

City of Fortuna
Storm Water Management Program
October 2005

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INTRODUCTION

This is a Storm Water Management Program (SWMP) prepared by the City of Fortuna (City) in response to State Water Resources Control Board Water Quality Order 2003-0005-DWQ for Phase II of the National Pollutant Discharge Elimination System (NPDES). This program covers the incorporated area of the City of Fortuna. Figure 1.1 shows the City of Fortuna and major streams in the permit area, and their respective watershed boundaries in relation to the City limits.

The goal of this SWMP is to protect water quality from the impacts of storm water runoff through compliance with Phase II NPDES Permit requirements and applicable regulations, and to foster maximum public involvement and awareness of storm water issues. This SWMP outlines activities to be implemented during the first five-year NPDES permit period.

Storm drains typically flow into creeks that have already passed through a variety of land uses, including natural, agricultural, industrial and urban, and often through more than one permit jurisdiction. As an example, a local creek begins in a federally-administered and protected area, the Headwaters Forest Reserve, now part of the National Landscape Conservation System. It then passes through state-owned land, private industrial timberlands and agricultural areas before entering the city limits. As such, Fortuna is faced with the challenge of identifying the most effective measures in reducing pollutants in any given watershed, and working with other agencies to implement these measures.

This SWMP is managed by the City's Public Works staff. Other local agencies may be involved to ensure appropriate implementation of various Best Management Practices (BMPs).

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Regulatory Requirements and Applicable Standards

The Storm Water Phase II Final Rule requires the operator of a regulated small municipal separate storm sewer system (MS4), to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage because discharges of storm water from such systems are considered “point sources” of potential pollution. MS4s are considered publicly owned or operated point sources because they collect storm water and direct it into discrete conveyances, including roads with drainage systems and municipal streets.

According to 40 CFR 122.26(b)(8), “municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- 1) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...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 Clean Water Act that discharges into waters of the United States.
- 2) Designed or used for collecting or conveying storm water;
- 3) Which is not a combined sewer; and
- 4) Which is not a part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

EPA categorizes MS4s as either “small,” “medium,” or “large.” Regulated small MS4s are automatically designated if they are located in “urbanized areas” (as defined by the Bureau of the Census). The City of Fortuna falls into this category. Another factor in this qualification is that storm water discharges into the Eel River, which the EPA has listed as a 'sensitive water body' due to sedimentation and adverse temperature.

The State of California imposes additional requirements if the small MS4 is located in an area that is expected to undergo greater than 10% population growth per year. No such growth rate is expected in the City so the State’s additional regulations do not apply. In addition, the watershed is not a significant contributor to another permitted MS4.

City Responsibilities

The City of Fortuna is responsible for implementing the SWMP within its incorporation boundaries. In the case of land use regulation policies, some BMPs that protect water quality in construction site and post-construction activities exist and are applicable citywide. In addition, the City implements certain BMPs in topics of overlapping interest, such as public education.

Requirements for Regulated Small MS4s

The owner or operator of a Phase II regulated small MS4 is required to submit a Notice of Intent (NOI) and Storm Water Management Program (SWMP) to obtain coverage under an NPDES storm water permit. The SWMP must describe how pollutants in storm water runoff will be minimized based on selected BMPs that address the six “Minimum Control Measures” (MCMs).

The intent of the SWMP is to:

- 1) Reduce the discharge of pollutants to the “maximum extent practicable”;
- 2) Protect water quality; and
- 3) Satisfy the appropriate water quality requirements of the Clean Water Act.

“Maximum Extent Practicable” (MEP) is a standard introduced by the US EPA that establishes the level of pollutant reductions that MS4 operators must achieve through implementation of a storm water management program. The MEP is generally a result of emphasizing pollution prevention and source control BMPs in combination with treatment methods where appropriate. Permitted entities such as the City will determine what the MEP is on a location-by-location basis and consider such factors as conditions of receiving waters, specific local concerns, and other aspects of a comprehensive watershed plan.

The Phase II Rule defines a storm water management program for a small MS4 as a program composed of six elements that, when implemented together, are expected to reduce pollutants discharged into receiving water-bodies to the MEP.

These six program elements, or MCMs, are

- 1) Public Education and Outreach on Storm Water Impacts
- 2) Public Involvement/Participation
- 3) Illicit Discharge Detection and Elimination
- 4) Construction Site Runoff Control
- 5) Post-Construction Storm Water Management in New Development and Redevelopment
- 6) Pollution Prevention/Good Housekeeping for Municipal Operations

The implementation and evaluation of these six minimum control measures is the framework of the City’s Storm Water Management Program (SWMP). Because the field of storm water quality and associated technology is constantly evolving, the City intends to evaluate both current conditions and BMP effectiveness on a regular basis, and will update the selected BMPs and measurable goals as necessary to achieve the objective of meeting water quality standards to the Maximum Extent Practicable. It may be necessary to expand or better tailor the proposed BMPs after implementing the minimum control measures described in this SWMP in the future. Such changes would be based on the results of inspections detailed in the annual reports and developed in consultation with stakeholders and the Regional Water Quality Control Board (RWQCB).

Application for Coverage

The City has applied for coverage under the State of California General Permit.

As required, this SWMP contains the following information:

- 1) The area covered by the SWMP;
- 2) Best management practices (BMPs) for each of the six Minimum Control Measures;
- 3) Measurable goals for each of the BMPs (i.e., narrative or numeric standards used to gauge program effectiveness);
- 4) A timeline for implementation of each measure (estimated months and years to implement each measure, including interim milestones and frequency of measurement); and
- 5) Individual(s) or group(s) responsible for implementing or coordinating the storm water program.

Each of these topics is discussed in the SWMP. BMPs and their implementation are discussed under the appropriate MCM section. Because significant overlap exists between MCM efforts, some sections contain cross-references to other sections in order to avoid redundancy.

Minimum Control Measures

The Phase II Rule defines a storm water management program for a small MS4 as a program composed of six elements that, when implemented together, are expected to reduce pollutants discharged into receiving water-bodies to the Maximum Extent Practicable.

These six program elements, or minimum control measures (MCMs), are:

- 1) Public Education and Outreach on Storm Water Impacts;
- 2) Public Involvement/Participation;
- 3) Illicit Discharge Detection and Elimination;
- 4) Construction Site Runoff Control;
- 5) Post-Construction Storm Water Management in New Development and Redevelopment;
- 6) Pollution Prevention/Good Housekeeping for Municipal Operations.

The implementation and evaluation of these six minimum control measures form the framework of the City's Storm Water Management Program. Within each MCM category, specific BMPs were selected based on a number of factors including, but not limited to previously completed storm water quality assessments, physical observations of local creeks and storm drain systems, experience of maintenance staff, technical feasibility, cost, effectiveness, and public acceptance.

1.0 PUBLIC EDUCATION AND OUTREACH

The goal of this element is to facilitate greater public awareness of the sensitivity of local surface waters, their beneficial uses, the detrimental effects of polluted

storm water and illicit discharges, and introduce steps that can be taken to reduce storm water pollution. Helping the public and local officials understand the problems associated with urban runoff can assist in building support for the storm water program.

The City will accomplish this by obtaining educational materials and distributing them to the public through a variety of short and long-term public education campaigns that will inform the community about how our actions impact storm water discharges and the negative effects to our local water bodies.

The City's outreach and education efforts will evolve throughout the five-year Permit term. Educational efforts will focus on storm water issues of local concern, which include pollution from sediments, nutrients, bacteria, petroleum hydrocarbons, metals, pesticides, herbicides, trash and debris. Local stewardship and partnerships among governmental agencies, schools, universities and private interests are vital parts of the types of involvement envisioned in this Program Element.

Specific BMPs to be implemented as part of the Public Education and Outreach MCM are provided below.

1.1 Minimum Requirements

To satisfy this MCM, the City is required to:

- 1) Implement a public education program to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of storm water discharges on local water bodies and the steps that can be taken to reduce storm water pollution
- 2) Determine the appropriate BMPs and measurable goals for this minimum control measure.

1.2 Best Management Practices and Measurable Goals

The City has selected the following BMPs and measurable goals to implement its Public Education and Outreach program:

BMP 1-1 Storm Water Quality Brochures

The City will distribute brochures and fact sheets to the general public which discuss storm water issues. These documents will be made available at City offices, local libraries, local schools, and on the City's web site, www.sunnyfortuna.com, and may be distributed periodically with mass mailings such as the annual newsletter. Storm water education and outreach materials provided by the City will be available in English and Spanish.

Measurable Goal:

- 1) Continue distribution of storm water brochures and fact sheets.
- 2) Compile annual distribution data.

BMP 1-2 Storm Drain Stenciling/Signage

In order to facilitate awareness, stencils or signs will be used in highly visible locations to mark local creeks and their tributaries. The City and volunteers will stencil messages or place markers such as “Do Not Dump: Drains Directly to Creek” at strategically placed locations along City storm drains (e.g., at catch basins and along open channels).

Measurable Goal:

- 1) Determine appropriate locations and install additional informational signs adjacent to Fortuna creeks. New and replacement storm drain stenciling/signage will be completed at the rate of no less than 50 per year.
- 2) Inspect storm drain inlets and repaint stencils or reapply signage as required on an ongoing basis.
- 3) Annually report number of locations stenciled or signs installed.

BMP 1-3 Storm Water Hotline

In 2006, the City will implement a storm water hotline for residents to report water quality issues or get information such as where to dispose of hazardous waste. The number will be included in brochures and on the City’s web site located at <http://www.sunnyfortuna.com>.

Measurable Goals:

- 1) Implementation of a Storm Water Hotline in 2006.
- 2) Promotion of hotline number on all printed materials and web page.
- 3) Annual reporting of calls received.

BMP 1-4 Educational Programs for School Children

The City will work with the local school districts to promote awareness of storm water issues at local schools. Potential ways of accomplishing this include organizing guided field trips to local creeks, providing guest lecturers at school assemblies and classrooms, and the discussion of storm water issues in science courses.

Measurable Goals:

- 1) Storm water quality curriculum obtained and distributed in cooperation with local school districts in 2007.
- 2) 50% of all school children (K-8) receive some type of storm water quality education every two years.

BMP 1-5 Special Event Displays

The City will provide educational displays on storm water issues at local events such as workshops, Farmers’ Market, festivals, etc. City staff will be present at such events to discuss storm water issues with interested members of the public.

Measurable Goals:

- 1) Construction of educational storm water quality displays.
- 2) Placement of storm water educational displays at a minimum of four events per year.

BMP 1-6 Media Campaign

The City will partner with County and other north coast cities to develop a long-term public outreach strategy utilizing radio and television to provide a uniform message of the importance of storm water quality to the area.

Measurable Goal:

- 1) Develop long-term public outreach strategy in cooperation with County and other north coast jurisdictions.
- 2) Co-sponsor at least one media campaign per year in cooperation with County and other north coast jurisdictions.

1.3 Reporting

The data collected for each measure (such as number of brochures distributed) will be compiled, reviewed and summarized in annual reports. Significant variance from targets will be assessed and discussed in annual reports. Progress in implementing goals that have multi-year timelines will be reported annually. Implementation of BMPS will be fine-tuned as needed. Measurable goals will be adjusted as appropriate, and the basis for any changes will be included in the next annual report.

2.0 PUBLIC PARTICIPATION AND INVOLVEMENT

The participation of the public in the City's Storm Water Management is critical to a successful effort to protect the City's water resources. Therefore, active public participation is encouraged and supported by the City.

The City's stormwater outreach effort has partnered with the Fortuna High School Creek Project (<http://www.fortunacreeks.org>) and has been participating in community stream cleanup events since 1996.

The goal of this minimum control measure is to facilitate public participation and involvement in the development, implementation, and periodic review of the SWMP, as well as volunteer efforts. The benefits of this include improving public knowledge of local storm water issues, receiving public input on potential solutions, gaining public support for and compliance with the SWMP, and developing a volunteer workforce to help implement the SWMP and related efforts. Facilitating public participation and involvement will be accomplished by implementing the BMPs provided below.

2.1 Minimum Requirements

At a minimum, the City is required to comply with all State and local public notice requirements when implementing a public involvement/participation program.

The EPA has provided additional guidance for developing a public participation and involvement program and offers the following BMPs for consideration (*Fact Sheet 2.4 Public Participation/Involvement Minimum Control Measure, 01/00; and "Measurable Goals Guidance for Phase II Small MS4s"*):

- 1) Establish a steering committee
- 2) Hold regular public meetings
- 3) Establish regular coordination among agencies
- 4) Storm Drain Stenciling
- 5) Community clean-ups, and
- 6) Adopt a Storm Drain Program.

These BMPs assure that the program will be supported by City residents and provide input to guide development of the program in the future.

2.2 Best Management Practices and Measurable Goals

The City has selected the following BMPs and measurable goals to implement its Public Participation/Involvement program:

BMP 2-1 Establish Steering Committee

In order to incorporate Fortuna-specific concerns and ideas into this SWMP, a steering committee will be created in 2006 and all interested community members and organization representatives will be encouraged to attend.

Measurable Goals:

- 1) Continued participation in the regional stakeholders committee meetings by City staff (ongoing)
- 2) Formation of local SWMP Steering Committee led by a City representative in 2006.
- 3) Promotion of local SWMP Steering Committee on the City web site. The web site is located at <http://www.sunnyfortuna.com>.
- 4) Annual summary of steering committee participation.

BMP 2-2 Hold regular public meetings

The City will advertise all public meetings held before adoption of the SWMP, and during its periodic review in ensuing years. The City will seek public comments and input during such meetings and public review periods.

All public noticing requirements established by State law will be met. Meetings of the local steering committee will be advertised and held on a bimonthly basis.

Measurable Goals:

- 1) All public meetings on the adoption and periodic review of the SWMP will be advertised and duly noticed (ongoing)
- 2) Meetings of the local SWMP steering committee will be held on a bimonthly basis with attendance and actions documented.

BMP 2-3 Agency Coordination

Since 1998 City representatives have been attending meetings of local, state and federal agencies with interests in local stormwater issues. Topics for discussion are suggested by participants and include development and interpretation of non-point source regulations, opportunities for cooperative efforts, emerging technology and sharing of water quality information.

Measurable Goals:

- 1) Participation in local meetings will continue, and attendance and actions will be documented (ongoing).
- 2) City staff will continue to meet with other agency's representatives on an as needed basis and attendance and actions will be documented (ongoing).

BMP 2-4 Volunteer Group Formation

The City is implementing a volunteer "Adopt a Spot" program where community members assist with trash, pet waste, and litter pick up and disposal along City streets and open spaces. This same concept will be applied to creeks and storm drains. The City will promote the formation of Creek Watchers and Adopt-a-Storm Drain groups to assist in reducing the amount of trash, pet waste, and debris entering the drainage systems, and make general observations on their overall condition. The City will assist in the formation and fostering of such groups as much as possible. Forms of City assistance may include arranging access to creeks and storm drains, provision of trash collection, transport, and disposal equipment and facilities, and advertising of events.

Measurable Goals:

- 1) Ongoing informal recruitment of interested community members to Creek Watchers and Adopt a Storm Drain groups. Membership and activities of these programs will be documented.
- 2) Promotion of Creek Watchers and Adopt a Storm Drain volunteer groups on the City web site, <http://www.sunnyfortuna.com>.

BMP 2-5 Community clean-ups

The City will assist the Fortuna Creeks Project in organizing and advertising at least one major public creek clean up event per year.

Measurable Goal:

- 1) Implementation and documentation of at least one public creek clean up event per year.

BMP 2-6 Storm Drain Stenciling

The City will continue to promote stenciling/marketing of "Do Not Dump: Drains Directly to Creek" at storm drain locations throughout the city.

Measurable Goal:

- 1) Inspect all storm drain inlets and repaint stencils as required on an ongoing basis.
- 2) Annual report will include number of locations repainted.
- 3) As specified in Measurable Goal 1-2, new and replacement storm drain stenciling/signage will be completed at the rate of no less than 50 per year.

BMP 2-7 Storm Water Quality Hotline

The City will establish a Storm Water Phone Line that citizens can call to report a wide range of concerns related to storm water issues, including implementation of the SWMP, illegal dumping, illicit discharges, erosion from local construction sites, etc. The Storm Water Phone Line will be advertised at storm water events and meetings, and in educational materials distributed by the City.

Measurable Goals:

- 1) Implementation of Storm Water Hotline in 2006.
- 2) Promotion of the hotline number on all printed materials and web site.
- 3) Annual report of calls to the hotline and the City's response.

2.3 Reporting

The data collected for each above BMP will be compiled, reviewed and reported in annual reports. Significant variance from targets will be assessed and discussed in annual reports. Measurable goals will be adjusted as appropriate; the basis for any changes will be included in the next annual report. Feedback from stakeholders and other sources will be used to improve implementation of all six minimum control measures.

3.0 ILLICIT DISCHARGE DETECTION AND ELIMINATION

This minimum measure of the Storm Water Management Program is designed to reduce pollutants in storm water runoff to receiving waters. It requires the development and implementation of a system to identify and eliminate sources of illicit discharge and illegal dumping. The City will develop a program to identify and eliminate illicit discharges throughout the permit area. The program depends on a number of partners including the public and other local agencies. The specific requirements for this system are described in detail below, including measurable goals for determining effectiveness.

3.1 Minimum Requirements

An illicit discharge is defined by as "a point source discharge of pollutants to separate storm drain system which is not composed entirely of storm water and not authorized by an NPDES permit." Improperly disposed of materials that enter the storm water system can cause health and safety concerns as well as other receiving water impacts.

Discharge sources must be controlled and illegal behavior prevented. Controlling and eliminating illicit discharges through a comprehensive detection and

abatement program can protect the public health and safety. Prevention can be enhanced through education on hazards and consequences of illegal disposal, provision of alternative disposal options and incentives, and through legal enforcement procedures (*USEPA Fact Sheet 2.5 – Illicit Discharge Control, 01/00*).

Non-storm water discharges may be classified as: Illicit or Exempted. The following discharges may be exempted from being regulated discharges unless they are determined to be a significant source of pollution or a nuisance.

Table 3.1:

Discharges Exempted from SWMP Regulation:

- emergency fire fighting discharges
- irrigation water
- landscape irrigation
- springs
- diverted stream flows
- water from crawl space pumps
- rising ground waters
- footing drains
- air conditioning condensation
- lawn watering
- foundation drains
- street wash water
- flows from riparian habitats and wetlands
- individual residential car washing.

3.2 Best Management Practices

In addition to implementing the “Best Management Practices”, the city will evaluate the efficacy of adopting a storm water ordinance during the implementation period.

BMP 3-1 Storm Sewer Mapping

In order to ascertain the extent of the area covered by storm water collection drains, the storm sewer system has been mapped and surveyed. This information is available in the offices of the Public Works Department (phone 707-725-7615).

BMP 3-2 Enforcement Authority

The City will evaluate the existing ordinances as part of this SWMP. The need for an ordinance to specifically address non-storm water discharges will be assessed in FY 2005-6 (See proposed changes to Municipal Code, Exhibit A). Existing regulations must be evaluated in the context of a new blanket storm water ordinance to ensure that any new ordinance does not conflict, interfere with, duplicate or negate existing law and their enforcement by all appropriate county departments. Where water quality impacts are anticipated, new

developments may be required to participate in riparian and or wetland restoration.

BMP 3-3 Education and Outreach

The most effective action in the elimination and prevention of illicit discharges is the education and cooperation of a concerned public. The efforts for educating the community about controlling illicit discharges, listed below, are discussed in greater detail in Section 1.0 - Public Education and Outreach.

- 1) City web site at <http://www.sunnyfortuna.com>
- 2) Regional Water Quality Hotline
- 3) Brochures
- 4) Public events
- 5) Media Campaign

In general, illicit discharges occur because of a lack of awareness on the part of the discharger. Often, simply pointing out the error and suggesting best management practices to be used in the future is enough to convince businesses and homeowners to cease discharging, dumping or to eliminate the illegal connection. In most cases the individual responsible can be motivated to do the right thing, and will implement appropriate BMPs.

BMP 3-4 Identification and Elimination of Illicit Discharge Sources

In order to maximize the limited resources available, potential sources of illegal dumping and illicit connections are identified and prioritized based in part on public access and contact to the area (or storm drain), and characterization of nearby land uses as industrial, commercial and older residential areas. In addition, the sources shown in Table 3.1.2-A will be evaluated on an on-going basis for their potential impacts to the storm water quality within county watersheds.

TABLE 3.1.2-A Potential Illicit Discharge Sources

Accidents
Illicit Connections, residential and commercial
Spills of Vehicle Fluids (antifreeze, gas, oil, grease, hydraulic fluids, lubricants)
Industrial Spills
Asbestos Brake Fibers Solids
Auto Dealers and Shops Liquids, Cleaning Oil Drips/Fuel Leaks
Businesses Wash down
Commercial and Residential Irrigation
Construction
Apartments
Parking Lot and Street Litter
Carpet/Residential Cleaning
Pools and Spas
Cement Washing
Equipment Cleaning
Grey Water
Food Facility Cleaning
Hazardous Materials
Paints, Pesticides and Fertilizers
Cooking Equipment - grease, oil and hazardous cleaning agents
Sediments
RV Waste
Dumpster drainage
Sewage Spills
Gas Stations/Vehicle Service Stations
Septic Spills
Car Wash
Sumps/Dewatering

The City's program for identification and elimination of illicit discharge sources comprises two parts:

- 1) Spill and Complaint Response
- 2) Field Investigation and Abatement

These two program elements are discussed in more detail below. City Planning, City Parks, the Fortuna Fire Department, the Police department and other agencies are all engaged in detection and elimination of illicit discharge activities.

The following procedures are used to address the ongoing identification and abatement of illicit discharges:

Spill and Complaint Response

- 1) Receive complaint or notice of the spill, discharge or illegal connection.
- 2) Identify the potential source of the discharge to determine appropriate response agency.
- 3) Document response and track the spill/discharge to source
- 4) Use education and enforcement to eliminate the discharge to the storm drain/sewer or ground surface
- 5) Recommend BMPs if applicable to assure on-going compliance
- 6) Maintain records of response to establish a database, and to identify reoccurrence patterns.

Field Investigation and Abatement

- 1) Identify and prioritize areas of potential illicit discharge and/or illegal connections for residential, commercial and industrial locations
- 2) Conduct annual creek walks to identify potential sources
- 3) Conduct field/manhole/site inspections
- 4) Verify illicit discharge/illegal connection and identify the source
- 5) Use education and/or enforcement to eliminate the discharge to the storm drain/sewer or ground surface
- 6) Apply BMPs if applicable to assure on-going compliance
- 7) Maintain records of response to establish a database and to identify reoccurrence patterns.

The initial approach to prevention and elimination is education on what the pollution source is, what effect it has on our watershed, and how the problem may be eliminated through best management practices. When necessary, education can be used in combination with legal enforcement in order to achieve elimination of the illicit discharge.

In addition to complaints, the scheduled creek walks conducted in each watershed will discover sites where solid waste has been discarded into the creek or along the creek banks. To address these issues, letters and informational brochures are sent to property owners whose parcel is clearly identified as the source of contamination. For example, if a large pile of green waste is seen directly on the creek bank behind a home, a letter would be sent to the owner of that parcel explaining the impacts green waste has on water quality and outlining alternative methods of disposal or composting of green waste. Brochures will be included in the letter as appropriate.

In general, illicit discharges occur because of a lack of awareness on the part of the discharger. Often, simply pointing out the error and suggesting best management practices to be used in the future is enough to convince businesses and homeowners to cease discharging, dumping or to eliminate the illegal connection. In most cases the individual responsible can be motivated to do the right thing, and will implement appropriate BMPs.

Educating the general public, business owners, industries, school children, teachers, and regulatory personnel on the hazards associated with illegal discharges and improper disposal of waste is being accomplished in a number of ways. A detailed discussion on storm water educational outreach and participation is made in Sections 1 and 2 of this document.

Activities to identify and eliminate illicit discharges are summarized below: Public Works Staff will respond to illicit discharge calls through a site inspection and by contacting the appropriate agency for response. Complaint response may require the cooperation of many agencies. Callers are not always aware of the unincorporated area boundaries, so a referral system has been established so that calls can be efficiently redirected to the correct agency.

Labeling and storage of hazardous material is within the jurisdiction of the Fortuna Volunteer Fire Department. For new businesses that use or store hazardous materials, conditions of approval are included in the standard conditions and mitigation measures enforced by this department. These require that a safe, storage area for pesticides, herbicides, and fertilizers be designed to contain spills. In addition, a Hazardous Materials Business Plan must be submitted to the Fire Department for review and approval for each business in order to detect potential hazards associated with the chemicals.

The Fire Department is responsible for inspecting sites and monitoring their compliance with hazardous materials best management storage practices and spill response. Fire Department first responders and the hazardous materials response team, depending on the hazard level and severity of the spill, may make a spill response. Emphasis is made on containment and cleanup with public health and safety as the foremost consideration in an environmentally sensitive manner.

3.3 Measurable Goals

The following measurable goals for best management practices have been selected to ensure that illicit discharges are detected, eliminated and prevented:

- 1) Inspect targeted creeks within the City once per year with follow-up inspections as appropriate to ensure abatement of violations. An annual report will be issued listing these areas.
- 2) Respond to complaints of illicit/illegal discharge within 24 hours of receiving the complaint, referral or notice.

3.4 Reporting

The effectiveness of the best management practices for the minimum control measure of detecting, eliminating and preventing illicit discharges may be gauged by tracking and evaluating the number of:

- 1) Brochures that are printed and delivered to target groups (See Section 1.0)
- 2) The number of commercial training events and the number of attendees that visit each event
- 3) Complaints, notices and referrals received/responded to
- 4) Violation cases that advance to legal enforcement levels
- 5) Illegal connections that are identified by the sanitation districts, and
- 6) Pounds of waste that is captured by waste removal devices in storm drains and creeks (See Section 6.0).

Furthermore, the need for additional ordinances to specifically address non-storm water discharges will be assessed in FY 2005-06 and will consider the scope of existing ordinances. Existing regulations must be evaluated in the context of a new blanket storm water ordinance to ensure that any new ordinance does not conflict, interfere with, duplicate or negate existing law and their enforcement by all appropriate City departments.

Staff will evaluate the effectiveness of existing laws to ensure that they are adequate to address pet/animal waste and other forms of creek contamination. The following evaluations will be part of this assessment to determine the current needs and abilities of the City to regulate and enforce water quality protection measures through a new ordinance:

- 1) Primary enforcement responsibilities will need to be further clarified.
- 2) A determination will be made regarding whether additional staff resources are needed for enforcement. Additional funding sources for enforcement, if necessary, will be provided to the appropriate departments.
- 3) Periodically review and update the City General Plan and local Coastal Plan Policies that address water quality in wetlands and riparian habitats.

Ordinance language will be drafted and presented to the City Council for their consideration. The results of the assessment and ordinance process will be included in the first annual report.

4.0 CONSTRUCTION SITE RUNOFF CONTROL

The purpose of construction site runoff controls is to prevent soil and construction waste from entering storm water. Sediment is usually the main pollutant of concern; during a short period of time, construction sites can contribute more sediment to creeks than can be deposited naturally over several decades. The resulting siltation and the contribution of other pollutants from construction sites can cause physical, biological, and chemical harm to local waterways.

4.1 Minimum Requirements

USEPA guidelines establish the following "Best Management Practices" for Construction Site Runoff Control Minimum Control Measure (Fact Sheet 2.6 - Construction Site Runoff Control Minimum Control Measure, 01/00):

- 1) Ordinance or other regulatory mechanism, as well as sanctions to ensure compliance
- 2) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs
- 3) Requirements for construction site operators to control waste through procedures for site plan review which incorporate consideration of potential water quality impacts, and...
- 4) through procedures for receipt and consideration of information submitted by the public, and...
- 5) through procedures for site inspection and enforcement of control measures.

The State General Permit for NPDES Phase II requires local jurisdictions to establish construction site controls for sites of one or more acres. In addition, the State General Permit for Construction Activities requires filing of an NOI (with the RWQCB) and development of a Storm Water Pollution Protection Plan pursuant to RWQCB regulation.

4.2 Best Management Practices and Measurable Goals

The following Best Management Practices and will be applied to the construction program and will be used to check progress each year as well as demonstrate the efforts made to reduce pollutants to the maximum extent practicable. The intent is to provide both an opportunity to assess and evaluate the program and a feedback mechanism to measure and update the program as appropriate.

BMP 4-1 Update Building Code

- 1) Review Building Code and make recommendations for revisions to conform to the State General Permit
- 2) Adopt revised Building Code to conform to the State General Permit

BMP 4-2 Construction Site Enforcement, Inspections

- 1) Compliance with City code for construction sites
- 2) Daily inspections on active projects one acre or larger of land disturbance
- 3) Minimum of monthly inspections conducted throughout project duration
- 4) City-implemented enforcement action at sites where BMPs failed, which may include verbal warnings, letters to correct, stop work order, fines, etc.

BMP 4-3 Staff Training

Annual training of planning staff in the appropriate selection and application of appropriate conditions related to construction activities. Annual training of City building inspectors on construction BMPs and enforcement will assist in storm water compliance efforts.

4.3 Reporting

Feedback from City inspectors, RWQCB staff, construction contractors, project owners and the public will be evaluated and potential changes to the Grading Ordinance and its implementation will be evaluated. To the extent these changes could change the level of protection to storm water quality they will be discussed in the annual report.

5.0 POST-CONSTRUCTION RUNOFF CONTROL

One opportunity to reduce the generation of non-point source pollution from urban runoff is through planning and design, before developments are built. Once built, it is a complex and expensive process to correct problems. This minimum control measure focuses on site planning and design considerations, which are most effective when addressed in the early stages of project development. Effective long-term management and maintenance are critical, so the best design opportunities are those with the least maintenance needs. The goal of the program is to integrate basic and practical storm water management techniques into new development to protect water quality.

5.1 Minimum Requirements

USEPA regulations for post-construction runoff control require that the City must, at a minimum (USEPA Fact Sheet 2.7 – Post-Construction Runoff Control, 01/00):

- 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that result in the land disturbance of greater than or equal to one acre
- 2) Develop and implement strategies that include a combination of structural and/or nonstructural best management practices (BMPs)
- 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment to the extent allowable under local law
- 4) Ensure adequate long-term operation and maintenance of BMPs

5.2 Best Management Practices

General protection of surface water quality occurs during evaluation of potential impacts in CEQA review and/or in establishing conditions for project approval. These protective policies and guidelines are discussed below.

5.2.1 Review Regulations

The City will review existing water quality protection policies such as the General Plan and Municipal Code and revise, if appropriate, to apply to all new development and redevelopment projects in the City. These policies will provide City staff and the development community with a framework to identify appropriate water quality protection measures for proposed projects, including the development of reasonable and feasible best management practices.

As anticipated, these policies would direct growth away from sensitive areas, encourage environmentally sensitive site design, protect wetland and riparian resources, and minimize degradation of water quality.

5.2.2 Staff Training

Planning staff and supporting consultants will be trained to recognize potential storm water impacts during design review and to condition projects appropriately. Training can be used to initiate new staff, and to provide updates on innovative site design for existing staff.

5.2.3 Monitor Discretionary Projects

Discretionary projects will be monitored for compliance with water quality measures, and noncompliance may include a correction notice, stop work order, collection of any bonds, and establishing a time frame for a developer to take corrective steps in order to resume work.

5.2.4 Master Drainage Plan

The City's 2005 Master Drainage Plan was prepared as an update to the City's 1982 plan. Its purpose is to provide a detailed overview of the adequacy of the major storm drainage facilities serving the City, including a comprehensive description and mapping of the City's storm drain system and facilities.

5.3 Measurable Goals

The following goals will be used to check progress each year, as well as demonstrate the efforts made to reduce pollutants to the maximum extent practicable. The intent is to provide an opportunity to assess and evaluate the program, and a feedback mechanism to measure and update the program as needed. The following measurable goals would be applied toward the new development and redevelopment minimum control measure:

BMP 5-1 Update Land Use Regulations

Adopt or revise City Code, General Plan, and revised CEQA checklist to provide appropriate water quality protection standards, conditions and policies.

BMP 5-2 Staff Training

Public Works and Planning staff will participate in an annual City water quality training (in-house).

BMP 5-3 Monitor Discretionary Projects

Evaluate all discretionary projects which are subject to storm-water regulations for construction, implementation, and as appropriate, proper functioning and maintenance of water quality measures. Where there is non-compliance on conditioned projects with approved water quality design, operation and/or maintenance procedures, City will take enforcement actions on all projects, which may include a correction notice, stop work order, collection of any bonds, and establishing a time frame for the developer to take corrective steps in order to resume work.

5.4 Reporting

Data collected for each measurable goal will be compiled, reviewed, and summarized in annual reports. Significant variance from targets will be assessed and discussed in annual reports to RWQCB. Feedback from City staff, permittees, developers, the Community Interest Group, etc. will be used to modify BMPs or the measurable goals, as appropriate; the basis for any changes will be included in the following annual report.

6.0 POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

The City, as part of its normal operations, conducts a number of activities (e.g., storm drain cleaning, street sweeping) that generate or mobilize pollutants. The Municipal Operations Program Element is comprised of Control Measures designed to ensure that these operations and maintenance activities are performed in such a way as to minimize the pollutants generated and the potential for pollutants to enter the storm drain system. The purpose of this minimum control measure for Municipal Operations/Good Housekeeping Practices is to assure that the City's delivery of public services occurs in a manner protective of storm water quality. In this way the City may serve as a model to the community.

The City's 05/06 budget may include an allocation for a new regenerative air power sweeper. The purchase of new equipment should enhance our existing pollution prevention measures.

6.1 Minimum Requirements

The State's General Permit states that the city must develop and implement an operations and maintenance plan that will prevent or reduce pollutants in runoff from municipal operations (*EPA Fact Sheet 2.8 – Pollution Prevention/Good Housekeeping, 01/00*).

The minimum requirements are:

1. To consider municipal activities and identify those that may contribute pollutants to storm water;
2. To select and implement Best Management Practices (BMPs) that will reduce or eliminate pollutants in storm water runoff from these activities to the Maximum Extent Practicable; and
3. To train new and existing employees on the potential impacts to storm water from municipal activities and the implementation of BMPs to prevent and reduce these impacts.

6.1.1 Evaluation of City Facilities and Operations

The City owns and operates the facilities listed below. In order to address the need for storm water protection, a multi-step process will be used to document the nature of each City operation and/or facility and identify appropriate BMPs to minimize the potential for impacts to storm water quality. Any new or acquired facilities will be evaluated with respect to operations, activities and appropriate storm water management practices.

City Facility Location List

City Hall and Police Department, 621 11th Street, Fortuna

Monday Club, 610 Main Street, Fortuna

Newburg Sports Complex, Newburg and Rohnerville Roads, Fortuna

Public Works Corporation Yard, 190 Dinsmore Drive, Fortuna

River Lodge, 1800 Riverwalk Drive, Fortuna

Rohner Park, Park Street, Fortuna

Waste Water Treatment Plant, 180 Dinsmore Drive, Fortuna

A site specific SWMP will be developed for all facilities or operations that could adversely impact storm water through their normal course of activities.

6.2 Best Management Practices and Their Measurable Goals

The City engages in numerous activities ranging from minor janitorial services to major public works construction projects. To effectively cover all these activities, the SWMP requires the implementation of the below listed BMPs.

BMP 6-1 Site Specific Storm Water Management Plans

To ensure compliance with the City's Storm Water Management Program, a site specific SWMP will be developed for all facilities and/or operations that could adversely impact storm water.

The measurable goals for this BMP include:

1. Complete all required site specific SWMP plans.
2. Tabulate BMPs implemented as part of required site specific SWMP. Review and include site specific BMPs in annual report.

BMP 6-2 Purchasing and Contracts

The City will review existing contract language to ensure vendors and contractors who provide services for the City implement appropriate BMPs. Such services and contracts may include housekeeping, painting, and construction. Contracts will be worded to include specific language requiring contractors to obtain approval from the City of project-oriented BMPs or activity-related Storm Water Plan. The contractor's BMPs or plan will describe how storm water conveyances will be protected from potential pollutants specific to the project undertaken. If they violate the plan it will be sufficient reason for termination of the contract without harm to the City.

The measurable goals include:

1. Review and revise existing standard contract language to ensure vendors and contractors who provide services for the City implement appropriate BMPs.
2. Tabulate the number of projects that require BMPs or Plans.
3. Evaluate contractor compliance with their plans.
4. Report the number of Notice of Violations per project and the number of Corrective actions with their schedules.

BMP 6-3 Training by City Departments

All City Public Works employees will receive at least one annual training on storm water pollution prevention, based on their work responsibilities. Much of the training program can be integrated into existing training presented to staff, such as weekly safety sessions..

The measurable goals for this BMP include:

- 1) Number of training sessions presented
- 2) Number of staff attending.
- 3) Summary of specific storm water training provided.

Storm water training will occur annually. In addition, managers will be given specific guidance on their departmental and contractual responsibilities for storm water management.

BMP 6-4 Records Management

The City is required to retain all records required by the permit for at least five years or the duration of the General Permit if continued. The City is also required

to submit records to the RWQCB upon request and must make the records, including the permit and the SWMP, available to the public during regular business hours.

6.3 Reporting

Data collected for each measurable goal will be compiled, reviewed and summarized as part of the annual reports to the RWQCB. Significant variance will be used to modify BMPs or the measurable goals, as appropriate; the basis for any changes will be included in the following annual report.

MONITORING PROGRESS AND REPORTING

The purpose of monitoring and reporting is to document successful implementation of the SWMP. The draft General Permit requires that annual reports be submitted, starting in September 2004. The City intends these annual reports to cover the fiscal year immediately prior to the reporting period. The City will monitor the implementation of its program and the overall effectiveness by measuring and reporting the data discussed in the individual Minimum Control Measures sections discussed above.

The City will evaluate both current conditions and BMP effectiveness, and, as appropriate, update BMPs and measurable goals to achieve the objective of meeting water quality standards to the Maximum Extent Practicable. It may be necessary to expand or better tailor existing BMPs after implementing the minimum control measures described in this SWMP. Such changes would be based on the results of monitoring contained in the annual reports and developed in consultation with stakeholders and the RWQCB.

Form and Content of Annual Report

The City intends to provide summaries of data in tabular form organized by each MCM BMP. Because the City is required to keep records for five years and due to the intent of the reporting requirement, the annual report will focus on a summary of progress and discuss any changes to the SWMP to be implemented in meeting the Maximum Extent Practicable standard. Of necessity, the reporting format needs to be flexible and if changed, reasons will be given. Focus will be to clearly show progress, to discuss program adjustments, and response to challenges in implementing the SWMP.

Appendix A Proposed Changes and Additions to Fortuna's Storm Drainage Ordinance

To reference the Storm Drainage section of the Fortuna Municipal code see:
<http://www.sunnyfortuna.com/code/fortuna013/fortuna1380.htm>

The Fortuna Municipal Code currently addresses storm water discharges with this existing paragraph:

13.80.100 Discharges prohibited.

The willful or negligent disposal of petroleum products, pesticides, fertilizers, household or industrial chemicals, industrial process wastewater, domestic sewage, animal wastes or other pollutants into the city's storm drainage facilities is prohibited. (Ord. 93-583).

Proposed changes and additions:

13.80.100 Discharge of pollutants.

(a) The discharge of non-stormwater discharges to storm drains is prohibited. All discharges of material other than stormwater must be in compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued for the discharge.

(b) Exceptions to discharge prohibition. The following discharges are exempt from the prohibition set forth in subsection (a) of this section.

(1) The prohibition on discharges shall not apply to any discharge regulated under a NPDES permit issued to the discharger and administered by the State of California under authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

(2) Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, fundraising car washing that does not exceed two consecutive days, flows from riparian habitats and wetlands, flows from fire fighting, or permitted use of reclaimed water.

13.80.110 Discharge in violation of permit.

In the future, the California Regional Water Quality Control Board, Northern California Region (herein called Regional Board) may issue an NPDES permit for stormwater discharges to the City of Fortuna, individually or in association with other Humboldt County municipalities. Any discharge that would result in or contribute to a violation of that permit and any amendment, revision or re-issuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) so causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge

13.80.120 Illicit discharge and illicit connections.

The establishment, use, maintenance, or continuance of illicit connections to the storm drains, and/or the commencement or continuance of illicit discharges to the storm drains is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

13.80.130 Reduction of pollutants in urban runoff.

Any person engaged in activities which will or may result in pollutants entering the storm drains shall undertake all practicable measures to cease such activities, and/or eliminate or reduce such pollutants. Such activities shall include, but not be limited to ownership and use of parking lots, gasoline stations, industrial facilities, commercial facilities, restaurants, and stores fronting City streets or backing onto streams.

(a) Littering. Except for pollutants lawfully disposed of by way of containers or at a licensed dumping ground, no person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land or other premises in the City, so that the same might be or become a pollutant discharged to water.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any premises in the City of Fortuna in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the recycling or disposal of garbage.

(b) Standard for parking lots and similar structures. Persons owning or operating a parking lot, gas station area of pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the storm drains.

(c) Best management practices for new developments and redevelopments. Any construction contractor performing work in the City shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering the storm drains.

All construction plans and applications for building permits shall consider the potential for erosion and sedimentation at the construction site, and shall include appropriate erosion and sedimentation controls. Appropriate controls shall be determined in accordance with the guidance provided in the CALTRANS handbook and may include site planning considerations, construction staging and timing, and installation of temporary detention ponds or other treatment facilities.

Prior to and/or during construction, the Director of Public Works may establish controls on the volume and rate of stormwater runoff from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume. These controls may include limits on impervious area or provisions for detention and retention of runoff on-site.

The Director of Public Works may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants. The selection and

design of such controls shall be in accordance with criteria established or recommended by state and federal agencies.

(d) Notification of intent and compliance with general permits. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board, shall provide notice of intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such discharges.

Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by such permit.

(e) Compliance with best management practices. Where best management practices guidelines or requirements have been adopted by any Federal, State of California, regional, and/or local agency, for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the storm drains, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the Director of Public Works.

13.80.140 Watercourse protection.

(a) Every person owning, occupying, leasing, renting, or in control of premises through which a watercourse passes, shall:

(1) Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute, contaminate, or significantly retard the flow of water through the watercourse;

(2) Maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and

(3) Not remove healthy bank vegetation beyond that actually necessary for said maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

(b) No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the Director of Public Works:

(1) Discharge into or connect any pipe or channel to a watercourse;

(2) Modify the natural flow of water in a watercourse;

(3) Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;

(4) Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or

(5) Place any loose or unconsolidated material adjacent to or within a watercourse so as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwater passing through such watercourse.

13.80.150 Violations constitute a public nuisance; abatement; restoration.

Any condition caused or allowed to exist in violation of any of the provisions of this chapter, constitutes a threat to the public health, safety and welfare, and is deemed and declared to be a public nuisance. This public nuisance may be summarily abated, and/or the property restored to its original condition, and/or enjoined or otherwise be compelled to cease and desist, by the authorized enforcement official, or by actions taken by the City Attorney.

(a) Abatement procedure; costs; lien. The abatement of any public nuisance under this chapter shall follow the formal notice procedures as set forth in the City's Municipal Code. The cost of such abatement and/or restoration of the property to its original condition, shall be the responsibility of the owner of the property. Said costs shall be a lien upon and against the property and shall continue in existence until it is paid. Said lien shall be imposed and collected in accordance with the applicable provisions of State law and this Code.

(b) Inspections and sampling; authority and procedure.

(1) The authorized enforcement official has the duty and the responsibility to inspect any and all locations for any violation of the provisions of this chapter. The authorized enforcement official may, within the limitations of law, enter such building or premises at reasonable times to inspect the same for violations of this chapter or to perform any duty imposed upon the official by this chapter, provided that the official presents proper credentials to, and obtains consent from the owner or occupant to enter. In the event the owner and/or occupant refuses entry, the official shall request assistance of the City Attorney to obtain an administrative warrant for the premises, pursuant to the provisions of State law.

(2) The authorized enforcement official has the right to, and shall conduct routine sampling and monitoring on or adjacent to the premises under review. The cost of such routine sampling and/or monitoring activities, including test reports and results, shall be born by the local agency. The authorized enforcement official may, within the limitations of law, enter such premises at reasonable times to conduct sampling and monitoring operations, provided that the official presents proper credentials to, and obtains consent from the owner or occupant to enter. In the event the owner and/or occupant refuse entry, the official shall request assistance of the City Attorney to obtain an administrative warrant for the premises, pursuant to the provisions of State law.

(3) Whenever the authorized enforcement official has reasonable cause to believe that the owner and/or occupant of a premises is engaged in an activity and/or operating a facility that is causing or contributing to stormwater pollution or contamination, illicit discharges, and/or the discharge of non-stormwater or other unlawful material, to the storm drains, the official may require the owner and/or occupant to conduct sampling and/or monitoring activities on the premises, and to furnish such test results and reports as the official may determine. The burden and cost of undertaking such sampling and monitoring activities, including test results and reports, shall be born by the owner of the premises under review. The type and method of sampling and monitoring shall bear a reasonable relationship to the need for testing and monitoring and to the benefits to be obtained, as determined by the enforcement official.

(4) Exigent circumstances. Whenever a condition is found to exist in violation of this chapter that presents an immediate and present danger to the public health, safety and welfare requiring immediate remedial action to prevent injury to persons or property, the authorized enforcement official shall take whatever reasonable and appropriate action is necessary to neutralize the danger, including but not limited to, entry upon private premises for inspection, sampling and monitoring, and abatement.

13.80.160 Violations; misdemeanors or infractions; punishment.

The violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute a misdemeanor, except that, notwithstanding any other provision of this chapter, any such violation of this chapter may, in the discretion of the enforcement authority, constitute an infraction. If convicted of a misdemeanor, a person shall be subject to payment of a fine, imprisonment, or both, not to exceed the limits set forth in the Municipal Code. If convicted of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in the Municipal Code. A person, firm, corporation, or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or allowed by the person, firm, corporation or organization, and shall be punishable accordingly.

13.80.170 Violations; civil action for enforcement.

The violation of any provision of this chapter, or the failure to comply with any of the requirements of this chapter, may be enforced by a civil action brought by the City Attorney in any court having appropriate jurisdiction. In any such action, the City may seek any or all of the following remedies:

- (1) A temporary or permanent injunction;
- (2) Costs of investigation, inspection, sampling, or monitoring activities concerning the violation, and costs of suit;
- (3) Costs of restoration of the premises from its condition resulting from the violations back to its original condition;
- (4) Compensatory damages including but not limited to loss and/or destruction of water quality, wildlife, fish, aquatic habitat, and other adverse environmental effects. Damages recovered under this subsection shall be paid to the City and shall be used exclusively for costs of sampling and monitoring, of establishing stormwater discharge pollution control systems, and of implementing and/or enforcing the provisions of this chapter.

13.80.180 Violations; administrative enforcement action.

In addition to any other enforcement powers and/or remedies provided in this chapter, an authorized enforcement official may issue an order to a person to cease and desist from the discharge, practice, operation or other activity causing or likely to cause a violation of this chapter. Such order shall be directed to those persons in violation of the chapter stating clearly and concisely the nature of the violation, the requirements for compliance, a timetable for compliance, and such other remedial and/or preventive action as may be necessary. Upon the violator's failure to comply with such order, the City shall take further enforcement action as specified in this chapter, or in accordance with any other appropriate provision of local, State or Federal law.

13.80.190 Remedies not exclusive.

The enumerated remedies provided in this chapter are in addition to and do not supersede or limit any and all other remedies, both civil and criminal. The remedies provided for herein shall be cumulative to, and not exclusive of, each other.

13.80.200 Authority to arrest and issue citations.

The authorized enforcement official shall have the authority to arrest or to cite any person who violates any provision of this chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or for citation of infractions and notice to appear, as prescribed by Chapters 5, 5c, and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same may be hereinafter amended.

It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 be applicable to public officers or employees acting within the course and scope of their employment pursuant to this chapter.

13.80.210 Coordination with other programs.

The first revision of the business plan for any facility subject to the City's Municipal Ordinance shall include a program for compliance with this chapter, including the prohibitions on non-stormwater discharges and illicit discharges, and the requirement to reduce stormwater pollutants to the maximum extent practicable.

13.80.220 Supercession.

If any section, subsection, sentence, clause or phrase or word of this chapter is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Fortuna hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

Figure 1.1 Map of the City of Fortuna

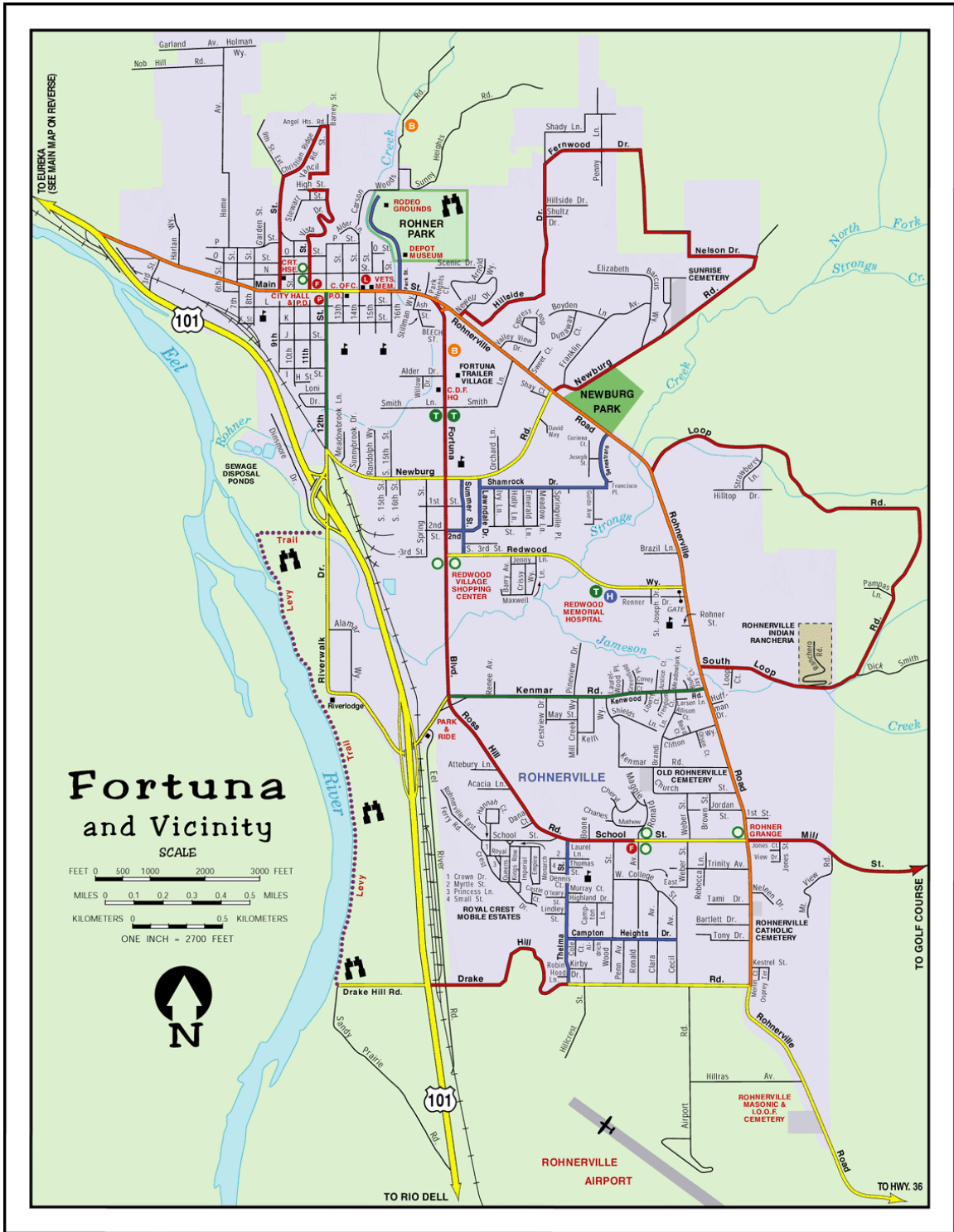


Figure 1.2 Map of the Surrounding Watershed

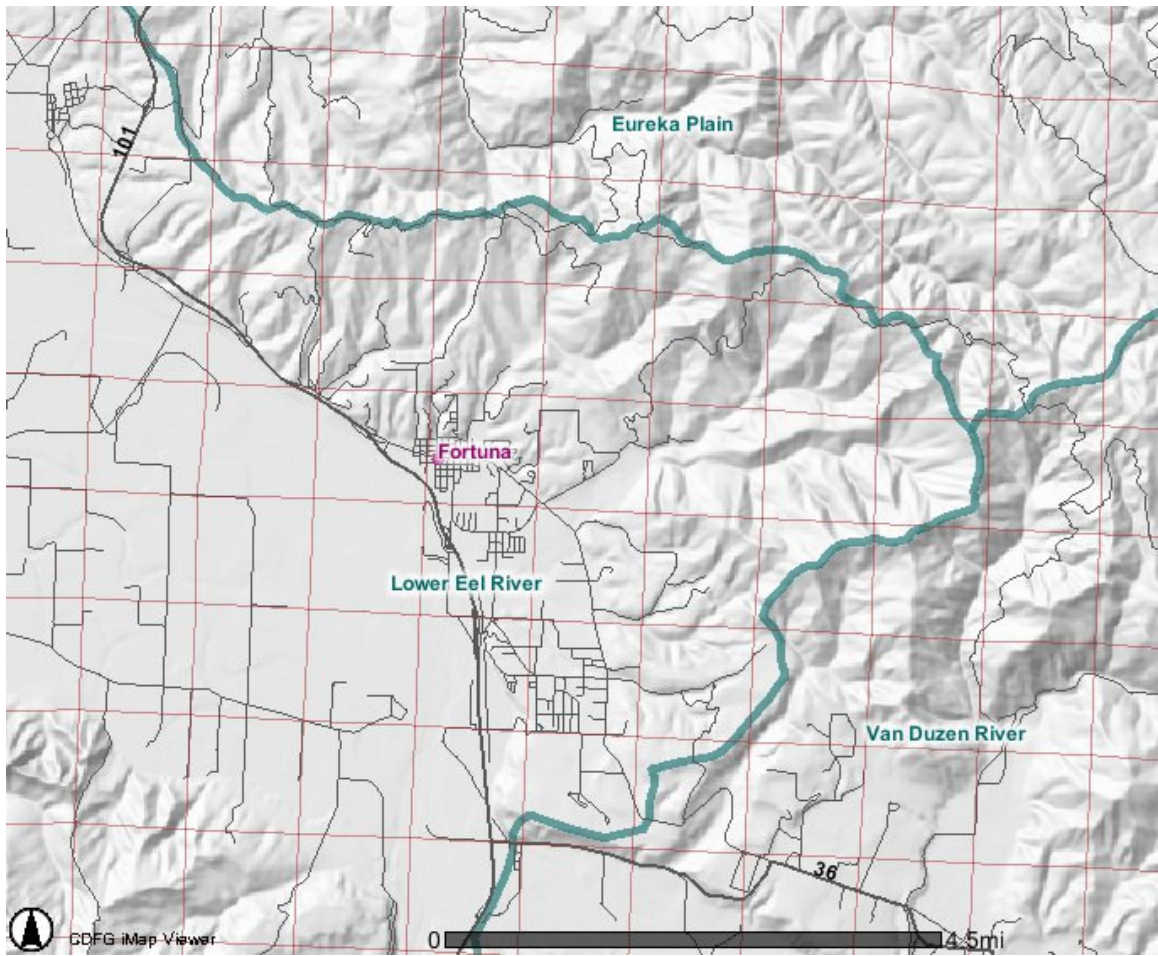


Figure 1.2 City of Fortuna's 05/06 Organizational Chart

