force and effect an insurance policy or policies, and each PARTY, its officers, employees, attorneys, and designated volunteers shall be named as additional insureds on the policy(ies) with respect to liabilities arising out of the Consultant's work. These requirements will also apply to any subcontractors hired by the Consultant(s).

- h. To the maximum extent permitted by law, each PARTY shall indemnify, defend, and hold harmless each other PARTY, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each PARTY under this MOU; provided, however, that no PARTY shall indemnify another PARTY for that PARTY's own negligence or willful misconduct.
- i. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.
- j. The PARTIES are, and shall at all times remain as to each other, wholly independent entities. No PARTY to this MOU shall have power to incur any debt, obligation, or liability on behalf of any other PARTY unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee, or officer of another PARTY.
- k. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the

PARTIES at the addresses set forth in Exhibit B attached hereto and incorporated herein by reference.

- l. This MOU shall be binding upon, and shall be to the benefit of the respective successors, heirs, and assigns of each PARTY; provided, however, no PARTY may assign its respective rights or obligations under this MOU without the prior written consent of the other PARTIES.
- m. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- n. If any provision of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this MOU shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.
- o. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as described in paragraph (6)r.
- p. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.
- q. No PARTY shall have any financial obligation to any other PARTY to this MOU, except as herein expressly provided.
- r. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all PARTIES who have not terminated their interests herein or whose involvement has not terminated by reason of non-payment. This paragraph applies to any changes proposed as a result of the following circumstances: 1) changes to the MS4 Permit terms with regards to compliance through an EWMP or CIMP; or (2) changes in the number of parties to this MOU. This list is not intended to be exhaustive.
- s. This MOU may be signed in multiple counterparts with the same force and effect as if all original signatures appeared on one copy; and in the event this MOU is signed in counterparts, each counterpart shall be deemed an original and all of the counterparts shall be deemed to be one agreement.
- t. Early Termination or Withdrawal

1. This MOU may be terminated upon the express written agreement of all PARTIES. If this MOU is terminated, any remaining funds not due and payable or otherwise legally committed to a Consultant(s) shall be distributed to the remaining PARTIES (not including any EXCLUDED or WITHDRAWN PARTY or PARTIES) so that all such remaining PARTIES have paid no more than their pro-rata share (in accordance with the most current allocation set forth in Table 2 of Exhibit A). Completed work shall be owned by all PARTIES at the time of completion of the work who are not EXCLUDED or WITHDRAWN PARTIES. Similarly, rights to uncompleted work by the Consultant still under contract is to be owned by the PARTY or PARTIES who are not EXCLUDED or WITHDRAWN PARTIES at such time.

2. A PARTY may withdraw from this MOU (“WITHDRAWN PARTY”) upon 60 days written notice to the other PARTIES, subject to payment of any invoice received from the CITY OF ARCADIA prior to or during the 60-day notice period for its share of the cost of the work completed as of the date of its notice of withdrawal, calculated in accordance with the cost-sharing percentages set forth in Table 2 of Exhibit A. The effective withdrawal date shall be the sixtieth (60th) day after the CITY OF ARCADIA receives the withdrawing PARTY’s notice to withdraw from this MOU. The CITY OF ARCADIA shall refund to the WITHDRAWN PARTY any unused funds paid by the WITHDRAWN PARTY’s effective withdrawal date. All PARTIES understand, acknowledge, and agree that withdrawal from this MOU will terminate any responsibility, liability, or obligation of the WITHDRAWN PARTY under this MOU commencing on the effective withdrawal date and that the WITHDRAWN PARTY shall remain liable for its share of any loss, debt or liability incurred prior to the withdrawal date, and for any work which could not be suspended. Withdrawal from this MOU does not release any PARTY from the obligations set forth in MS4 Permit.

3. If a PARTY fails to substantially comply with any of the terms or conditions of this MOU, that PARTY shall forfeit its rights to work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the PARTIES:

COUNTY OF LOS ANGELES,

By _____
GAIL FARBER

Date

APPROVED AS TO FORM:

John F. Krattli
County Counsel

By _____
Deputy

Date

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By _____
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli
County Counsel

By _____
Deputy

Date

CITY OF _____

By _____
NAME, POSITION

Date

ATTEST:

By _____
NAME, City Clerk

Date

APPROVED AS TO FORM:

By _____
NAME, City Attorney

Date

EXHIBIT A

Rio Hondo/San Gabriel River Water Quality Group EWMP Funding Contributions

Table 1. Total Contract Costs

Work Scope	Cost
Project Management	\$111,231
EWMP Work Plan	\$146,234
CIMP	\$136,464
Final EWMP	\$ 394,816
Notice of Intent Review	\$1,792
Total Contract Cost	\$ 790,537.00

Table 2. Cost Allocation Formula

Party	Base Fee (10%)	Acres (Developed Land)	Percent of Area ⁽²⁾	Cost based on Acres (90%)	Total Cost
City of Arcadia	\$10,164.05	11	26.51%	\$169,727.34	\$179,891.39
City of Azusa	\$10,164.05	9.3	22.41%	\$143,496.75	\$153,660.80
City of Bradbury	\$10,164.05	1.9	4.58%	\$29,316.54	\$39,480.59
City of Duarte	\$10,164.05	3.6	8.67%	\$55,547.13	\$65,711.18
City of Monrovia	\$10,164.05	8	19.28%	\$123,438.07	\$133,602.11
City of Sierra Madre	\$10,164.05	2.8	6.75%	\$43,203.32	\$53,367.37
County of Los Angeles	\$10,164.05	4.9	11.81%	\$75,605.82	\$85,769.86
Los Angeles County Flood Control District(1)	\$79,053.70	-	-	-	\$79,053.70
Total	\$150,202.03	41.5	100%	\$640,334.97	\$790,537.00

(1) Los Angeles County Flood Control District's cost share equals 10% of total contracted costs; the remaining costs are then divided by the 10% base fee and land area (90%).

(2) - Based on percent of developed land in each Party area of the total watershed area (excludes Angeles National Forest land)

On or before June 30th of each year, the Oversight Committee shall review the Cost Allocation Formula and may adjust the formula as deemed necessary for such reasons including, but not limited to, revision in Contracted Costs, Scope of Work, scheduling of work, and/or costs related to environmental review.

Table 3. Invoicing Schedule

Invoice #	Invoice Date	Percent of Cost Share Allocation
-----------	--------------	-------------------------------------

1	on or before July 2013	10% Base
2	July 2013	1/3 of land Area Allocation
3	July 2014	1/3 of land Area Allocation
4	July 2015	1/3 of land Area Allocation

On or before June 30th of each year, the Oversight Committee shall review the Invoicing Schedule may adjust the percent of Cost Share Allocations due each year as deemed necessary for such reasons including, but not limited to, revision in Contracted Costs, Scope of Work, scheduling of work, and/or costs related to environmental review.

EXHIBIT B

Rio Hondo/San Gabriel River Watershed Quality Group EWMP Responsible Agencies Representatives

1. City of Arcadia
240 W. Huntington Dr.
Arcadia, CA 91006
Representative: Vanessa Hevener
E-mail: VHevener@ci.arcadia.ca.us
Phone: (626) 359-7028
2. City of Azusa
213 E. Foothill Blvd.
Azusa, CA 91702-1395
Representative: Carl E. Hassel
E-mail: CHassel@ci.azusa.ca.us
Phone: (626) 812-5064
3. City of Bradbury
600 Winston Ave.
Bradbury, CA 91008
Representative: Michelle Keith
E-mail: MKeith@CityofBradbury.org
Phone: (626)358-3218 ext. 300
4. City of Duarte
1600 Huntington Drive
Duarte, CA 91010
Party Representative: Rafael Casillas
E-mail: RCasillas@accessduarte.com
Phone: (626)386-6833
5. City of Monrovia
415 S. Ivy Ave.
Monrovia, CA 91016
Representative: Heather Maloney
E-mail: HMaloney@ci.monrovia.ca.us
Phone: (626) 932-5577
6. City of Sierra Madre
232 W. Sierra Madre Blvd
Sierra Madre, CA 91024
Representative: James Carlson
E-mail: JCarlson@cityofsierramadre.com

Phone: (626) 355-7135 ext. 803

7. County of Los Angeles
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803-1331
Representative: Gary Hildebrand
E-mail: GHILDEB@dpw.lacounty.gov
Phone: (626) 458-4300

8. Los Angeles County Flood Control District
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803-1331
Representative: Gary Hildebrand
E-mail: GHILDEB@dpw.lacounty.gov
Phone: (626) 458-4300

CITY OF ARCADIA

By 

Dominic Lazzaretto, City Manager

June 4, 2013

Date

ATTEST:

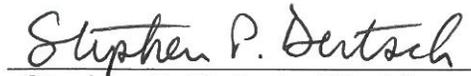
By 

Chief Deputy City Clerk

June 4, 2013

Date

APPROVED AS TO FORM:

By 

Stephen P. Deitsch, City Attorney

June 4, 2013

Date

CITY OF AZUSA

By Mayor Joseph R. Rocha
Mayor Joseph R. Rocha

Date

ATTEST:
By City Clerk Jeffrey Cornejo, Jr.
City Clerk Jeffrey Cornejo, Jr.

May 6, 2013
Date

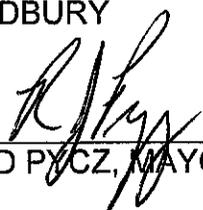
APPROVED AS TO FORM:

By City Attorney
City Attorney

5/14/13
Date

CITY OF BRADBURY

By


RICHARD PYCZ, MAYOR

6-25-13

Date

ATTEST:

By

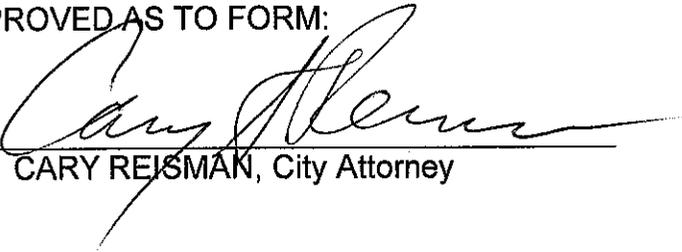

CLAUDIA SALDANA, City Clerk

6-25-13

Date

APPROVED AS TO FORM:

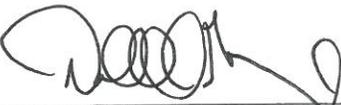
By


CARY REISMAN, City Attorney

6-25-13

Date

CITY OF DUARTE

By 
Darrell George, City Manager

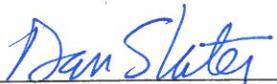
May 14, 2013
Date

ATTEST:

By 
Marla Akana, City Clerk

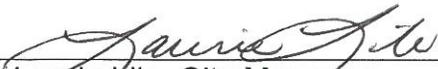
May 14, 2013
Date

APPROVED AS TO FORM:

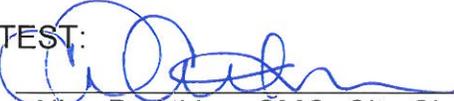
By 
Dan Slater, Attorney

May 14, 2013
Date

CITY OF MONROVIA

By 
Laurie Lile, City Manager

5-22-13
Date

ATTEST:
By 
Alice D. Atkins, CMC, City Clerk

5/22/2013
Date

APPROVED AS TO FORM:

By 
Craig A. Steele, City Attorney

5/21/2013
Date

By _____
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli
County Counsel

By _____
Deputy

Date

CITY OF SIERRA MADRE

By 
NANCY WALSH, Mayor

May 14, 2013

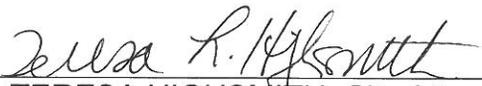
Date

ATTEST:
By 
NANCY SHOLLENBERGER, City Clerk

May 14, 2013

Date

APPROVED AS TO FORM:

By 
TERESA HIGHSMITH, City Attorney

May 14, 2013

Date

APPENDIX C

Signed Letters of Intent

City of Arcadia
City of Azusa
City of Bradbury
City of Duarte
City of Monrovia
City of Sierra Madre
County of Los Angeles
Los Angeles County Flood Control District



City of Arcadia

Public Works Services Department

Tom Tait
Public Works Services Director

June 28, 2013

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Renee Purdy

RE: LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger:

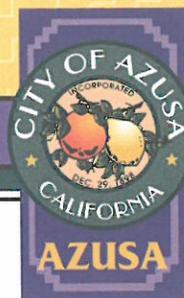
The City of Arcadia, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Arcadia also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of cost.

Should you have any questions, please contact Vanessa Hevener at (626) 305-5327 or via email at vhevener@ci.arcadia.ca.us.

Sincerely,

Tom Tait
Public Works Services Director



The Canyon City — Gateway to the American Dream

June 18, 2013

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, California 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger;

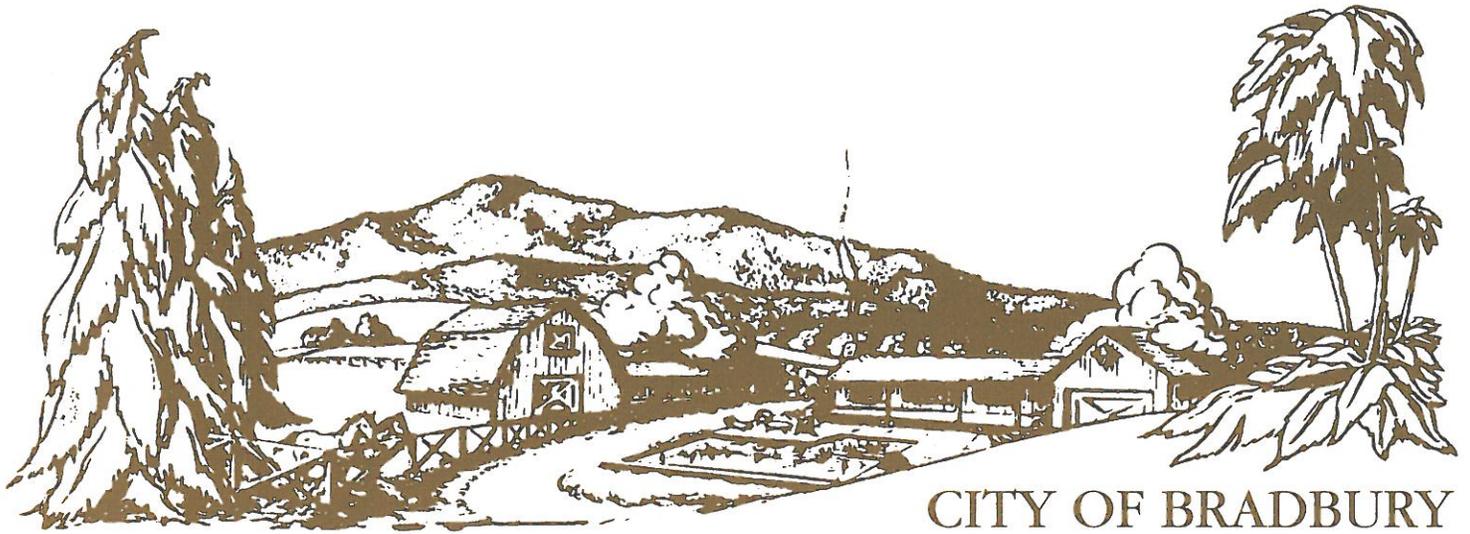
The City of Azusa, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Sierra Madre, Monrovia, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Azusa also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact me at thaes@ci.azusa.ca.us or at (626) 812-5248 or Carl Hassel, of my staff at chassel@ci.azusa.ca.us or at (626) 812-5064.

Sincerely,

Tito Haes
Assistant City Manager / Director of Public Works



CITY OF BRADBURY

Incorporated July 26, 1957

June 17, 2013

Samuel Unger, Executive Officer
Los Angeles Regional Water Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Renee Purdy

LETTER OF INTENET PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger;

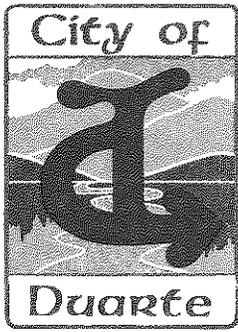
The City of Bradbury, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Bradbury pledges to share in the costs associated with the development of the EWMP and CIMP. A cost sharing formula has been agreed by all participating members of the RH/SGRWQG as to the equitable distribution of costs.

If you have any questions, please do not hesitate to contact me at (909) 594-9702, or via email at dgilbertson@rkagroup.com.

Sincerely,

David Gilbertson
Deputy City Engineer



City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

June 17, 2013

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger;

The City of Duarte, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Duarte pledges to share in the costs associated with the development of the EWMP and CIMP. A cost sharing formula has been agreed by all participating member of the RH/SGRWQG as to the equitable distribution of costs.

If you have any questions, please do not hesitate to contact Rafael O. Casillas at (626) 357-7931, extension 233 or via email at rcasillas@accessduarte.com.

Sincerely,

Darrell George
City Manager



June 28, 2013

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER QUALITY GROUP (RH/SGRWQG)

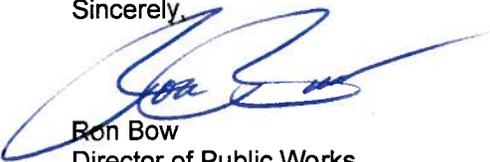
Dear Mr. Unger:

The City of Monrovia, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Monrovia also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of cost.

Should you have any questions, please contact Heather Maloney at hmaloney@ci.monrovia.ca.us or at (626) 932-5577.

Sincerely,



Ron Bow
Director of Public Works

cc: Heather Maloney, Senior Management Analyst
File



City of Sierra Madre

Public Works Department

232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024

phone 626.355.7135 fax 626.355.2251

June 28, 2013

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger:

The City of Sierra Madre, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Sierra Madre also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of cost.

Should you have any questions, please contact James Carlson at jcarlson@cityofsierramadre.com or at (626) 355-7135.

Sincerely,

Bruce Inman
Director of Public Works

cc: James Carlson, Management Analyst
File



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.
Executive Officer
California Regional Water Quality
Control Board – Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP WATERSHED
ENHANCED WATERSHED MANAGEMENT PROGRAM
AND COORDINATED INTEGRATED MONITORING PROGRAM**

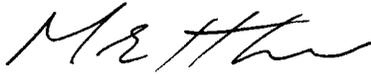
The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost to develop an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Rio Hondo/San Gabriel River Water Quality Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Rio Hondo/San Gabriel River Water Quality Group consists of the following agencies: City of Sierra Madre as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Arcadia, Azusa, Bradbury, Duarte, and Monrovia. The Rio Hondo/San Gabriel River Water Quality Group has included a final draft Memorandum of Understanding in Appendix 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger
June 24, 2013
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,



^{for}
GAIL FARBER
Director of Public Works

LP:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI - RHSGR County.doc\C13200

cc: City of Arcadia
City of Azusa
City of Bradbury
City of Duarte
City of Monrovia
City of Sierra Madre



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.
Executive Officer
California Regional Water Quality
Control Board – Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP WATERSHED
ENHANCED WATERSHED MANAGEMENT PROGRAM
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost to develop an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Rio Hondo/San Gabriel River Water Quality Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Rio Hondo/San Gabriel River Water Quality Group consists of the following agencies: City of Sierra Madre as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of Arcadia, Azusa, Bradbury, Duarte, and Monrovia. The Rio Hondo/San Gabriel River Water Quality Group has included a final draft Memorandum of Understanding in Appendix 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger
June 24, 2013
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



for GAIL FARBER
Chief Engineer of the Los Angeles County Flood Control District

LP:jht

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cc: City of Arcadia
City of Azusa
City of Bradbury
City of Duarte
City of Monrovia
City of Sierra Madre

APPENDIX D

**Documentation for Commencement of and Draft of
LID Ordinance and Green Streets Policy**



San Gabriel Valley Council of Governments

1000 S. Fremont Ave. Unit 42, Alhambra, California 91803 Phone: (626) 457-1800 FAX: (626) 457-1285 E-Mail SGV@sgvcog.org

DATE: January 7, 2013

TO: LA Permit Group Authorized Voting Members

FROM: Fran Delach, Interim Executive Director

RE: **LA Permit Group Technical Assistance**

Requested Action

Confirm participation in the MS4 NPDES implementation technical assistance contract for the LA Permit Group by allowing the SGVCOG to retain its reimbursement from the original \$5,000 payment (equal to \$2,174). Responses requested by Monday, January 14th.

Background

In November 2011, the SGVCOG administered a public procurement process and contract to obtain technical assistance for the LA Permit Group in negotiations for the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit) for Los Angeles County. The SGVCOG reached out to the cities in the LA Permit Group and asked for a voluntary financial contribution of \$5,000 from each city to fund the consultant activity. At that time of the request, each city was informed that the money collected would only be used to support the procurement process and, at the end of the contract, if the amount of money collected exceeded the cost of the contract, each jurisdiction would be reimbursed a pro-rata share of the cost.

Contributions were received from a total of 41 cities (38 cities contributed \$5,000 each, 1 city contributed \$500 and two contributed in-kind services) totaling \$190,500. The technical consultant contract was awarded to Larry Walker and Associates, totaling \$107,888, leaving \$82,612 in remaining funds. This would provide a reimbursement of \$2,174 to each city that contributed \$5,000.

The new MS4 NPDES Permit was adopted by the Los Angeles Regional Water Quality Control Board (LARWQCB) on November 8, 2012. There is a significant amount of both technical and administrative work required to meet the permit requirements within the first 6-months. Cities could benefit from collaboration developing model documents for some of the required work, such as LID Ordinances and Green Streets Policies.

Role of SGVCOG

Given the SGVCOG's administration of the previous technical consulting service contract, in December 2012, the LA Permit Group asked the SGVCOG about the possibility of using the funds remaining from the original technical services contract to support an additional technical

consulting services contract to assist in compliance efforts related to the permit. To support this process, the SGVCOG is asking participating cities if they would be interested in having the SGVCOG retain its reimbursement allocation in order to fund a new technical consulting services contract to assist cities in compliance with the new MS4 NPDES permit. The contract will be to complete the proposed scope of work, which can be found in the next section.

No additional funds will be collected in support of this project; only money remaining from the original contract will be used. As in the original contract, the SGVCOG will only administer the contract and will receive no supplemental funding.

Proposed Scope of Work

The new MS4 NPDES Permit for Los Angeles County contains many new requirements and includes the option for permittees to participate in a watershed management plan (WMP) or enhanced watershed management plan (EWMP). The Permit requires that cities revise development standards and Ordinance to reflect the new permit requirements, requiring an LID Ordinance. Additionally, participation in a WMP or EWMP requires the implementation of a Green Streets Policy and the submittal of a Notice of Intent and proof that the permittee has entered into a Memorandum of Agreement with other participating agencies.

To assist cities with some of the initial work efforts, the LA Permit Group is seeking technical consulting services to include the following scope of work:

- ✓ **Draft Notification of Intent letter:** The consultant would draft a notification of intent letter that includes the information and data that cities would be required to submit for participation in a WMP or EWMP. It would also provide instructions or alternatives for permittees to consider as they apply the documents to their respective municipality/watershed. Both of these documents would serve as a template for permittees to modify for their specific use.
- ✓ **Prepare template for Watershed MOUs:** The consultant would draft a template memorandum of understanding – as required to be submitted to the Regional Board by cities electing to participate in a WMP or EWMP.
- ✓ **Prepare a Draft LID Ordinance:** The permit specifies low impact development (LID) requirements for priority development projects and requires that a LID Ordinance be developed to incorporate these new requirements. The consultant would prepare a draft ordinance based on the City of Los Angeles' current LID ordinance and the new Permit requirements.
- ✓ **Draft Green Street Policy:** The permit encourages the development of a green street policy and requires such a policy for those agencies planning to participate in a WMP or EWMP. The consultant will develop a draft policy based on the Cities of Los Angeles' and Santa Monica's current green street policies that is consistent with the Permit requirements.
- ✓ **Presentation of work and review:** The consultant would attend LA Permit Group meetings to present and discussed the requested work documents and would provide revisions as requested by the LA Permit Group.

Attachment 1

Intent to Participate

The City of ARCADIA is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

- Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.
- The City is interested in more information.
- No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

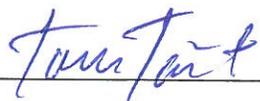
Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14th, 2013.**

Fax Number: (626) 457-1285

Email Address: csims@sgvcog.org

Name Tom Tait

Title Public Works Services Director

Signature 

Date January 14, 2013

Attachment 1

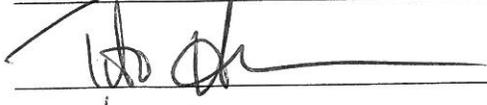
Intent to Participate

The City of AZUSA is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

- Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.
- The City is interested in more information.
- No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14th, 2013.**

Fax Number: (626) 457-1285
Email Address: csims@sgvcog.org

Name Tito Haes
Title Public Works Director / Best City Mgr
Signature 
Date 1/14/13

Attachment 1

Intent to Participate

The City of Bradbury is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

- Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.
- The City is interested in more information.
- No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

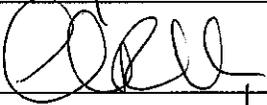
Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14th, 2013.**

Fax Number: (626) 457-1285

Email Address: csims@sgvcog.org

Name Michelle Keith

Title City Manager

Signature 

Date 1/14/13

Attachment 1

Intent to Participate

The City of Duarte is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

- Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.
- The City is interested in more information.
- No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

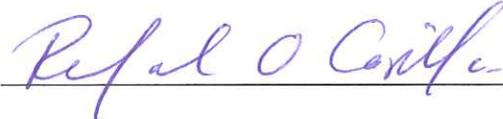
Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14th, 2013.**

Fax Number: (626) 457-1285

Email Address: csims@sgvcog.org

Name Rafael O. Casillas, PE

Title Public Works Manager

Signature 

Date January 14, 2013

Attachment 1

Intent to Participate

The City of Monrovia is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

- Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.
- The City is interested in more information.
- No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14th, 2013.**

Fax Number: (626) 457-1285
Email Address: csims@sgvcog.org

Name Ren Bow

Title Director of Public Works

Signature 

Date 1/14/2013

Intent to Participate

The City of Sierra Madre is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

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- The City is interested in more information.
- No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

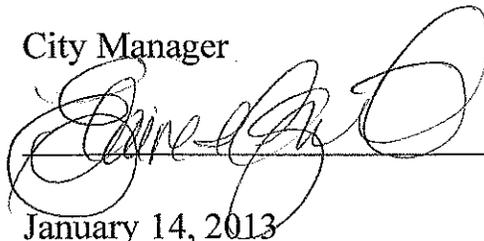
Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14th, 2013.**

Fax Number: (626) 457-1285
Email Address: csims@sgvcog.org

Name Elaine I. Aguilar

Title City Manager

Signature



Date January 14, 2013

AGREEMENT FOR CONSULTANT SERVICES

This Agreement for Consultant Services ("Agreement"), is made and entered into this ___ day of February 2013 ("Effective Date"), by and between the San Gabriel Valley Council of Governments ("SGVCOG") and Larry Walker Associates, Inc. ("Consultant").

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. Term of Agreement.

Subject to the provisions of Section 17, the term of this Agreement shall be from the Effective Date through June 30, 2013. Such term may be extended upon written agreement of both parties to this Agreement.

2. Scope of Services.

Consultant shall provide the SGVCOG consultant services in accordance with the proposal attached hereto as Exhibit "A" and incorporated herein by reference. The SGVCOG shall determine within the term of this Agreement whether it will direct Consultant to perform the Optional Task identified in Exhibit A. Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement, which are in addition to or outside of those described in this Section 2, unless such additional services are authorized in advance and in writing by the SGVCOG. Consultant shall be compensated for any such additional authorized services in the amounts and in the manner agreed to in writing by the SGVCOG.

3. Compensation and Method of Payment.

(a) The total compensation to be paid to Consultant pursuant to this Agreement shall not exceed \$52,690. Consultant shall be compensated in the manner and in the amounts specified in Exhibit A.

(b) Each month Consultant shall furnish to SGVCOG an original invoice for all work performed and expenses incurred during the preceding month. SGVCOG shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in subsection (c). In the event any charges or expenses are disputed by SGVCOG, SGVCOG shall withhold that portion of the invoice that is in dispute and remit the remainder.

(c) Except as to any charges for work performed or expenses incurred by Consultant to the extent disputed by SGVCOG, SGVCOG will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's invoice.

4. Consultant's Books and Records.

Consultant shall maintain any and all documents and records demonstrating or relating to Consultant's performance of services pursuant to this Agreement. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing

or relating to work, services, expenditures and disbursements charged to SGVCOG pursuant to this Agreement. Any and all such documents or records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the services provided by Consultant pursuant to this Agreement. Any and all such documents or records shall be maintained for three years from the date of execution of this Agreement and to the extent required by laws relating to audits of public agencies and their expenditures.

5. Ownership of Documents

All original maps, models, designs, drawings, photographs, studies, survey, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall be the sole property of the SGVCOG and may be used, reused or otherwise disposed of by the SGVCOG without the permission of the Consultant. Upon satisfactory completion of, or in the event of expiration, termination, suspension, or abandonment of this Agreement, Consultant shall turn over to SGVCOG all such maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents which Consultant may have temporarily retained for use by Consultant staff. With respect to computer files, Consultant shall make available to the SGVCOG, upon reasonable written request by the SGVCOG, the necessary computer software and hardware for purposes of accessing, compiling, transferring and printing computer files.

6. Status of Consultant

(a) Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of SGVCOG. Consultant shall have no authority to bind SGVCOG in any manner, nor to incur any obligation, debt or liability of any kind on behalf of or against SGVCOG, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by SGVCOG.

(b) The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither SGVCOG, nor any elected or appointed boards, officers, officials, employees, members or agents of SGVCOG, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees, members or agents of SGVCOG.

(c) Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to SGVCOG's employees. Consultant expressly waives any claim Consultant may have to any such rights.

7. Deficient Services

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement. SGVCOG may disapprove services that do not conform to these standards and practices and may

withhold or deny compensation for deficient services. Upon disapproval of services by SGVCOG, Consultant shall immediately re-perform, at its own costs, the services that are deficient. SGVCOG must notify Consultant in writing of the existence of such deficient services within a reasonable time, not to exceed sixty (60) days after its discovery thereof, but in no event later than one (1) year after the completion of such deficient services. No approval, disapproval, or omission to provide approval or disapproval shall release Consultant from any responsibility under this Agreement.

8. Compliance With Applicable Laws, Permits and Licenses.

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither SGVCOG, nor any elected or appointed boards, officers, officials, employees, members or agents of SGVCOG, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this Section 8.

9. Nondiscrimination.

Consultant shall not discriminate in any way against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, pregnancy, medical condition or marital status in connection with or related to the performance of this Agreement.

10. Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, *et seq.*, as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any liability or sanctions be imposed against SGVCOG for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse SGVCOG for the cost of all such liabilities or sanctions imposed, together with any and all costs, including reasonable attorney fees, incurred by SGVCOG.

11. Conflicts of Interest

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, (but not including ownership of stock in a publicly traded company), which would conflict in any manner with the interests of SGVCOG or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the SGVCOG. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of SGVCOG in the performance of this Agreement.

12. Confidential Information; Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than SGVCOG without prior written authorization from the SGVCOG, except as may be required by law. Consultant, its officers, employees, agents or subcontractors, shall not, without

so approved in writing by the SGVCOG. Consultant agrees to provide SGVCOG with copies of required policies or certificates evidencing the required policies upon request.

(b) Consultant shall provide and maintain insurance acceptable to the SGVCOG in full force and effect throughout the term of this Agreement, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Consultant, its agents, representatives or employees. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII. Consultant shall provide the following scope and limits of insurance:

(1) Minimum Scope of Insurance. Coverage shall be at least as broad as:

A. Insurance Services Office form Commercial General Liability coverage (Occurrence Form CG 0001).

B. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, including code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to the written approval of the SGVCOG.

C. Workers' Compensation insurance as required by the Labor Code of State of California and Employer's Liability insurance and covering all persons providing services on behalf of the Consultant and all risks to such persons under this Agreement.

D. Errors and omissions liability insurance appropriate to the Consultant's profession.

(2) Limits of Insurance. Consultant shall maintain limits of insurance no less than:

A. General Liability: \$1,000,000 general aggregate for bodily injury, personal injury and property damage.

B. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

C. Workers' Compensation and Employer's Liability: Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

D. Errors and Omissions Liability: \$1,000,000 per claim and aggregate.

(c) Other Provisions. Insurance policies required by this Agreement shall contain the following provisions:

(1) All Policies. Each insurance policy required by this Section 13 shall be endorsed and state the coverage shall not be cancelled by the insurer or Consultant except after 30 days' prior written notice by Certified mail, return receipt requested, has been given to SGVCOG. Consultant shall provide to SGVCOG notice of suspension or voiding of coverage, or reduction in coverage, or limits below those required in this Section 14.

(2) General Liability and Automobile Liability Coverages.

A. SGVCOG, and its respective elected and appointed officers, officials, members and employees are to be covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to SGVCOG, and its respective elected and appointed officers, officials, members or employees.

B. Consultant's insurance coverage shall be primary insurance with respect to SGVCOG, and its respective elected and appointed officers, its officers, members and employees. Any insurance or self insurance maintained by SGVCOG, and its respective elected and appointed officers, officials, members or employees, shall apply in excess of, and not contribute with, Consultant's insurance.

C. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

D. Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to SGVCOG, and its respective elected and appointed officers, officials, members or employees.

(3) Workers' Compensation and Employer's Liability Coverage. Unless the SGVCOG otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against SGVCOG, and its respective elected and appointed officers, officials, members and employees for losses arising from services performed by Consultant.

(d) Other Requirements. Consultant agrees to deposit with SGVCOG, at or before the effective date of this contract, certificates of insurance necessary to satisfy SGVCOG that Consultant has complied with the insurance provisions of this Agreement. The SGVCOG's general counsel may require that Consultant furnish SGVCOG with copies of original endorsements effecting coverage required by this Section. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. SGVCOG reserves the right to inspect complete, certified copies of all required insurance policies, at any time.

(1) Consultant shall furnish certificates and endorsements from each subcontractor identical to those Consultant provides.

(2) Any deductibles or self-insured retentions must be declared to and approved by SGVCOG, such approval not to be unreasonably withheld.

(3) The procuring of such required policy or policies of insurance shall not be construed to limit Consultant's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement.

15. Assignment.

The expertise and experience of Consultant are material considerations for this Agreement. SGVCOG has an interest in the qualifications of and capability of the persons and entities who will fulfill the duties and obligations imposed upon Consultant under this Agreement. In recognition of that interest, Consultant shall not assign or transfer this Agreement or any portion of this Agreement or the

performance of any of Consultant's duties or obligations under this Agreement without the prior written consent of the SGVCOG. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this Agreement entitling SGVCOG to any and all remedies at law or in equity, including summary termination of this Agreement.

16. Continuity of Personnel.

Consultant may not replace key staff, set forth in Consultant's Proposal, unless their employment is terminated or their replacement is agreed upon by the SGVCOG. The SGVCOG must approve replacement staff before the replacement staff are assigned to perform services under this Agreement. SGVCOG reserves the right to request that Consultant replace a staff person assigned to perform services under this Agreement in the event the SGVCOG, in its sole discretion, determines such a replacement is necessary. Replacement staff in every case are subject to SGVCOG approval prior to assignment to perform services under this Agreement.

17. Termination of Agreement.

SGVCOG may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice of termination to Consultant. In the event such notice is given, Consultant shall cease immediately all work in progress. Consultant may terminate this Agreement at any time upon thirty (30) days written notice of termination to SGVCOG. If either Consultant or SGVCOG fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or SGVCOG may terminate this Agreement immediately upon written notice. Upon termination of this Agreement, Consultant shall furnish to SGVCOG a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in Section 3 of this Agreement. This final invoice shall be reviewed and paid in the same manner as set forth in Section 3 of this Agreement.

18. Default.

In the event that Consultant is in default under the terms of this Agreement, the SGVCOG shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to the Consultant. For purposes of this section only, "date of default" shall be deemed to be the date that SGVCOG personally delivers or transmits by facsimile a Notice of Default to the person(s) at the address or facsimile number as set forth in Section 19 of this Agreement. "Default" shall mean the failure to perform the terms, covenants or conditions of this Agreement.

19. Notices.

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or certified mail, postage prepaid and return receipt requested, addressed as follows:

To SGVCOG: Francis Delach
Interim Executive Director
San Gabriel Valley Council of Governments
The Alhambra
1000 South Fremont Avenue, Unit #42
Building A-10, Suite 10220
Alhambra, CA 91803

with a copy to: Richard D. Jones
General Counsel
San Gabriel Valley Council of Governments
Jones & Mayer
3777 N. Harbor Blvd
Fullerton, CA 92835

To Consultant: Larry Walker Associates, Inc.
720 Wilshire Blvd, Suite 204
Santa Monica, CA 90401
Attention: Malcolm Walker

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

20. Authority To Execute.

The person or persons executing this Agreement on behalf of Consultant represents and warrants that he/she/they has/have the authority to so execute this Agreement and to bind Consultant to the performance of its obligations hereunder.

21. Binding Effect.

This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

22. Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by SGVCOG of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

23. Law To Govern: Venue.

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Los Angeles. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Los Angeles.

24. Attorney Fees, Costs and Expenses.

In the event litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney fees, costs and expenses, in addition to any other relief to which it may be entitled.

25. Entire Agreement.

This Agreement, including the attached Exhibit "A" which is incorporated herein by this reference, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and SGVCOG prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding. No amendment to this Agreement shall be valid and binding unless in writing duly executed by the parties or their authorized representatives. Any attempt to waive the requirement for a written amendment shall be void.

26. Section Headings.

The section headings contained in this Agreement are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.

27. Severability.

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

28. Time is of the Essence.

Time is of the essence in the performance of this Agreement.

29. Excusable Delays.

Consultant shall not be liable for damages, including liquidated damages, if any, caused by delay in performance or failure to perform due to causes beyond the control of Consultant. Such causes include, but are not limited to, acts of God, acts of the public enemy, acts of federal, state or local governments, court orders, fires, floods, epidemics, strikes, embargoes, and unusually severe weather. The term and price of this Agreement shall be equitably adjusted for any delays due to such causes.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

LARRY WALKER ASSOCIATES, INC.

By Malcolm Walker
Title Vice President

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

By James M. [Signature]
Title Interim Executive Director

APPROVED AS TO FORM:

[Signature]
Richard D. Jones, General Counsel



MEMORANDUM

Public Works Services Department

DATE: June 25, 2013

TO: MS4 NPDES Permit File

FROM: Vanessa Hevener, Environmental Services Officer

SUBJECT: **Draft Low Impact Development Ordinance and Draft Green Streets Policy Status**

This memo is to document that the Draft LID Ordinance and Draft Green Streets Policy developed by Larry Walker and Associates on behalf of the LA Permit Group have been distributed via email on April 24, 2013 to key personnel in the Development Services Department for discussion. A meeting has been tentative scheduled in July/August 2013 with staff in both Public Works Services and Development Services Departments.



City of Arcadia

Public Works Services Department

Tom Tait
Public Works Services Director

Please note: Gray shading in the draft LID Ordinance indicates areas that are optional and/or areas where the City may wish to provide more detail.

ORDINANCE NO. _____

An ordinance amending [MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME] Municipal Code to expand the applicability of the existing [NAME OF POST-CONSTRUCTION REQUIREMENTS – LIKELY “SUSMP” FOR MOST MUNICIPALITIES] requirements by imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits.

Findings.

- (A) The [CITY NAME] is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The [CITY NAME] has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4,” issued by the California Regional Water Quality Control Board--Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES permit”). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The [CITY NAME] has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- (E) The [CITY NAME] is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.

- (F) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.
- (G) The [CITY NAME] needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (H) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- (I) It is the intent of the [CITY NAME] to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

[MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME] Municipal Code is amended in its entirety to read as follows:

Definitions.

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

Automotive Service Facility means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

Basin Plan means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties,

adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

Best Management Practice (BMP) means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

Biofiltration means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term “biofiltration” as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

Bioretention means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

Bioswale means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

City means the [CITY NAME].

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

Commercial Malls means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk

from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

Construction Activity means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See “Routine Maintenance” definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

Control means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

Development means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Directly Adjacent means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

Discharge means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

Disturbed Area means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

Flow-through BMPs means modular, vault type “high flow biotreatment” devices contained within an impervious vault with an underdrain or designed

with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

General Construction Activities Storm Water Permit (GCASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

General Industrial Activities Storm Water Permit (GIASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

Green Roof means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

Hazardous Material(s) means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

Hillside means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

Hydromodification means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

Impervious Surface means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

Industrial Park means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways,

railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

Infiltration BMP means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

LID means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

MS4 means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

Natural Drainage System means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of

impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

Non-Stormwater Discharge means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

Parking Lot means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Planning Priority Projects means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

Pollutant means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

Project means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

Rainfall Harvest and Use means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

Receiving Water means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more 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 routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Regional Board means the California Regional Water Quality Control Board, Los Angeles Region.

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

Retail Gasoline Outlet means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

Routine Maintenance

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

Significant Ecological Areas (SEAs) means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

Site means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

Storm Drain System means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and

watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the [CITY NAME].

Storm Water or Stormwater means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

Stormwater Runoff means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

SUSMP means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

Urban Runoff means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

[MUNICIPAL CODE SECTION REFERENCE(S)] is amended to read as follows:

SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

(A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Municipal NPDES permit,” lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the [CITY NAME] to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the [CITY NAME] shall administer, implement and enforce the provisions of this Section. Guidance documents

supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) **Applicability.** The following Development and Redevelopment projects, termed “Planning Priority Projects,” shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
 - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious

surface area on an already developed site on Planning Priority Project categories.

- b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
- c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the Director.

- (D) Effective Date.** The Planning and Land Development requirements contained in this Ordinance shall become effective **XX** days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

(E) Stormwater Pollution Control Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
 - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCITON BMP HANDBOOK].

- c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
 - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
 - i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit.

Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

- i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

(E) Other Agencies of the [CITY NAME]. All [CITY NAME] departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].

(F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) Certification. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

I hereby certify that this ordinance was passed by the Council of the [CITY NAME], at its meeting of _____.

[NAME], City Clerk

By _____
Deputy

Approved _____
_____ Mayor

Approved as to Form and Legality
[NAME], City Attorney

By _____
[NAME]
Deputy City Attorney

Date _____

File No. _____



City of Arcadia

Public Works Services Department

Tom Tait
Public Works Services Director

Green Street Policy

Purpose

The City of [INSERT CITY NAME] [DEPARTMENT OF PUBLIC WORKS] shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

Policy

- A. Application. The [DEPARTMENT OF PUBLIC WORKS] shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the [CITY'S] General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternate A (without General Plan reference).

Application. The [DEPARTMENT OF PUBLIC WORKS] shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are roadway projects that add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternatives to the 10,000 sf threshold: Use other mechanism in lieu of the 10,000 sf of impervious area to determine threshold for green streets requirements.

As an example, City of Santa Monica utilizes construction costs (>\$500,000) as the trigger for green street BMPs. Another option would be to establish a threshold of either the 10,000 sf impervious area or construction cost >\$500,000 whichever is smaller.

Alternatives to the major arterial:
Use another General Plan defined street classification, such as secondary arterials, and define the transportation corridor as all that type of street and larger arterials.

- B. Amenities. The [DEPARTMENT OF PUBLIC WORKS] shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The [DEPARTMENT OF PUBLIC WORKS] shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, or equivalent guidance developed by the [DEPARTMENT OF PUBLIC WORKS] for use in public and private developments.
- D. Retrofit Scope. The [DEPARTMENT OF PUBLIC WORKS] shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the [CITY ENGINEER] based on the availability of adequate funding.
- E. Training. The [DEPARTMENT OF PUBLIC WORKS] shall incorporate aspects of green streets into internal annual staff trainings.

¹ EPA-833-F-08-009, December 2008.

DRAFT



DRAFT LID ORDINANCE

ORDINANCE NO. _____

An ordinance amending [MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Azusa Municipal Code to expand the applicability of the existing [NAME OF POST-CONSTRUCTION REQUIREMENTS – LIKELY “SUSMP” FOR MOST MUNICIPALITIES] requirements by imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits.

Findings.

- (A) The City of Azusa is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The City of Azusa has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4,” issued by the California Regional Water Quality Control Board--Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES permit”). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The City of Azusa has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- (E) The City of Azusa is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.
- (F) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.

- (G) The City of Azusa needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (H) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.

① It is the intent of the City of Azusa to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under “Applicability.” Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

[MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Azusa Municipal Code is amended in its entirety to read as follows:

Definitions.

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

Automotive Service Facility means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

Basin Plan means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

Best Management Practice (BMP) means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

Biofiltration means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load

reduction. Therefore, the term “biofiltration” as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

Bioretention means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

Bioswale means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

City means the City of Azusa.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

Commercial Malls means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

Construction Activity means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See “Routine Maintenance” definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

Control means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

Development means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Directly Adjacent means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

Discharge means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

Disturbed Area means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

Flow-through BMPs means modular, vault type “high flow biotreatment” devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

General Construction Activities Storm Water Permit (GCASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

General Industrial Activities Storm Water Permit (GIASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

Green Roof means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

Hazardous Material(s) means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

Hillside means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

Hydromodification means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

Impervious Surface means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

Industrial Park means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

Infiltration BMP means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

LID means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

MS4 means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

Natural Drainage System means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

Non-Stormwater Discharge means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

Parking Lot means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Planning Priority Projects means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

Pollutant means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.

- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

Project means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

Rainfall Harvest and Use means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

Receiving Water means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more 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 routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Regional Board means the California Regional Water Quality Control Board, Los Angeles Region.

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

Retail Gasoline Outlet means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

Routine Maintenance

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

Significant Ecological Areas (SEAs) means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

Site means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

Storm Drain System means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Azusa.

Storm Water or Stormwater means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

Stormwater Runoff means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

SUSMP means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

Urban Runoff means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

[MUNICIPAL CODE SECTION REFERENCE(S)] is amended to read as follows:

SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

(A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Municipal NPDES permit,” lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Azusa to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the City of Azusa shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) **Applicability.** The following Development and Redevelopment projects, termed “Planning Priority Projects,” shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.

- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
 - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
 - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
 - d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the Director.

(D) Effective Date. The Planning and Land Development requirements contained in this Ordinance shall become effective ~~XX~~ days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

(E) Stormwater Pollution Control Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
 - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
- b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
 - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - vi. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.

- i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].

- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

(E) Other Agencies of the City of Azusa. All City of Azusa departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].

(F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) Certification. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

I hereby certify that this ordinance was passed by the Council of the City of Azusa, at its meeting of _____.

Jeffrey Corenjo, Jr., City Clerk

By _____ Deputy

Approved _____

Joseph R. Rocha, Mayor

Approved as to Form and Legality
BBK representative, TBD, City Attorney

By _____
City Attorney

Date _____

File No. _____

DRAFT



DRAFT Green Street Policy

Purpose

The City of Azusa DEPARTMENT OF PUBLIC WORKS shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

Policy

- A. Application. The DEPARTMENT OF PUBLIC WORKS shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the CITY'S General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternate A (without General Plan reference).

Application. The DEPARTMENT OF PUBLIC WORKS shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are roadway projects that add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternatives to the 10,000 sf threshold:

Use other mechanism in lieu of the 10,000 sf of impervious area to determine threshold for green streets requirements. As an example, City of Santa Monica utilizes construction costs (>\$500,000) as the trigger for green street BMPs. Another option would be to establish a threshold of either the 10,000 sf impervious area or construction cost >\$500,000 whichever is smaller.

Alternatives to the major arterial:

Use another General Plan defined street classification, such as secondary arterials, and define the transportation corridor as all that type of street and larger arterials.

- B. Amenities. The DEPARTMENT OF PUBLIC WORKS shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The DEPARTMENT OF PUBLIC WORKS shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, or equivalent guidance developed by the DEPARTMENT OF PUBLIC WORKS for use in public and private developments.
- D. Retrofit Scope. The DEPARTMENT OF PUBLIC WORKS shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the CITY ENGINEER based on the availability of adequate funding.
- E. Training. The DEPARTMENT OF PUBLIC WORKS shall incorporate aspects of green streets into internal annual staff trainings.



**CITY OF AZUSA
ENGINEERING DIVISION**

MEMORANDUM

TO: MS4 NPDES (EWMP) Permit File

FROM: Carl Hassel, Assistant Director of Public Works / City Engineer

DATE: June 26, 2013

SUBJECT: Draft Low Impact Development (LID) Ordinance and draft Green Streets Policy status

As a requirement of the new MS4 Permit, cities are to have in place a LID Ordinance and Green Streets Policy for the future. At the time of the submittal of the NOI at the end of this month, The LID Ordinance and Green Streets Policy are in draft form and will be included in the NOI submittal that the Rio Hondo/San Gabriel River Watershed Quality Control Group are preparing.

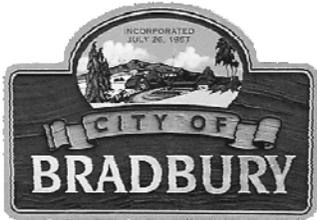
The LA Permit Group hired Larry Walker and Associates, a consultant, with permission from the cities from the LA Permit Group to provide services including preparation of a draft LID Ordinance and Green Streets Policy.

On May 16th, 2013, I met with Conal McNamara, Assistant Director of Economic and Community Development, to review the draft LID ordinance and the draft Green Streets Policy. He was in agreement with the drafts and that the City will look to further advance the work but that the bulk of the work is complete. He was in agreement that it would be fine to submit them with the MS4 Permit NOI.

On May 20th, 2013, I checked with Tito Haes, the Assistant City Manager/Director of Public Works regarding the submittal of the draft LID ordinance and the draft Green Streets Policy and he was fine with the submittal but that we would need to look toward any changes to make it fit with the community and to get Council approval before they would be instituted.

It was indicated to me that all parties involved were aware of the implications of the LID Ordinance and the Green Streets Policy and that once adopted they would be part of the conditions of approval for developments or included in CIP's that the City of Azusa conducts.

Carl E. Hassel, P.E.



City of Bradbury Memorandum

DATE: June 3, 2013
TO: David Gilbertson, Assistant City Engineer
CC: Michelle Keith, City Manager
SUBJECT: Draft Green Street Policy

Green Street Policy

Purpose

The City of Bradbury shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

Policy

- A. Application. The City shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the [CITY'S] General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained and new impervious surface is not added.

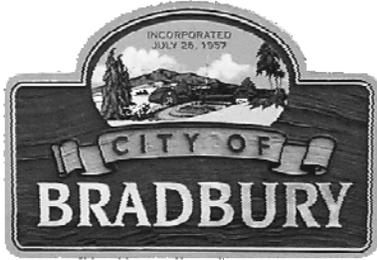
Comment [m1]: Decision point on how to define transportation corridors. Is the preference to use the 10,000 sf threshold from the Land Development section of the Permit or to use a street type definition from the General Plan, e.g. major arterials.

Alternatives:

Use other mechanism in lieu of the 10,000 sf of impervious area to determine threshold for green streets requirements. As an example, City of Santa Monica utilizes construction costs (>\$500,000) as the trigger for green street BMPs. Another option would be to establish a threshold of either the 10,000 sf impervious area or construction cost >\$500,000 whichever is smaller.

- B. Amenities. The City shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The City shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, or equivalent guidance for use in public and private developments.
- D. Retrofit Scope. The City shall use the City's Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the City Council based on the availability of adequate funding.
- E. Training. The City's contract City Engineer shall incorporate aspects of green streets into internal annual staff trainings.

¹ EPA-833-F-08-009, December 2008.



City of Bradbury Memorandum

DATE: June 3, 2013

TO: Michelle Keith, City Manager
Anne McIntosh, City Planner

FROM: David Gilbertson, Assistant City Engineer

SUBJECT: Draft LID Ordinance

Below is the Draft LID Ordinance that key City staff needs to review. We need to discuss the revision and several critical issues of the Ordinance such as bonding amounts and the levying of fines.

ORDINANCE NO. XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING SECTION _____ OF THE CITY OF BRADBURY MUNICIPAL CODE TO EXPAND THE APPLICABILITY OF THE EXISTING STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) REQUIREMENTS BY IMPOSING LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON THE PROJECTS REQUIRING BUILDING PERMITS.

WHEREAS, The City of Bradbury is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.

WHEREAS, The City of Bradbury has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.

WHEREAS, The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.

WHEREAS, The City of Bradbury has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.

WHEREAS, The City of Bradbury is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.

~~**WHEREAS,** Urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters.~~

~~**WHEREAS,** The City of Bradbury needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.~~

~~**WHEREAS,** LID is widely recognized as a sensible approach to managing the quantity and quality of stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.~~

WEREAS, It is the intent of the City of Bradbury to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability."

[MUNICIPAL CODE SECTION REFERENCE(S)] OF THE CITY OF BRADBURY MUNICIPAL CODE IS AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

Definitions.

Except as specifically provided herein, any term used in this section shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

Automotive Service Facility means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

Basin Plan means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

Best Management Practice (BMP) means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to

receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

Biofiltration means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term “biofiltration” as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

Bioretention means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

Bioswale means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

City means the City of Bradbury

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

Commercial Malls means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

Construction Activity means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See “Routine Maintenance” definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

Control means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

Development means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Directly Adjacent means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

Discharge means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

Disturbed Area means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

Flow-through BMPs means modular, vault type “high flow biotreatment” devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

General Construction Activities Storm Water Permit (GCASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

General Industrial Activities Storm Water Permit (GIASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

Green Roof means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

Hazardous Material(s) means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

Hillside means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

Impervious Surface means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to

development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

Industrial Park means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

Infiltration BMP means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

LID means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

MS4 means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

Natural Drainage System means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

Non-Stormwater Discharge means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

Parking Lot means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Planning Priority Projects means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

Pollutant means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

Project means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

Rainfall Harvest and Use means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

Receiving Water means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more 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 routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Regional Board means the California Regional Water Quality Control Board, Los Angeles Region.

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

Retail Gasoline Outlet means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

Routine Maintenance

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

Significant Ecological Areas (SEAs) means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.

7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

Site means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

Storm Drain System means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Bradbury.

Storm Water or Stormwater means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

Stormwater Runoff means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

SUSMP means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

Urban Runoff means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

[MUNICIPAL CODE SECTION REFERENCE(S)] is amended to read as follows:

SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

- (A) Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Municipal NPDES permit,” lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of SUSMP requirements.
- (B) Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Bradbury to further define and adopt stormwater pollution control measures, develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City of Bradbury shall administer, implement and enforce the provisions of this Section.

(C) Applicability. The following Development and Redevelopment projects, termed “Planning Priority Projects,” shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
 - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
 - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(D) Effective Date. The Planning and Land Development requirements contained in Section 7 of Order No. R4-2012-0175 shall become effective 90 days from the adoption of the Order (February 6, 2013). This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Section 7.

(E) Stormwater Pollution Control Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
 - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
- b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- c. When, as determined by the [APPROVING AGENCY(City of Bradbury?)], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
 - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
 - i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY(City of Bradbury?)] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].

- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

~~(E) Other Agencies of the City of Bradbury. All City of Bradbury departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].~~

(F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) Certification. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

PASSED, APPROVED, AND ADOPTED this XX day of XX, 2013.

MAYOR

ATTEST:

I, Claudia Saldana, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. XXX, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the XXth day of XX, 2013, that it was duly posted and that the same was passed and adopted by the following vote:

AYES:
NAYS:
ABSENT:

Claudia Saldana
CITY CLERK

APPROVED AS TO FORM:

Cary Reisman
CITY ATTORNEY

DRAFT



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

ORDINANCE NO. _____

An ordinance amending ~~[MUNICIPAL CODE SECTION REFERENCE(S)]~~ of the ~~[CITY NAME]~~ City of Duarte Municipal Code to expand the applicability of the existing ~~[NAME OF POST CONSTRUCTION REQUIREMENTS - LIKELY "SUSMP" FOR MOST MUNICIPALITIES]~~ STORMWATER AND URBAN RUNOFF POLLUTION CONTROL requirements by imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits.

Findings.

- (A) The ~~[CITY NAME]~~ City of Duarte is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The ~~[CITY NAME]~~ City of Duarte has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The ~~[CITY NAME]~~ City of Duarte has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- (E) The ~~[CITY NAME]~~ City of Duarte is committed to a stormwater management program that protects water quality and water supply by employing watershed-

based approaches that balance environmental, social, and economic considerations.

- (F) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.
- (G) The [CITY NAME]City of Duarte needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (H) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- (I) It is the intent of the [CITY NAME]City of Duarte to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

[MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME]City of Duarte Municipal Code is amended in its entirety to read as follows:

Definitions.

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

Automotive Service Facility means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

Basin Plan means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

Best Management Practice (BMP) means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

Biofiltration means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term “biofiltration” as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

Bioretention means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

Bioswale means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

City means the [CITY NAME]-City of Duarte

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

Commercial Malls means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls,

other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

Construction Activity means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

Control means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

Development means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Directly Adjacent means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

Discharge means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

Disturbed Area means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

Flow-through BMPs means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

General Construction Activities Storm Water Permit (GCASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

General Industrial Activities Storm Water Permit (GIASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

Green Roof means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

Hazardous Material(s) means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

Hillside means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

Hydromodification means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

Impervious Surface means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

Industrial Park means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

Infiltration BMP means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

LID means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

MS4 means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program" (Source: Order No. R4-2012-0175).

Natural Drainage System means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

Non-Stormwater Discharge means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

Parking Lot means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall

include the feminine and the singular shall include the plural where indicated by the context.

Planning Priority Projects means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

Pollutant means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

Project means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

Rainfall Harvest and Use means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

Receiving Water means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more 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 routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Regional Board means the California Regional Water Quality Control Board, Los Angeles Region.

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

Retail Gasoline Outlet means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

Routine Maintenance

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from

compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

Significant Ecological Areas (SEAs) means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.

3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

Site means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

Storm Drain System means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the [CITY NAME].

Storm Water or Stormwater means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

Stormwater Runoff means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

SUSMP means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

Urban Runoff means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

[MUNICIPAL CODE SECTION REFERENCE(S)] is amended to read as follows:

SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

(A) Objective. The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Municipal NPDES permit,” lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) Scope. This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the [CITY NAME]City of Duarte to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the [CITY NAME]City of Duarte shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) Applicability. The following Development and Redevelopment projects, termed “Planning Priority Projects,” shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.

- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
- a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
- a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
 - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
 - d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
 - e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.
- (12) Any other project as deemed appropriate by the Director.

(D) Effective Date. The Planning and Land Development requirements contained in this Ordinance shall become effective XX days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

(E) Stormwater Pollution Control Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

- (1) A new single-family hillside home development shall include mitigation measures to:
 - a. Conserve natural areas;
 - b. Protect slopes and channels;
 - c. Provide storm drain system stenciling and signage;
 - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.
- (2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
 - a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
 - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or

- ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
- b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
- i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
- i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].

- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

(E) Other Agencies of the [CITY NAME]City of Duarte. All [CITY NAME]City of Duarte departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].

(F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) Certification. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

I hereby certify that this ordinance was passed by the Council of the [CITY NAME]City of Duarte, at its meeting of _____.

[NAME], City Clerk

By

Deputy

Approved _____

Mayor

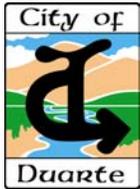
Approved as to Form and Legality
[NAME], City Attorney

By _____
[NAME]
Deputy City Attorney

Date _____

File No. _____

DRAFT



MEMORANDUM

To: MS4 NPDES Permit File

From: Rafael Casillas, P.E., Public Works Manager

Date: June 26, 2013

Subject: Draft Low Impact Development Ordinance and Draft Green Streets Policy

The Director of Community Development, City Engineer and Public Works Manager reviewed and discussed the template Draft Low Impact Development (LID) Ordinance and Draft Green Streets Policy that was developed by Larry Walker and Associates on behalf of the Los Angeles Permit Group. The Los Angeles Permit Group members are seeking clarification from the Regional Board staff on the deadline for applicability and final Ordinance and Policy adoption. The proposed LID Ordinance and Green Streets Policy implementation will be incorporated into the Municipal Code.



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

Green Street Policy (DRAFT)

Purpose

The City of Duarte Department of Community Development shall require new green street BMPs for transportation corridors as well as new and redeveloped streets and roadway projects, including Capital Improvement projects, to be constructed to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles River Watershed (No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle access. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, or other stormwater BMPs to collect, retain, or detain stormwater runoff as well as other features that create attractive streetscapes.

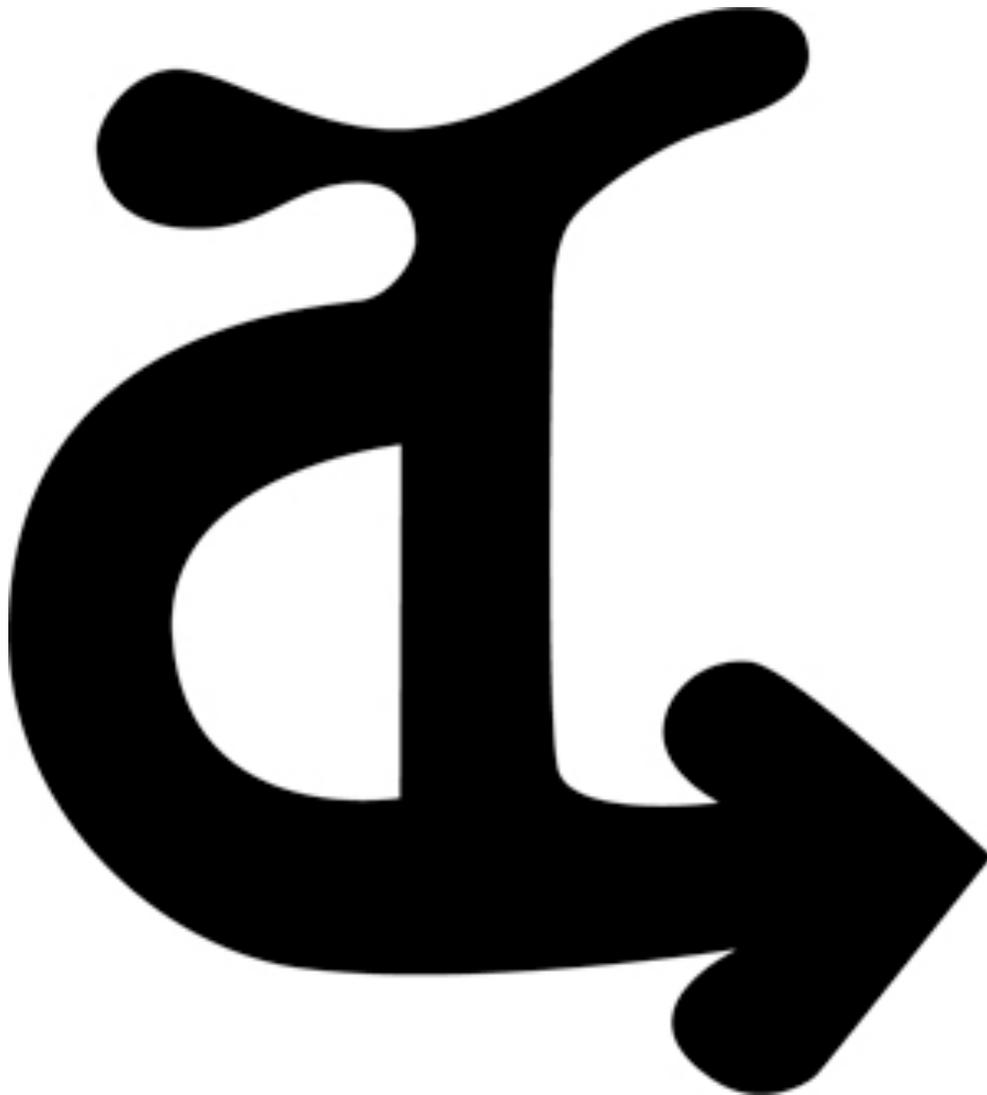
Policy

- A. Application. The Department of Community Development shall require new development and/or redevelopment of streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors project roadway projects that contain at least 10,000 square feet of impervious surface. Routine maintenance or repair of utility projects are excluded from these requirements. Routine maintenance includes sealcoating, pothole repair, and reconstruction of the road or street within the original line and does not include maintenance of the roadway.
- B. Amenities. The Department of Community Development shall require new development and/or redevelopment of streets and roadway projects and CIPs to incorporate amenities to replenish groundwater, create wildlife habitats, and provide pedestrian and bicycle access.
- C. Guidance. The Department of Community Development shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, or equivalent guidance developed by the Department of Community Development for use in public and private developments.
- D. Retrofit Scope. The Department of Community Development shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities

¹ EPA-833-F-08-009, December 2008.

for green street BMP retrofits. Final decisions regarding implementation will be determined by the City Engineer based on the availability of adequate funding.

- E. Training. The Department of Community Development shall incorporate aspects of green streets into internal annual staff trainings.





CITY OF MONROVIA

File No. X.XX
Administrative Policy

Subject: GREEN STREETS POLICY (**DRAFT**)

Effective Date: **TBD**

I. POLICY OBJECTIVE

The City of Monrovia provides that the City of Monrovia shall *require the implementation of* green street BMPs for transportation corridors associated with new and redevelopment streets, shall implement green street BMPs for transportation corridors associated with roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

II. AUTHORITY

Green Streets Policy as adopted by the City Council

III. ASSIGNED RESPONSIBILITIES

The *Department of Public Works* shall condition projects pertaining to new and redevelopment of transportation corridors to implement green street BMPs. These project conditional shall apply to privately developed new and redevelopment streets. Additionally, the Department of Public Works shall ensure that green street BMPs for transportation corridors associated with roadway projects, including Capital Improvement Projects (CIPs), are implemented.

IV. APPLICABILITY

TBD

The Department of Public Works shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are *major arterials as defined in the City's General Plan* which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

V. POLICY

- A. The *Department of Public Works* shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- B. The *Department of Public Works and Department of Community Development* shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, or equivalent guidance developed by the City] for use in public and private developments.
- C. The *Department of Public Works and Department of Community* shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the *Director of Public Works* based on the availability of adequate funding.
- D. The *Department of Public Works* shall incorporate aspects of green streets into internal annual staff trainings.

¹ EPA-833-F-08-009, December 2008.



DRAFT

**Items highlighted in grey are optional clauses*

ORDINANCE NO. 201X-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING CHAPTER 12.36 OF TITLE 12 (STORMWATER AND URBAN RUNOFF POLLUTION CONTROL) OF THE MONROVIA MUNICIPAL CODE ESTABLISHING LOW IMPACT DEVELOPMENT REQUIREMENTS FOR NEW AND REDEVELOPED PROPERTIES

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA does ordain as follows:

SECTION 1. Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by adding the following findings to Sections 12.36.020 as follows:

(H) The City of Monrovia is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.

(I) The City of Monrovia has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.

(J) The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order

No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.

(K) The City of Monrovia has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.

(L) The City of Monrovia is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.

(M) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.

(N) The City of Monrovia needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.

(O) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.

(P) It is the intent of the City of Monrovia to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

SECTION 2. Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by amending the following definitions to Sections 12.36.040 as follows:

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

AUTOMOTIVE SERVICE FACILITY. A facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

BEST MANAGEMENT PRACTICE (BMP). Practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

REPLACE "CONSTRUCTION" WITH "CONSTRUCTION ACTIVITY". Any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

POLLUTANT. Any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.
- (7) ??? Need to check on revision to #7

DEVELOPMENT. Construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

DISCHARGE. Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

PLANNING PRIORITY PROJECTS. Development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

PROJECT. All development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

REDEVELOPMENT. Land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more 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 routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

STANDARD URBAN STORM WATER MITIGATION PLAN OR SUSMP. The Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

URBAN RUNOFF. Surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

STORMWATER RUNOFF. That part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

SECTION 3. Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by adding the following definitions to Sections 12.36.040 as follows:

BASIN PLAN. The Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

BIOFILTRATION. A LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

BIORETENTION. A LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal

NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

BIOSWALE. A LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

~~City means the City of Monrovia.~~

CLEAN WATER ACT (CWA). The Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

COMMERCIAL MALLS. Any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

~~Control means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities. (Source: Order No. R4-2012-0175).~~

~~Directly Adjacent means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).~~

~~Disturbed Area means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).~~

FLOW-THROUGH BMPS. Modular, vault type “high flow biotreatment” devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT (GCASP). The general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

GENERAL INDUSTRIAL ACTIVITIES STORM WATER PERMIT (GIASP). The general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

GREEN ROOF. A LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to

provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

HAZARDOUS MATERIAL(S). Any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

~~**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).~~

HYDROMODIFICATION. The alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

IMPERVIOUS SURFACE. Any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

INDUSTRIAL PARK. Land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

INFILTRATION BMP. A LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

LID. Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

MS4. Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and

- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

NATURAL DRAINAGE SYSTEM. A drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

~~**New Development** means land-disturbing activities; structural development, including construction or installation of a building or structure; creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).~~

~~**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).~~

~~**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).~~

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

RAINFALL HARVEST AND USE. A LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

RECEIVING WATER. “Water of the United States” into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

~~**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.~~

~~**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).~~

~~**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).~~

ROUTINE MAINTENANCE. Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

SIGNIFICANT ECOLOGICAL AREAS (SEAS). An area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

~~Site means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).~~

STORM DRAIN SYSTEM. Any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Monrovia.

STORM WATER OR STORMWATER. Water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

SECTION 4. Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by adding a new Section 12.36.XXX:

“12.36.XXX. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

(A) Objective. The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Municipal NPDES permit,” lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) Scope. This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Monrovia to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the City of Monrovia shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) Applicability. The following Development and Redevelopment projects, termed “Planning Priority Projects,” shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.

- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
 - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
 - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
 - d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
 - e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the Director.

(D) **Effective Date.** The Planning and Land Development requirements contained in this Ordinance shall become effective **XX** days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

(E) **Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
 - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

- b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
- i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
- i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
- i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

(E) Other Agencies of the City of Monrovia. All City of Monrovia departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].

(F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

SECTION X. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION X. The City Clerk shall certify to the passage of this ordinance and shall cause same to be published pursuant to state law within **fifteen (15) days** after its passage, and this ordinance shall become effective **thirty (30) days after its passage.**

INTRODUCED this **Xst day of [MONTH] 201X.**

PASSED, APPROVED, AND ADOPTED this **Xst day of [MONTH] 201X.** by the following vote:

AYES:
NOES:
ABSTAIN:
EXCUSED:

BY:

Mary Ann Lutz, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Alice D. Atkins, CMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia

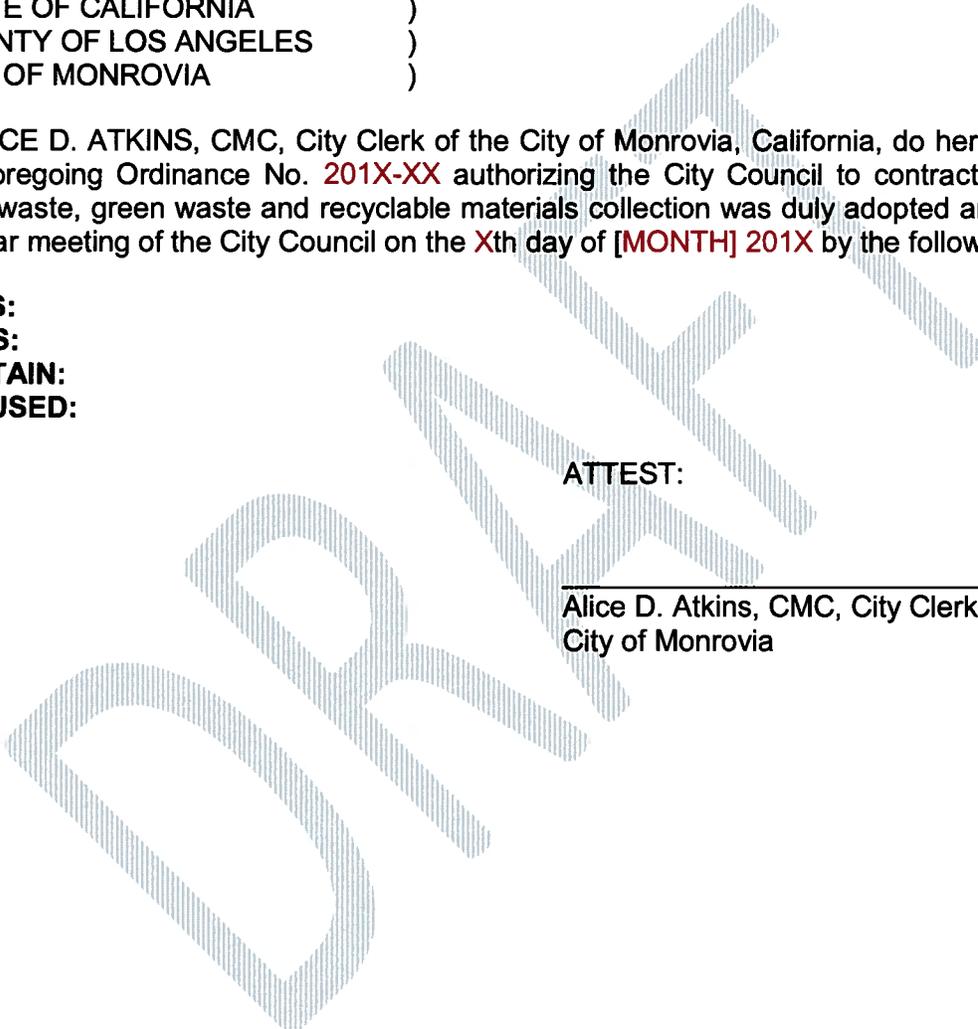
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF MONROVIA)

I, ALICE D. ATKINS, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing Ordinance No. **201X-XX** authorizing the City Council to contract for residential solid waste, green waste and recyclable materials collection was duly adopted and passed at a regular meeting of the City Council on the **X**th day of **[MONTH] 201X** by the following vote:

AYES:
NOES:
ABSTAIN:
EXCUSED:

ATTEST:

Alice D. Atkins, CMC, City Clerk
City of Monrovia





CITY OF MONROVIA
INTER-OFFICE MEMORANDUM

DATE: June 24, 2013
TO: MS4 NPDES Permit File
FROM: Heather Maloney, Senior Management Analyst
SUBJECT: **Draft Low Impact Development Ordinance and Draft Green Streets Policy Status**

This memo is to document that the Draft LID Ordinance and Draft Green Streets Policy have been review and discussed with key City staff. On May 7, 2013, I met with the following City Staff:

- Jun Cervantes, City Engineer
- Craig Jiminez, Planning Division Manager
- Brian O'Connor, Planning Management Analyst
- Sharon Gallant, Environmental Services Management Analyst

During the meeting, we reviewed the Template/Draft LID Ordinance and Draft Green Streets Policy language that was developed by Larry Walker and Associates on behalf of the LA Permit Group. Furthermore, we discussed a rough Final Ordinance and Policy development timeline, potential cofforming changes that would need to take place in other Municipal Code/General Plan sections, CEQA review, and technical consulting and legal assistance needed.

In June 2013, the Draft LID Ordinance and Draft Green Streets Policy was also dicussed with the contract engineer utilized by the City for plan reviews. He indicated he understod the drafts and requested clarification on when they would be implemented and applicable to new/redvelopment and streets projects. I told him that I along with several other LA Permit Group members were trying to seek clarification from Regional Board staff on this guideline as the deadline for applicability and final Ordinance/Policy adoption is not clearly called out in the MS4 Permit.

The Draft LID Ordinance and Draft Green Streets Policy have also been discussed with our Director of Public Works, City Manager and City Attorney's Office on several occasions.



City of Sierra Madre

Public Works Department

232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024

phone 626.355.7135 fax 626.355.2251

DRAFT

Draft Green Streets Policy **6/25/2013**

Green Street Policy

Purpose

The City of Sierra Madre's Department of Public Works shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

Policy

A. Application. The Department of Public Works shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the (add year, existing or updated) Sierra Madre General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

B. Amenities. The Department of Public Works shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife

- habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The Department of Public Works shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, or equivalent guidance developed by the Department of Public Works for use in public and private developments.
 - D. Retrofit Scope. The Department of Public Works shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the Director of Public Works based on the availability of adequate funding.
 - E. Training. The Department of Public Works shall incorporate aspects of green streets into internal annual staff trainings.

¹ EPA-833-F-08-009, December 2008.



City of Sierra Madre

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phone 626.355.7135 fax 626.355.2251

DRAFT

Draft Low Impact Development Ordinance 6/25/2013

ORDINANCE NO. XX-XX

An ordinance amending [MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Sierra Madre Municipal Code to expand the applicability of the existing Sierra Madre Municipal Code sections 15.04.070 “Building Code and Permits - Stormwater retention” and Sierra Madre Municipal Code Chapter 7.04 “Stormwater Pollutant Elimination” requirements by imposing Low Impact Development (LID) strategies on projects that require building permits.

Findings.

- (A) The City of Sierra Madre is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The City of Sierra Madre has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4,” issued by the California Regional Water Quality Control Board--Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES permit”). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.

- (D) The City of Sierra Madre is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental and economic considerations.
- (E) Urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters.
- (F) The City of Sierra Madre seeks to update its approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (G) LID is widely recognized as a sensible approach to managing the quantity and quality of stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- (H) It is the intent of the City of Sierra Madre to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under “Applicability.”

[MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Sierra Madre Municipal Code is amended in its entirety to read as follows:

Definitions.

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

Automotive Service Facility means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

Basin Plan means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

Best Management Practice (BMP) means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

Best Management Practice (BMP) Manual means a manual identified to assist applicants with meeting the requirements of this chapter. The BMP Manual shall be selected by the City Engineer and may be updated, or replaced from time to time when additional qualified and available specifications are produced. The BMP Manual shall be available at the Development Services and Public Works Departments for public access.

Biofiltration means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term “biofiltration” as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

Bioretention means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

Bioswale means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

City means the City of Sierra Madre.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

Commercial Malls means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

Construction Activity means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See “Routine Maintenance” definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

Control means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

Development means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include -- certain conditions.

Green Roof means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

Hazardous Material(s) means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

Hillside means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

Impervious Surface means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

Industrial Park means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

Infiltration BMP means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

LID means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

MS4 means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA

§307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

Natural Drainage System means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

Non-Stormwater Discharge means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

Parking Lot means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Planning Priority Projects means development projects subject to City conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

Pollutant means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).

- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

Project means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

Rainfall Harvest and Use means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

Receiving Water means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more 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 routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

Regional Board means the California Regional Water Quality Control Board, Los Angeles Region.

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

Retail Gasoline Outlet means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

Routine Maintenance

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

Significant Ecological Areas (SEAs) means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

Site means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

Storm Drain System means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for

the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Sierra Madre.

Storm Water or Stormwater means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

Stormwater Runoff means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

SUSMP means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

Urban Runoff means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

Sierra Madre Municipal Code Section 15.04.070 is amended to read as follows:

STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

- (A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Municipal NPDES permit,” lessen the water quality impacts of development, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of SUSMP requirements.
- (B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Sierra Madre to further define and adopt stormwater pollution control measures, develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City of Sierra Madre shall administer, implement and enforce the provisions of this Section.
- (C) **Applicability.** The following Development and Redevelopment projects, termed “Planning Priority Projects,” shall comply with the requirements of 15.04.070.

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
 - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
 - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality

control requirements, only the alteration must be mitigated, and not the entire development.

- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(D) Effective Date. The Planning and Land Development requirements contained in Section 7 of Order No. R4-2012-0175 shall become effective 90 days from the adoption of the Order (February 6, 2013). This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Section 7.

(E) Stormwater Pollution Control Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

- (1) A new single-family hillside home development shall include mitigation measures to:
 - a. Conserve natural areas;
 - b. Protect slopes and channels;
 - c. Provide storm drain system stenciling and signage;
 - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

- (2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
 - a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
 - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
 - b. When, as determined by the City Engineer, 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
 - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - c. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.

- i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the City Engineer to determine eligibility.
- d. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- e. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the City Engineer to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

(E) Other Agencies of the City of Sierra Madre. All City of Sierra Madre departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the Department of Public Works.

(F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) Certification. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

I hereby certify that this ordinance was passed by the Council of the City of Sierra Madre at its meeting of _____.

Nancy Shollenberger, City Clerk

By

Deputy

Approved _____

Mayor

Approved as to Form and Legality
[NAME], City Attorney

By _____

[NAME]

Deputy City Attorney

Date _____

File No. _____

Memo

To: 2012/2013 NPDES New Permit File
From: James Carlson, Management Analyst

Date: June 25, 2013

Re: **Development of Low Impact Development (LID) Ordinance and Green Streets Policy**

This memo is to document the progress of the City of Sierra Madre's efforts to produce both a Low Impact Development (LID) Ordinance and Green Streets Policy. The origin of these efforts can be identified by the necessities that are required by the new MS4 permit. The importance of developing (and now updating) these items is further warranted by our current water source emergency.

On December 11, 2012 the Sierra Madre City Council adopted resolution 12-92 which included the immediate adoption of the City of Los Angeles LID Ordinance and the City of Los Angeles Green Streets Policy. This also included the associated BMP Manuals. Resolution 12-92 was adopted to ensure that the City of Sierra Madre had an LID Ordinance and Green Street's Policy in place as an interim measure while staff worked to update both the ordinance and policy to more closely fit with Sierra Madre's conditions. The ordinance has been in effect and used during all qualifying plan checks.

The City of Sierra Madre also contributed funds to the San Gabriel Valley Council of Governments to work with Larry Walker and Associates to create templates of an LID Ordinance and Green Street Policy. I have been working with Public Works Director Bruce Inman, City Engineer Kev Tcharkhoutian, and City Attorney Theresa Highsmith in this development. The update to our interim LID Ordinance and Green Streets policy is tentatively scheduled to go back to the City Council for approval on July 23, 2013.

Thank you!