

*Prepared for:*

**The City of Commerce**  
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# **City of Commerce**

## **Illicit Connection & Illicit Discharge Elimination Program**

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## **1. INTRODUCTION**

On November 8, 2013, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted the new Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System Permit (Permit) for Los Angeles County municipalities (Permittees) (Order No. R4-2012-0175, NPDES No. CAS004001). The Permit requires each Permittee to implement an Illicit Connection and Illicit Discharge (IC/ID) Elimination Program and to document procedures to detect, investigate, and eliminate IC/IDs to the MS4. The IC/ID Program is one of six Permit-required programs that comprise the Minimum Control Measures (MCMs) being implemented in the City of Commerce. These six programs include:

- Planning and Land Development;
- Development Construction;
- IC/ID Detection and Elimination;
- Public Agency Activities;
- Public Information and Participation; and
- Industrial/Commercial Facilities Program.

## 2. BACKGROUND

Section V.D.10 (a) of the Permit states that:

*Each Permittee shall continue to implement an Illicit Connection and Illicit Discharge Elimination (IC/ID) Program to detect, investigate, and eliminate IC/IDs to the MS4. The IC/ID Program must be implemented in accordance with the requirements and performance measures specified in [the Permit].*

The City of Commerce has developed this Illicit Connection & Illicit Discharge Elimination Program Manual to document its internal procedures and policies in order to demonstrate compliance with the IC/ID provisions of the Permit.

### 2.1 Legal Authority

Legal authority for the City's implementation of the Illicit Connection & Illicit Discharge Elimination Program and other related Permit provisions is based upon the City of Commerce's Storm Water and Runoff Pollution Control Ordinance No. 676 to the City of Commerce Municipal Code (Storm Water Ordinance). A copy of the ordinance is provided as **Attachment A**.

The City has certain enforcement and violation procedures outlined in the Storm Water Ordinance, including:

- Verbal or written warnings;
- Formal notice to correct violations;
- Cease and desist; and
- Specific remedies such as civil or criminal penalties.

Following an illicit connection or illicit discharge, the City is able to seek recovery and remediation costs from responsible parties or may require compensation for the cost of inspection, investigation, cleanup, and/or oversight activities.

### 2.2 City Services Structure

The Deputy Director of Public Works Operations is responsible for the implementation of the stormwater program. The City of Commerce manages its own field and office staff, but also contracts with the County of Los Angeles and with private contractors. Los Angeles County is contracted for industrial waste inspections and management. Most illicit discharges are handled by the Commerce Code Enforcement Department, Public Works Department, and/or the County-contracted inspector.

The Los Angeles County Fire Department handles small hazardous material response (up to five gallons). There are three stations serving City of Commerce residents and businesses:

- Station 22 - 928 South Gerhart Street, Commerce;
- Station 27 - 6031 Rickenbacker Road, Commerce; and
- Station 50 - 2327 South Saybrook Avenue, Commerce.

For spills greater than five gallons, the City contracts with a private hazardous material service provider.

### **2.3 Drainage System**

The City is 6.6 square miles in total. According to the Upper LA River Reach 2 Watershed Management Program (WMP), approximately 60% of land use in the City of Commerce is industrial, 16% is transportation, 10% is residential, 9% is commercial, 4% is vacant, and 1% is agriculture/education.

The City owns and operates the storm drain system. There are 663 catch basins in the City of Commerce that flow into 32.5 miles of underground storm drains. As shown in Figure 1, 35% of the City's land area discharges to Rio Hondo and 65% of the area discharges to the Los Angeles River. There is one small open channel within the City boundary that does not have any designated public access points. The City's drainage facilities are shown in Figure 2.

### **2.4 IC/ID Definitions and Permit Requirements**

#### **2.4.1 Illicit Discharge Definition**

The permit defines an Illicit Discharge as:

***Illicit Discharge** Any discharge into the MS4 or from the MS4 into a receiving water that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes any non-storm water discharge, except authorized non-storm water discharges; conditionally exempt non-stormwater discharges; and non-storm water discharges resulting from natural flows specifically identified in Part III.A.1.d of the Permit.*

All non-stormwater discharges are prohibited from the MS4 except for Authorized, Conditionally Exempt, and Conditionally Exempt Essential Non-Storm Water Discharges as specified in Section III of the Permit. In order to assist in determining

whether a non-storm water discharge is illicit, **Attachment B** contains an illicit discharge flow chart, and **Attachment C** includes a quick reference handout for non-stormwater discharges.

#### **2.4.2 Illicit Connection Definition**

The permit defines an Illicit Connection as:

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

Illicit Connections may also be a permitted connection to the storm drain system through which prohibited non-stormwater flows are discharged.

It is a violation of the Commerce Storm Water Ordinance to commence, establish, use, maintain, or continue any connections to the MS4 or any discharges to the MS4 unless the connection has been permitted by the City of Commerce, County of Los Angeles, and/or Los Angeles County Flood Control District.

#### **2.4.3 IC/ID Permit Requirements**

The Permit places increased responsibility on upstream jurisdictions to prevent illicit connections from occurring and illicit discharges from entering MS4s owned by other agencies. Furthermore, downstream MS4 agencies are now obligated to report to the Regional Board the entry of illicit discharges into their MS4 from upstream jurisdictions. The City therefore has additional IC/ID elimination and reporting responsibilities under the Permit which it did not previously have. This document describes the interaction and responsibilities of various entities over the Illicit Connection & Illicit Discharge Elimination Program within the City of Commerce. The Permit requires the elimination of illicit connections and illicit discharges to the storm drain system. This must be demonstrated through documentation, tracking, and reporting of such cases in accordance with requirements specified in the Permit.

As required by the MS4 Permit, the City's IC/ID Program consists of the following major program components:

- Procedures for public reporting of illicit discharges;
- Spill response plan;
- Procedures for conducting source investigations for IC/IDs;

- Procedures for eliminating the source of IC/IDs; and
- IC/IDs education and training for Permittee staff.

The required IC/ID program components are summarized in Table 1.

**Table 1**  
**Illicit Connection and Illicit Discharge Elimination Program Components**

<b>PERMIT SECTION</b>	<b>REQUIREMENT</b>	<b>REPORTING REQUIREMENTS</b>
<b>VI.D.10.a.iii.(3)</b>	<b>Procedures for Public Reporting of Illicit Discharges</b>	
VI.D.10.d.i-ii	Implement, maintain and publicize the central point of contact for spill reporting.	Not Applicable.
VI.D.10.d.iii	Include information regarding dumping prohibitions and public reporting of illicit discharges on signage adjacent to open channels.	Not Applicable – There is one small open channel within the City boundary that does not have any designated public access points.
VI.D.10.d.iv-v	Maintain records on complaint calls received according to written procedures.	Not Applicable.
<b>VI.D.10.a.iii.(4)</b>	<b>Spill Response Plan</b>	
VI.D.10.e.i.(1)	Coordinate with spill response teams throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.	Not Applicable.
VI.D.10.e.i.(2)	Initiate investigation of all public and employee spill complaints.	Within one business day of receiving the complaint to assess validity.
VI.D.10.e.i.(3)	Response to spills for containment.	Within 4 hours of becoming aware of the spill, except where such spills occur on private property, in which case should be within 2 hours of gaining legal access to the property.
VI.D.10.e.i.(4)	Spills that may endanger health of the environment.	Shall be reported to appropriate public health agencies and the Office of Emergency Services (OES).



**Table 1**  
**Illicit Connection and Illicit Discharge Elimination Program Components**

<b>PERMIT SECTION</b>	<b>REQUIREMENT</b>	<b>REPORTING REQUIREMENTS</b>
<b>VI.D.10.a.iii.(1)</b>	<b>Procedures for Conducting Source Investigations of IC/IDs</b>	
VI.D.10.b.i	Develop written procedures for conducting investigations to identify the source of all suspected illicit discharges, including procedures to eliminate the discharge once the source is located.	Not Applicable.
VI.D.10.b.ii	Initiate investigation(s) to identify and locate the source of an illicit discharge.	Within 72 hours of becoming aware of the illicit discharge.
VI.D.10.b.iii.(1)	Illicit discharges suspected of being sanitary sewage and/or significantly contaminated shall be investigated first.	Not Applicable.
VI.D.10.b.iii.(2)-(3)	Investigate the source of all observed illicit discharges and track all investigations.	Document at a minimum the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
VI.D.10.b.iv.(1)	If the source of the illicit discharge has been determined to originate within the Permittee's jurisdiction.	Immediately notify the responsible party/parties of the problem, and require the responsible party to initiate all necessary corrective actions to eliminate the illicit discharge.
VI.D.10.b.iv.(2)	If the source of the illicit discharge has been determined to originate within an upstream jurisdiction, the City shall notify the upstream jurisdiction and the Regional Water Board.	Immediately inform the upstream jurisdiction and notify with Regional Water Board within 30 days of such determination.
VI.D.10.b.iv.(3)	If the source of an illicit discharge cannot be traced to a suspected responsible party, the City shall implement its spill response plan and then initiate a permanent solution.	Not Applicable.
<b>VI.D.10.a.iii.(2)</b>	<b>Procedures for Eliminating the Source of IC/IDs</b>	
VI.D.10.b.v	If unable to eliminate an ongoing illicit discharge following full execution of legal authority, the City shall treat or divert the discharge to the sanitary sewer and notify the Regional Board.	Notify the Regional Water Board within 30 days of such determination and provide a written plan for review and comment.

**Table 1**  
**Illicit Connection and Illicit Discharge Elimination Program Components**

<b>PERMIT SECTION</b>	<b>REQUIREMENT</b>	<b>REPORTING REQUIREMENTS</b>
VI.D.10.c.i	Initiate an investigation of reported suspected illicit connections to determine the following: (1) source of the connection, (2) nature and volume of the discharge through the connection, and (3) responsible party for the connection.	Within 21 days of receiving report of a suspected illicit connection.
VI.D.10.c.ii (1-2)	Ensure the connection is permitted or eliminated.	Within 180 days from confirmation of the illicit nature of the storm drain connection.
VI.D.10.c.iii	Maintain formal records for all illicit connection investigations and the formal enforcement taken to eliminate illicit connections.	Not Applicable.
<b>VI.D.10.a.iii.(5)</b>	<b>Education and Training for Permittee Staff and Contractors</b>	
VI.D.10.f.i-iii	Implement a training program for all targeted employees and contractors who are responsible for IC/ID identification, investigation, termination, cleanup and reporting.	Training program documents must be available for review by the permitting authority.
VI.D.10.f.iv	Create a list of applicable staff and contractors who require IC/ID training and ensure that training is provided.	At least twice during the term of the Permit.
VI.D.10.f.v	New City staff members must be provided with IC/ID training, as well as new contract workers who work within the City.	Within 180 days of starting employment.

### **3. PUBLIC REPORTING OF IC/IDS**

The goal of the public reporting component of the IC/ID program is to promote, publicize, and facilitate public reporting of non-stormwater discharges and spills. This Section outlines the public reporting procedures and the coordination and communication procedures once a non-stormwater discharge or spill has been reported.

Information regarding the potential presence of illicit discharges or spills is gathered from a variety of sources using both active and receptive methods including:

- Observations by City staff;
- Public complaints or reports;
- Inspections by County or City staff; and
- Reports from building & safety inspectors, contract field personnel, and field staff.

The City's public reporting procedures are evaluated annually to ensure that they accurately document the methods employed by City Staff.

#### **3.1 Public Reporting**

The City of Commerce advertises the Los Angeles County Department of Public Works (LACDPW) **1-888-CLEAN-LA** hotline on the City of Commerce website as a resource to report illegal dumping, clogged catch basins, hazardous waste spills, sewer back-ups, and water line breaks. The LACDPW collects relevant information. Relevant calls are routed to City of Commerce Code Enforcement.

Public reports of possible non-stormwater discharges or spills are sometimes received by personnel at the City of Commerce. If the discharge is reported to the City via telephone during working hours, the call is directed to City of Commerce Code Enforcement. Calls received after hours are directed to an automated recording, which instructs callers to call 911 for emergencies.

There is also an option for public reporting using a contact form on the LACDPW Clean LA website. The online form is located at <http://dpw.lacounty.gov/contact/> and is available for use 24 hours a day. The LACDPW contacts the City if a report is submitted via the online form.

City staff will ask the source/caller to provide the information included under the “Public Reporting” heading of the Illicit Connection & Illicit Discharge Reporting and Response Form included in **Attachment D**.

The City or County inspector shall respond based on the type of IC/ID reported, as shown in Table 2.

**Table 2**  
**Response to Reported IC/IDs**

<b>TYPE OF IC/ID REPORTED</b>	<b>RESPONSE TIME</b>	<b>SECTION OF IC/ID MANUAL TO REFERENCE</b>
Sewage, Hazardous or spill that may enter the MS4	Investigate complaint within 1 business day. Once spill is confirmed, respond to spill for containment within 4 hours, or within 2 hours of gaining legal access to the property if spill is on private property.	Section 4 Spill Response Plan
Illicit Discharge	Investigate complaint within 72 hours.	Section 5 Illicit Discharge Source Investigation and Elimination
Illicit Connection	Investigate complaint within 21 days.	Section 6 Illicit Connections

### **3.2 Documentation of Public Reporting**

Reports of non-stormwater discharges and spills and the actions undertaken in response will be documented on the Illicit Connection& Illicit Discharge Reporting and Response Form included in **Attachment D**. The Illicit Connection& Illicit Discharge Reporting and Response Form will be used throughout IC/ID reporting, response, investigation, elimination, and follow-up in order to ensure that all complaint calls are adequately addressed.

#### **4. SPILL RESPONSE PLAN**

Sewage, hazardous or spills that may discharge into the MS4 are handled using the procedures detailed in this section. The goal of the spill response plan is to effectively communicate, coordinate, investigate, and contain spills so that water quality protection is provided to the maximum extent practicable. All spill complaints are investigated within one business day of receiving the complaint to assess validity.

##### **4.1 Initial Measures for Containment**

Following confirmation of a spill, response to spills for containment occurs within 4 hours, except where such spills occur on private property, in which case the response occurs within 2 hours of gaining legal access to the property.

It is the responsibility of the first personnel who arrive at the site of a spill to protect the health and safety of the public by:

- Notifying appropriate agencies of actionable conditions;
- Establishing perimeters and control zones with cones, barricades, vehicles, or terrain; and
- Mitigating the impact of the discharge to the extent possible while protecting the safety of personnel.

The local Los Angeles County Fire Stations within the City have the necessary materials and personnel to implement such measures. Hazardous materials are handled by a private hazardous materials service provider and/or the Los Angeles County Fire Station Hazmat Team, depending on the size of spill. Sewage spills or overflows are handled by Los Angeles County Department of Public Works to prevent entry of the sewage into the storm drain system or natural watercourse.

Under no circumstances shall City personnel enter an underground storm drain, sanitary sewer, or culvert. Specialized training and equipment are required for confined space entries. Sanitary sewers and storm sewers may contain trapped gases that can cause loss of life due to toxicity or asphyxiation from insufficient oxygen due to displacement by sewer gases. Measures which City staff may take to contain overflowing sewage may include:

- Determine the immediate destination of the overflow, e.g. storm drain, street, drainage course, stream, etc.;
- Identify and secure necessary materials and equipment to contain or isolate the overflow if possible;

- Take immediate steps to contain the overflow (e.g., block or sandbag culverts), divert into downstream sanitary sewer manhole when available, etc.; and
- Secure the overflow site to prevent contact by members of the public.

All materials must be prevented from entering storm drains and waterways to the maximum extent possible.

#### 4.2 Notification of Appropriate Agencies

Agencies responsible for spill containment, response and cleanup are notified by the City or County inspector following confirmation of a spill. Responsible agencies are identified in Table 3 below based on type of discharge or spill. In the case of discharges which originate from outside the City of Commerce, emergency notification shall also be made to the responsible jurisdiction.

**Table 3**  
**Agencies Responsible for Spill Cleanup**

<b>TYPE OF DISCHARGE/SPILL</b>	<b>PRIMARY AGENCY TO NOTIFY</b>	<b>CONTACT INFORMATION</b>
Sanitary sewer system or septic system	LA County Department of Public Works	24-hour dispatch: (800) 675-4357
Potentially Hazardous (for spills 5 gallons or less)	Los Angeles County Fire Department (Hazmat Team)	(323) 881-2455 (24-Hours) or call 911 in an emergency
Potentially Hazardous (for spills greater than 5 gallons)	Ocean Blue Environmental	(562) 624-4120 or (800) 990-9930
Danger to Health or the Environment	Office of Emergency Management (OEM)	(323) 980-2260 After-hours: (323) 980-2158.
Drinking water system releases*	California Water Service	(323) 722-8601
All other categories of discharges	City of Commerce Public Works (8am-6pm/M-Friday) Fire Department (24-hours)	(323) 722-4805 (323) 881-2455

\*Potable water discharges are considered a conditionally exempt essential non-stormwater discharge and are authorized under the MS4 Permit when necessary and appropriate BMPs are in place. However, unplanned potable water discharges, including leaks, breaks, emergency flushing, or overflows from a drinking water supply system could impact receiving waters. If there is a large, unexpected water flow, contact California Water Service to determine if the flow is planned.

### **4.3 Documentation of Spill Response**

Once the discharge is contained and the appropriate spill response agencies have been contacted, on-scene City or County personnel shall fill out the information under the “Spill Response” heading of the Illicit Connection & Illicit Discharge Reporting and Response Form included in **Attachment D**. The spill shall then be investigated, eliminated, and documented, as discussed in *Section 5 Illicit Discharge Source Investigation and Elimination*.

## 5. ILLICIT DISCHARGE SOURCE INVESTIGATION AND ELIMINATION

The goal of illicit discharge investigation and elimination is to identify the source of suspected illicit discharges and to develop procedures to eliminate the illicit discharge.

If there is concern that the discharge is sewage, hazardous, or unknown and may discharge into the MS4, procedures outlined in *Section 4 Spill Response Plan* are followed prior to source investigation and elimination.

Illicit discharge investigations are initiated to identify and locate the source of the illicit discharge using the procedures detailed within *Section 5.1 Source Investigation of Illicit Discharges*. The discharge is eliminated and cleaned up as detailed in *Section 5.2 Elimination and Cleanup of Illicit Discharges*. Records of all discharges are maintained, as specified in *Section 5.3 Documentation of Illicit Discharges*.

### 5.1 Source Investigation of Illicit Discharges

After determining that the discharge is not an immediate threat to public health or after containment of discharges that are threats to public health, City Code Enforcement and/or the contracted inspector for the County shall conduct a site visit and begin to investigate the source of the discharge. The source of an observed illicit discharge is investigated within 72 hours of becoming aware of the illicit discharge. Illicit discharges that pose a threat to human health or the environment (i.e., sanitary sewage and/or significantly contaminated discharges) are investigated first.

The City or County inspector shall determine whether the reported discharge is an illicit discharge or whether it falls under the categories of allowed, essential conditionally exempt, or conditionally exempt discharges. The Illicit Discharge Flow Chart included as **Attachment B**, or the “Non-storm Water Discharges under the LA MS4 Permit” Quick Reference Handout, included as **Attachment C**, provide guidance on how to determine the discharge category. The Illicit Connection & Illicit Discharge Reporting and Response Form includes a section called “Field Guide for Determining if a Discharge is Illicit” for quick reference while performing a source investigation.

If the inspector determines that the discharge is allowed or the required BMPs are being implemented for an essential conditionally exempt or a conditionally exempt discharge, the inspector will maintain records of the investigation on the Illicit Connection & Illicit Discharge Reporting and Response Form, and the discharge may proceed as long as the required BMPs and conditions are maintained. However, if the inspector determines that the reported discharge is illicit, an inspection to identify the source, extent, and nature of the discharge occurs.



Visual observation of the surface drainage in the vicinity of the illicit discharge shall be conducted to help identify the source of the illicit discharge. Visual inspections of the quality of the discharge shall be observed for color, odor, sheen, and cloudiness to help identify the source. Field inspectors can photograph visual observations to aid in documentation and follow-up. If a discharge is actively occurring during inspection, it shall be tracked upstream to the source. If no discharge is occurring, the inspector shall observe the ground for signs of recent staining that may be associated with the illicit discharge.

The City or County inspector shall collect the information included under “Source Investigation” on the Illicit Connection & Illicit Discharge Reporting and Response Form. Procedures detailed in *Section 5.2 Elimination and Cleanup of Illicit Discharges* shall be followed in order to remove the discharge.

Any discharge that originates from an upstream jurisdiction requires the City to follow the same elimination procedures detailed in *Section 5.2 Elimination and Cleanup of Illicit Discharges*. The City also provides documentation and notification to the upstream jurisdiction immediately upon determination of the source and informs the Regional Board within 30 days.

If the source of an illicit discharge cannot be traced to a responsible party, the City implements the procedures in *Section 4 Spill Response Plan*. The City will then follow the procedures in *Section 5.2 Elimination and Cleanup of Illicit Discharges*.

If an illicit discharge investigation leads to a discovery of an illicit connection, City staff will follow procedures outlined in *Section 6 Illicit Connections* after eliminating and documenting the illicit discharge.

## **5.2 Elimination and Cleanup of Illicit Discharges**

Responsible parties are notified by the entity conducting the investigation to immediately cease unlawful discharges and to initiate all necessary corrective actions to eliminate the illicit discharge. Illicit discharges should be eliminated by the responsible party through voluntary termination. The City will take appropriate enforcement actions as described in *Section 2.1 Legal Authority* if responsible party fails to eliminate the illicit discharge. It is the legal and financial responsibility of the property owner on which the discharge originated or the entity responsible for the spill to cleanup and remove residues of an illegal discharge.

### ***Illicit Discharges that cannot be eliminated***

In the event that an ongoing illicit discharge cannot be eliminated following full execution of the City's legal authority, the City will divert the entire flow to the sanitary sewer or provide treatment. The City will notify the Regional Board within 30 days with a written plan for review and comment that describes the efforts that have been undertaken to eliminate the illicit discharge, a description of the actions to be undertaken, the anticipated costs, and a schedule for completion.

### ***Cleanup of Non-Hazardous Illicit Discharges***

Illicit Discharges will be prevented from entering waterways to the maximum extent possible. Solid, non-hazardous materials are generally removed by collecting and/or sweeping and disposing them in a landfill or other approved location. Liquids are diverted to an area away from catch basins or waterways where they may be removed with a vacuum truck or allowed to soak into the ground if the liquid does not contain pollutants. Absorbent material is used to soak up the remainder of the liquid materials.

The responsible party informs the City when it is finished with clean-up efforts and the City conducts a follow-up visit, when necessary, to ensure that the illicit discharge or spill has been sufficiently cleaned up. The City or County inspector may request copies of receipts and/or manifest for the proper disposal of all materials collected as a result of the clean-up. The responsible party may also be required to provide a written report in order to document the illicit discharge and prevent future illicit discharges. Follow-up investigations are documented as described in *Section 5.3 Documentation of Illicit Discharges*.

### **5.3 Documentation of Illicit Discharges**

The Illicit Connection & Illicit Discharge Reporting and Response Form shall be used to document all aspects of an illicit discharge source investigation, source elimination and follow-up. All applicable fields on the form should be completed.

Records and photographs of illicit discharges and spills are submitted to the Deputy Director of Public Works following completion of the investigation and clean-up. The follow up investigation, if any, will be documented on the Illicit Connection & Illicit Discharge Reporting and Response Form and will be submitted following case closure.

If the initial public reporting was received through the LACDPW hotline, the City notifies the LACDPW dispatcher when the incident is resolved.

The City notifies the Regional Board of illicit discharges that enter the storm drain system.

Records of IC/IDs will be entered by City staff into the MS4Front tracking database at least annually.

## **6. ILLICIT CONNECTIONS**

Illicit connections are investigated using the procedures detailed within *Section 6.1 Identification and Investigation*. The City responds to the illicit connection as detailed in *Section 6.2 Elimination*. Records of illicit connection investigations and enforcement actions are maintained, as specified in *Section 6.3 Documentation*. The City conducts annual training for all field staff to identify and report illicit connections to City Code Enforcement.

### **6.1 Identification and Investigation of Illicit Connections**

Upon discovery or upon receiving a report of a suspected illicit connection, City or County personnel initiate an investigation within 21 days. The City or County inspector shall collect the information included under “Source Investigation” on the Illicit Connection & Illicit Discharge Reporting and Response Form. Procedures detailed in *Section 6.2 Elimination of Illicit Connections* shall be followed in order to address the illicit connection.

### **6.2 Elimination of Illicit Connections**

Once the illicit connection is investigated and confirmed, the connection can either be:

- Left intact if the connection is permitted or documented, provided the connection will only discharge storm water and non-storm water allowed under this Order or other individual or general NPDES Permits/WDRs; or
- Eliminated within 180 days of completion of the investigation, through voluntary action or enforcement proceedings.

If any person fails to remove an illicit connection upon notification or upon revocation of a connection permit, the City may utilize the enforcement mechanisms described in *Section 2.1 Legal Authority* to require compliance.

In the event that an ongoing illicit connection cannot be eliminated following full execution of the City’s legal authority, the City will refer the case to the Regional Board to require the discharger to obtain a permit for the ongoing discharge.

### **6.3 Documentation of Illicit Connections**

Documentation of an illicit connection source investigation, source elimination and follow-up should be maintained on the Illicit Connection & Illicit Discharge Reporting and Response Form. All applicable fields on the form should be completed.

Records and photographs of illicit connections are submitted to the Deputy Director of Public Works following completion of the investigation. The follow up investigation or permit documentation, if any, will be documented with the Illicit Connection & Illicit Discharge Reporting and Response Form and will be submitted following case closure.

The City notifies the Regional Board of illicit connections to the storm drain system.

Records of IC/IDs will be entered by City staff into the MS4Front tracking database at least annually.

## 7. IC/ID EDUCATION AND TRAINING

The City of Commerce implements a training program to ensure that all staff whose job duties are related to implementing the IC/ID Elimination Program are adequately trained. Contractors performing services such as, but not limited to, storm and/or sanitary sewer system inspection and repair, street sweeping, trash pick-up and disposal, and street and right-of-way construction and repair are trained regarding IC/ID identification and reporting. The City keeps a list of all staff and contractors that require training in **Attachment E**, including:

- Field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection as a part of their normal job responsibilities;
- City employees responsible for receiving public complaints either by telephone or at the public counter; and
- Contractors that perform municipal services. These contractors are required to train their employees in targeted positions and to self-certify at least twice during the five year term of the Permit.

All applicable staff will be trained at least twice during the five year permit term. New staff is trained within 180 days of starting employment.

Illicit discharge contact information, including the procedure for reporting an illicit discharge, is readily available to field staff. The topics covered in these trainings include:

- IC/ID identification, including definitions and examples;
- Investigation;
- Elimination;
- Cleanup;
- Reporting; and
- Documentation.

Records of trainings and training program documents and a list of service contractors that require training are available in **Attachment E** for review by the permitting authority.

## 8. REFERENCES

American Public Works Association, January 1999. Preparing Sewer Overflow Response Plans: A Guidebook for Local Governments. ISBN # 0-917084-76-4.

California Regional Water Quality Control Board—Los Angeles, December 2001. Order No. 01-182, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles and the Incorporated Cities therein, Except the City of Long Beach.

California Regional Water Quality Control Board—Los Angeles, Order No.R4-2012-0175, NPDES Permit No. CAS004001Waste 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.

# Figures



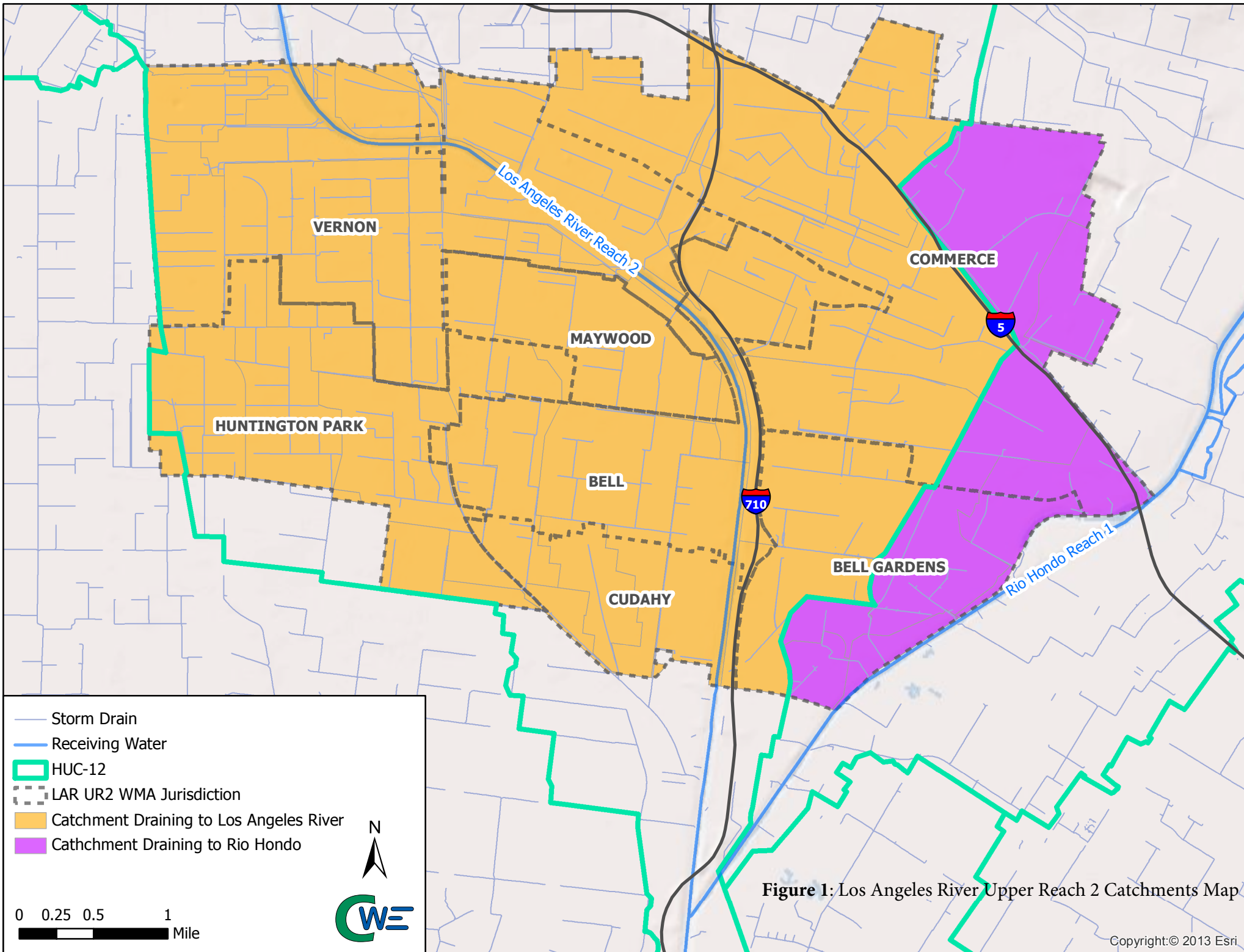
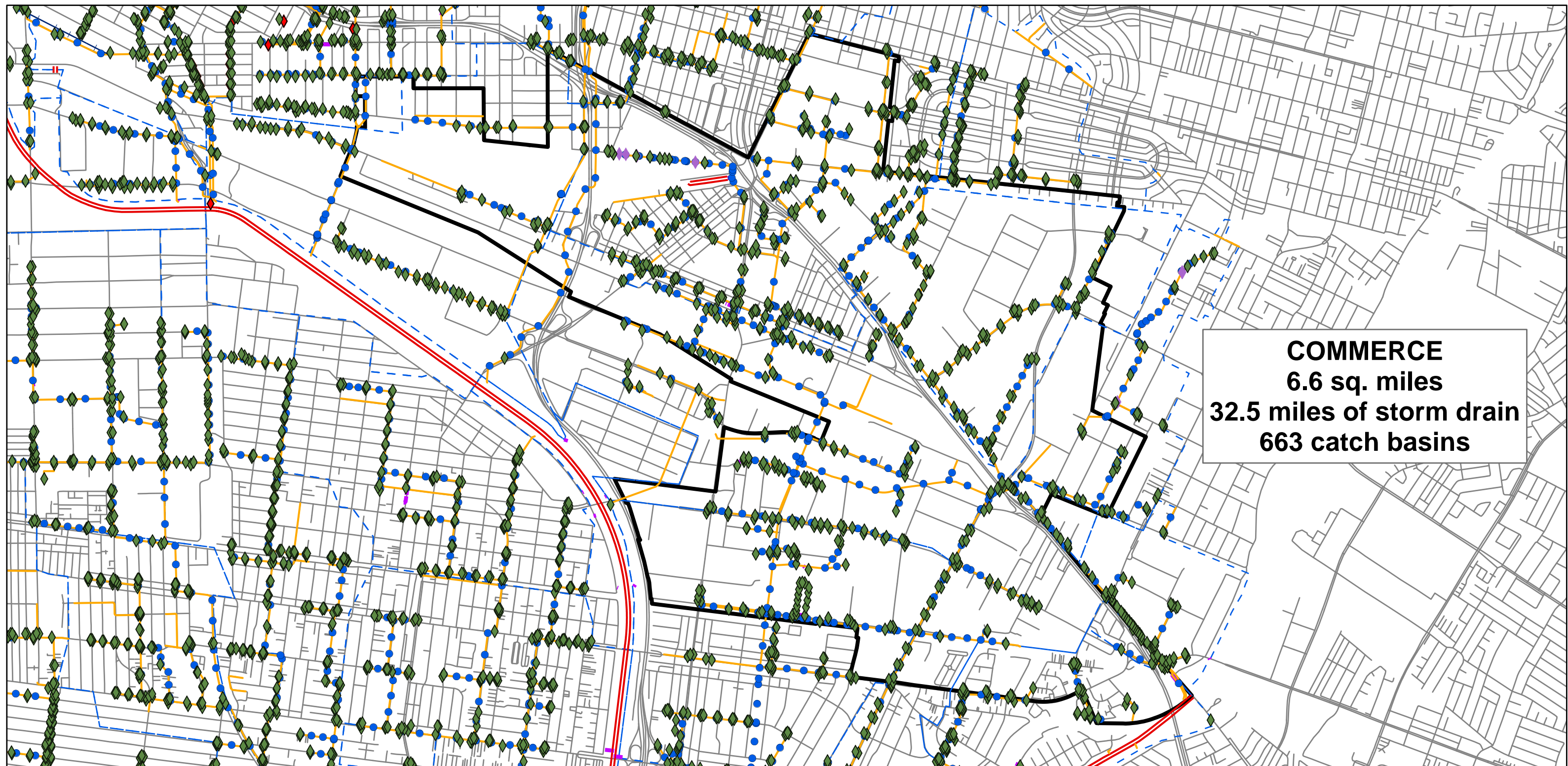
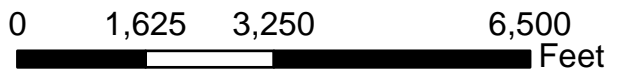
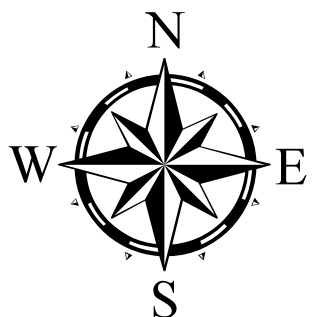


Figure 1: Los Angeles River Upper Reach 2 Catchments Map



**COMMERCE**  
 6.6 sq. miles  
 32.5 miles of storm drain  
 663 catch basins



- Legend**
- ◆ CatchBasin\_Clip
  - ◆ CulvertPoint\_Clip
  - ◆ Gate\_Clip
  - MaintenanceHole\_Clip
  - ▲ PumpStation\_Clip
  - AbandonedLine\_Clip
  - GravityMain\_Clip
  - Lateralline\_Clip
  - OpenChannel\_Clip

<b>LAR UR2 WMA</b>			
<b>GIS SPATIAL LIBRARY DRAINAGE FACILITIES CITY OF COMMERCE</b>		C.R.	08/28/2013
		13039	<b>Figure 2</b>

# Attachments

Attachment A  
Ordinance No. 676 to the City of  
Commerce Municipal Code

**ORDINANCE NO. 676**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING CHAPTER 6.17 (“STORMWATER AND RUNOFF POLLUTION CONTROL”) OF THE COMMERCE MUNICIPAL CODE**

WHEREAS, water runoff from cities, highways, industrial facilities and construction sites can carry pollutants that harm water quality and impair beneficial uses of the waters; and

WHEREAS, the state water boards goals are to use stormwater as a resource and reduce harmful pollutants, fertilizers, debris and other materials carried into storm drains, drainage systems, and ultimately rivers, lakes, and the ocean; and

WHEREAS, the state water boards provide policy and regulatory oversight on behalf of the federal government and draw authority from the Federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, cities and other jurisdictions who discharge into stormwater systems and oversee industrial activity, including construction sites that disturb more than one acre of land, must apply for stormwater permits; and

WHEREAS, most jurisdictions in Los Angeles County are covered under one NPDES permit that remains in effect for five years; and

WHEREAS, on November 8, 2012, the Los Angeles Regional Water Quality Control Board adopted a new NPDES permit which includes significantly more regulations than the prior permit, including Total Maximum Daily Loads (TMDLs) and compliance with numeric waste load allocations; and

WHEREAS, in the past, the City adopted Los Angeles County’s Stormwater and Runoff Pollution Control Ordinance by reference, the City is best served with a City-specific ordinance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 6.17 (“Stormwater and Runoff Pollution Control”) is hereby added to Title 6 (“Health and Sanitation”) of the Commerce Municipal Code to read as follows:

## **CHAPTER 6.17 – STORMWATER AND RUNOFF POLLUTION CONTROL**

Sections:

<u>6.17.010</u>	<u>Title</u>
<u>6.17.020</u>	<u>Purpose and intent</u>
<u>6.17.030</u>	<u>Definitions</u>
<u>6.17.040</u>	<u>Applicability</u>
<u>6.17.050</u>	<u>Standards, guidelines, and criteria</u>
<u>6.17.060</u>	<u>Prohibited activities</u>
<u>6.17.070</u>	<u>Industrial, commercial, and public facility requirements</u>
<u>6.17.080</u>	<u>Good housekeeping</u>
<u>6.17.090</u>	<u>Installation of BMPs</u>
<u>6.17.100</u>	<u>Inspections</u>
<u>6.17.110</u>	<u>Enforcement</u>
<u>6.17.120</u>	<u>Violations</u>
<u>6.17.130</u>	<u>Conflicts with other code sections</u>
<u>6.17.140</u>	<u>Severability</u>

6.17.010. Title

This Chapter shall be known as “Stormwater and Runoff Pollution Control” and may be so cited.

6.17.020. Purpose and intent

The purpose of this Chapter is to comply with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the Municipal National Pollutant Discharge Elimination System (NPDES) Permit by:

1. Reducing pollutants in stormwater discharges to the maximum extent practicable;
2. Regulating illicit connections and illicit discharges, thereby reducing the level of contamination of stormwater and dry weather runoff into the Municipal Separate Storm Sewer System (MS4) of the City of Commerce (City); and
3. Regulating non-stormwater discharges to the MS4.

The intent of this Chapter is to protect the health and safety of the residents of the City and enhance and protect the water quality of the receiving waters of the City and the United States, consistent with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the Municipal NPDES Permit.

6.17.030. Definitions

As used in this Chapter, the following definitions shall apply. For purposes of this Chapter, these definitions shall supersede any other definitions of the same terms in this Code.

**Adverse Impact** refers to a detrimental effect upon water quality or beneficial uses caused by a discharge or loading of a pollutant(s).

**Authorized Enforcement Officer** means the City Manager, Director, or his or her designee.

**Automotive Dealership** refers to a facility that is defined by any one of the following Standard Industrial Classifications (SIC): 5511, 5521 or 5551-5599.

**Automotive Service Facility** is a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes: 5013, 5014, 5541, 5511, 7532-7534, or 7536-7539. 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.

**Basin Plan** refers to 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.

**Beneficial Uses** refers to existing or potential uses of receiving waters in the permit area as defined by the Regional Water Board in the Basin Plan.

**Best Management Practices (BMPs)** 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.

**California Environmental Quality Act (CEQA)** refers to the self-executing statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

**City** refers to the City of Commerce.

**City Council** refers to the City Council of the City of Commerce.

**Code of Federal Regulations (CFR)** refers to the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government of the United States.

**Commercial Activity** refers to any public or private activity not defined as an industrial activity in 40 CFR 122.26(b)(14), involved in the storage, transportation, distribution, exchange, or sale of goods and/or commodities, or providing professional and/or non-professional services. Commercial activity does not mean a dwelling as defined in Title 19 of this code.

**Construction Activity** includes any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results 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 is required if more than one acre is disturbed or the activities are part of a larger plan.

**County** refers to Los Angeles County.

**Department** refers to the Department of Community Development of the City of Commerce.

**Director** refers to the Director of the Community Development Department of the City of Commerce or his or her authorized designee.

**Discharge** refers to any release, spill, leak, pumping, flow, escape, dumping or disposal of any gas, liquid, semi-solid, or solid substance.

**Disturbed Area** means an area that is altered as a result of clearing, grading, and/or excavation, unless solely for the purposes of landscape maintenance or fire prevention.

**Gas Station** refers to any facility engaged in selling gasoline or other lubricating oils, including any automotive service facility located on the same or contiguous property and under the same ownership and management.

**Good Housekeeping Practice** means common practices related to the storage, use, or cleanup of pollutionable materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, use of alternative and less environmentally harmful products, spill prevention, promptly cleaning up spills and leaks, and storing pollutionable materials in a manner that will contain any leaks or spills.



**Hazardous Material** refers to any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code or any substance designated pursuant to 40 CFR 302. This also includes any unlisted hazardous substance which is a solid waste as defined in 40 CFR 261.20, which is not excluded from regulation as a hazardous waste under 40 CFR 261.40(b) or is a hazardous substance under Section 101(14) of the Clean Water Act, if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

**Hazardous Waste** refers to a hazardous material which is to be discharged, discarded, recycled, and/or reprocessed.

**Hillside Home Developments** are properties 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.

**Illicit Connection** refers to any human-made conveyance that is connected to the storm drain system without a permit, excluding roof drains which convey only stormwater.

**Illicit Discharge** means any discharge to the MS4 that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. This includes all non-stormwater discharges except discharges pursuant to a separate NPDES permit; discharges that are exempted or conditionally exempted in accordance with the Municipal NPDES Permit; and non-stormwater discharges resulting from natural flows specifically identified in the Municipal NPDES Permit.

**Industrial Activity** refers to any public or private activity listed in any of the eleven categories of activities defined in 40 CFR 122.26(b)(14) which require a NPDES permit.

**Industrial/Commercial Facility** refers to any public or private facility involved and/or used in either production, manufacturing, storage, transportation, distribution, exchange or the sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facility includes, but is not limited to, any facility defined by a Standard Industrial Classification (SIC).

**Inspection** means entry and the conduct of an on-site review of structures and devices on a property, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research;
2. Mailed notification explaining the purpose and legal regulations for the inspection;
3. Request for entry;
4. Interview of property owner, resident and/or occupant(s);
5. Property walk-through;
6. Visual observation of the condition of property premises;
7. Examination and copying of records as required;
8. Sample collection (if necessary or required);
9. Exit discussion (to discuss preliminary evaluation) as appropriate; and
10. Report preparation, and if appropriate, recommendations for coming into compliance including providing a copy of the inspection report to the business representative

**Low Impact Development or “LID”** means building or landscape features designed to retain or filter stormwater runoff. Refer to City Ordinance Number 651 or Chapter 19.33 of the Commerce Municipal Code for Low Impact Development requirements.

**Municipal NPDES Permit** means 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" (Order No. R4-2012-0175), NPDES Permit No. CAS004001, effective December 28, 2012, issued by the California Regional Water Quality Control Board—Los Angeles Region, and any successor permit or amendments to that permit.

**Municipal separate storm sewer system (MS4)** means a conveyance or system of conveyances (consisting of roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade 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) 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;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

**National Pollutant Discharge Elimination System or “NPDES”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Clean Water Act Section 307, 402, 318, and 405.

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

**Non-Stormwater Discharge** refers to any discharge into the MS4 or from the MS4 into a receiving water that is not composed entirely of stormwater.

**Pollutant** means those pollutants defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Examples of pollutants 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 soils, sediment and particulate materials in amounts which 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 six (6) or greater than nine (9), or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Receiving Waters** refers to all surface water bodies the City discharges to that are identified by a Regional Water Board in a Basin Plan.

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 10,000 square feet or more of impervious surface on existing single family dwelling and accessory structures or the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site for non-single family projects. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. 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.

**Regional Board** refers to the Los Angeles Regional Water Quality Control Board.

**Restaurant** refers to 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).

**Routine Maintenance** includes, but is 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. Perform 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. New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

**Runoff** refers to any stormwater or non-stormwater discharge from any surface and/or drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.**Sidewalk Washing** means pressure washing of paved pedestrian walkways with average water usage of 0.006 gallons per square foot, with no cleaning agents, and properly disposing of all debris collected, as authorized under Regional Water Board Resolution No. 98-

08.

**Significant Ecological Areas (SEAs)** are areas that are 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.

**Simple LID BMP** means a BMP constructed above ground on a single-family residential home that can be readily inspected by a homeowner or inspector. Simple LID BMPs do not require an operation and maintenance plan per the Municipal NPDES Permit. Examples of such BMPs include but are not limited to vegetated swales, rain barrels and above ground cisterns, rain gardens, and pervious pavement. Refer to City Ordinance Number 651 or Chapter 19.33 of the Commerce Municipal Code for Low Impact Development requirements.

**Standard Industrial Classification (SIC)** refers to a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Officer of the President of the United States, Office of Management and Budget.

**State Water Board** refers to the State of California Water Resources Control Board.

**Storm Drain System** refers to any street, gutter, conduit, natural or artificial drain, channel and watercourse, and/or other facility or any combination thereof that is owned and/or operated by the City, the County, or Los Angeles County Flood Control District and used for the purpose of collecting, storing, transporting, and/or disposing of runoff.

**Stormwater** refers to stormwater runoff, snow melt runoff, and surface runoff and drainage related to precipitation events (pursuant to 40 CFR § 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

**Stormwater Pollution Prevention Plan (SWPPP)** is a plan, as required by a State General Permit, identifying potential pollutant sources and describing the design, placement, and implementation of BMPs, to effectively prevent non-stormwater discharges and reduce pollutants in stormwater discharges during activities covered by the General Permit.

**Stormwater Runoff** refers to stormwater which travels across any surface to the storm drain system and/or receiving waters.

**Structural BMP** means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and dry weather runoff pollution (e.g. canopy, structural enclosure). Structural BMPs may include both treatment control BMPs and source control BMPs.

**Treatment Control BMP** refers to an engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption, or any other physical, biological, or chemical process.

**Uncontrolled Discharge** refers to any discharge, intentional or accidental, occurring in such a manner that the discharger is unable to determine or regulate the quantity, quality or effects of the discharge.

**USEPA** refers to the United States Environmental Protection Agency.

#### 6.17.040 Applicability

The provisions of this Chapter shall apply to the discharge, deposit, or disposal of any stormwater and/or non-stormwater runoff to the MS4 and/or receiving waters from areas within the City covered by the Municipal NPDES Permit to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto.

#### 6.17.050. Standards, guidelines, and criteria

The Director may establish uniform minimum standards, guidelines, and/or criteria for specific discharges, connections, and/or BMPs. The provisions of this section shall not prohibit the Director from requiring a discharger or permittee from taking additional measures to achieve the objectives of this Chapter or any permit.

#### 6.17.060. Prohibited activities

##### **A. Illicit connections/illicit discharges**

- 1. Illicit Connections.** It is a violation of this Chapter to commence, establish, use, maintain, or continue any connections to the MS4 or any discharges to the MS4 unless the connection has been permitted by the City of Commerce, County of Los Angeles and/or Los Angeles County Flood Control District. This prohibition against illicit connections applies to the use, maintenance, or continuation of any illicit connection, whether that connection was established prior to or after the effective date of this Chapter.

If any person fails to remove an illicit connection upon notification by the City or County or upon revocation of a connection permit, the City or County may utilize enforcement mechanisms to require compliance with the ordinances, permits, contracts, or orders pursuant to Section 6.17.110 of this chapter.

2. **Illicit Discharges.** All non-stormwater discharges into the MS4 are prohibited unless those flows are: in compliance with a separate NPDES Permit; pursuant to a discharge exemption by the Regional Board, the Regional Board's executive officer, or the State Water Resources Control Board; associated with emergency firefighting activities (i.e., flows necessary for the protection of life or property); natural flows as defined in the Municipal NPDES Permit; conditionally exempt non-stormwater discharges as defined in accordance with the Municipal NPDES Permit; or authorized as a temporary non-stormwater discharge by the USEPA pursuant to sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Illicit discharges include but are not limited to:
  - a. The discharge of wash waters to the MS4 from commercial auto washing or when gas stations, auto repair garages, or other type of automotive service facilities are cleaned;
  - b. Discharge of wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
  - c. Discharge to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids or coolants is undertaken;
  - d. Discharge to the MS4 from storage areas for materials containing grease, oil or hazardous materials or uncovered receptacles containing hazardous materials, grease or oil;
  - e. Discharge of commercial/residential swimming pool filter backwash to the MS4;
  - f. Discharge from the washing of toxic materials from paved or unpaved areas to the MS4;
  - g. Discharges to the MS4 from washing impervious surfaces in industrial/commercial areas, unless specifically required by the State's, or the City's, or Los Angeles County's health and safety codes, or permitted under a separate NPDES permit;
  - h. Discharges to the MS4 from the washing out of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;
  - i. Discharges to the MS4 of any pesticide, fungicide, or herbicide banned by the USEPA or the California Department of Pesticide Regulation or a product registered under the Federal Insecticide, Fungicide and Rodenticide Act to any waste stream that may ultimately be released to waters of the United States unless specifically authorized under an NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.
  - j. The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.
  - k. Discharge from the washing or rinsing of restaurant mats, equipment or garbage bins or cans in such a manner that causes non-stormwater to enter the MS4.
3. **Notification of illicit discharges.** Upon discovery of an illicit discharge to the MS4, the discharger or permittee shall:

- a. Immediately notify the Director of the incident by telephone in addition to any other notifications to public agencies as may be required by law. The notification shall include discharge location, type of materials discharged, estimated concentration and volume of the discharge, and corrective action taken to contain or minimize the effects of the discharge; and
- b. Within 10 calendar days after the first discovery of the illicit discharge, submit to the Director a detailed written report describing the cause of the discharge, corrective action taken and measures to be taken to prevent future occurrences, and measures taken to remediate the effects of the discharge. Such notification shall not relieve the discharger or permittee from liability or fines incurred as a result of the uncontrolled discharge.

## **B. Littering, polluting, discharging of damaging substances**

No person shall cause:

1. Any refuse, rubbish, garbage, food waste or any discarded or abandoned objects to be littered, thrown, deposited, placed, left, accumulated, maintained or kept in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, drainage structure, place of business or upon any public or private property except when such materials are placed in containers, bags, recycling bins or other lawfully established waste disposal facilities protected from stormwater or runoff. No person shall throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the City.
2. The disposal of hazardous materials or wastes into trash containers used for municipal trash disposal.
3. A USEPA or California Department of Pesticide Regulation prohibited substance discharge to the MS4. Further, no person shall cause a discharge to the MS4 of any pesticide, fungicide or herbicide in concentrations that exceed a water quality objective established by the Regional Water Board for that portion of the MS4 or for any downstream waters.
4. The accumulation of pollutants, leaves, dirt or other landscape debris into a street, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated or natural conveyance.
5. The disposal of sanitary or septic waste or sewage into the MS4 from any property or residence, any type of recreational vehicle, camper, bus, boat, holding tank, portable toilet, vacuum truck or other mobile source or any waste holding tank, container or device.
6. Any discharge that would cause or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges.

## **C. Pet waste**

No person shall walk, or otherwise have in his or her custody or control, any pet upon any public or private property, including streets, sidewalks, public parks, parkways and alleys, unless the person has in his or her possession, and in plain view, readily usable materials or implements sufficient to remove and to lawfully dispose of any fecal waste matter that may be deposited on the ground by the pet. Any waste deposited by the pet must

be immediately removed by the person in custody or control of the pet unless otherwise authorized by the property owner.

**D. Discharges in violation of the Municipal NPDES Permit**

Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify, and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

**E. Industrial activity**

No person shall conduct any industrial activity in the City without obtaining all permits required by state or federal law, including a NPDES general industrial activity storm water permit when required. Persons conducting industrial activities within the City shall refer to the most recent edition of the Industrial/Commercial Stormwater Best Management Practices Handbook, produced and published by the California Stormwater Quality Association, for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from industrial activities.

**F. Construction activity**

No person shall commence any construction activity for which a permit is required pursuant to Los Angeles County Building Codes without implementing all stormwater and runoff pollution mitigation measures required by such a permit. All BMPs required as a condition of any permit for construction activity pursuant to this Code shall be maintained in full force and effect during the term of the project, unless otherwise authorized by the Director.

6.17.070 Industrial, commercial, and public facility requirements

**A. Industrial, commercial, and public facilities compliance with NPDES permit.**

Any industrial, commercial, or public facility required to have an NPDES Permit shall retain their permit on-site and make the following documents available to the Director as evidence of compliance with the permit, upon request:

1. A copy of the businesses' NPDES permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial activity as submitted to the State Water Board or Report of Waste Discharge (ROWD) as submitted to the Regional Water Board;
2. A Waste Discharge Identification (WDID) Number issued by the State Water Board;
3. A SWPPP and a Monitoring Program Plan or No Exposure Certification for facilities subject to this requirement;
4. Stormwater quality data; and
5. Evidence of facility self-inspection.

**B. Requirements for industrial/commercial and construction activities**

1. Each industrial or commercial discharger, discharger associated with construction activity, or other discharger described in any general



stormwater permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board, shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the Authorized Enforcement Officer prior to the issuance of any grading, building, final approval, or any other type of permit or license issued by the City. Industrial and commercial discharges, and discharges associated with construction activity, which are not subject to either a general or individual NPDES permit, shall still be required to comply with the provisions of this Ordinance, as required by permit provision VI.A.2.a.i.

2. Non-stormwater discharges to the MS4 from industrial, commercial, or construction activities are prohibited except as indicated in Section 6.17.060.A.2 of this Chapter.
3. Industrial and commercial dischargers and dischargers associated with construction activities must implement effective BMPs, including source control BMPs, in accordance with the Municipal NPDES Permit to reduce pollutants in stormwater from such sites to the maximum extent practicable.
4. Stormwater runoff containing sediment, construction materials, or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable.

### **C. Best management practices for industrial and commercial facilities**

All industrial and commercial facilities shall implement BMPs to the maximum extent practicable. Minimum BMPs applicable to all industrial and commercial facilities include, but are not limited to:

1. Termination of all non-stormwater discharge to the MS4 that is not specifically authorized by a NPDES permit;
2. Removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality in areas exposed to stormwater;
3. Exercising general good housekeeping practices;
4. Incorporating regularly scheduled preventive maintenance into operations;
5. Maintaining spill prevention and control procedures;
6. Immediate clean-up of spills and leaks of pollutionable materials;
7. Implementing soil erosion control;
8. Implementing sediment controls;
9. Implementing waste management practices;
10. Signage on private on-site storm drains to indicate that they are not to receive liquid or solid wastes;
11. Regular cleaning of the private on-site storm drain system; and
12. Insuring that stormwater runoff is directed away from operating, processing, fueling, cleaning and storage areas.

6.17.080 Good housekeeping

An owner or occupant of any property shall comply with the following good housekeeping requirements:

1. No person shall leave, deposit, discharge, dump or otherwise expose any chemical, fuel, animal waste, garbage, batteries, and/or septic waste in an area where actual or potential discharge to City streets or the MS4 may occur. Any spills, discharge or residues shall be removed as soon as possible and disposed of properly.
2. Runoff from landscape irrigation, air conditioning condensate, water line flushing, foundation/footing drains, individual residential car washing, dechlorinated swimming pool discharges, and sidewalk washing shall be conducted in a manner not in violation of other provisions of this Code.
3. Runoff from washing paved areas on industrial or commercial property, including but not limited to parking lots, is prohibited unless specifically required by Federal, State, or local health or safety codes and not in violation of any other provision of this Code. Conditionally exempt non-stormwater discharges of roadway/driveway wash water only include those discharges resulting from use of high pressure, low volume spray washing using only potable water with no cleaning agents. Sweeping and collection of debris for trash disposal instead of or prior to use of water should be utilized whenever possible.
4. Objects, such as motor vehicle parts, containing grease, oil, chemicals, refuse, or other pollutionable materials, and unsealed receptacles containing hazardous materials, shall not be stored or deposited in areas exposed to stormwater or otherwise susceptible to runoff discharging to the MS4 or receiving waters. Any such spill or exposure of materials shall be contained and removed immediately.
5. Any machinery or equipment which is to be repaired or maintained in areas exposed to stormwater or otherwise susceptible to runoff shall be provided with containment areas to control leaks, spills, and discharges.
6. All City-owned motor vehicle parking lots with more than 25 parking spaces and located in areas exposed to stormwater or otherwise susceptible to runoff shall have debris, oil, chemicals, and other pollutionable materials removed by regular sweeping or other equally effective measures, no less than two times per month and/or inspected no less than two times per month to determine if sweeping is necessary. Such debris shall be collected and properly disposed of to prevent or minimize pollutants or debris from running off the parking lot into the MS4.
7. Food wastes generated by non-residential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the MS4. For example, restaurant kitchen mats may not be washed or rinsed into the street or alley.
8. BMPs shall be used in areas exposed to stormwater for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.

## 6.17.090 Installation of BMPs

### **A. No person shall:**

Install or implement a BMP that transfers pollutants to air, groundwater, surface soils, and/or other media in a manner inconsistent with applicable environmental laws and regulations; Install a structural BMP for the purpose of treating, neutralizing, disposing of, monitoring, or diverting to the sanitary sewer system any runoff without the approval of the Director. Such facilities may be subject to plan review, application, and issuance of operating permits pursuant to this Code.

### **B. BMP Implementation**

Operators of construction sites, new or redeveloped land, and industrial and commercial facilities are required to minimize the discharge of pollutants to the MS4 through the installation, implementation, or maintenance of BMPs consistent with the City of Commerce LID Guidelines and the City of Commerce Green Streets Policy Guidelines. Structural control practices must be properly operated and maintained, with documentation of their effectiveness.

## 6.17.100 Inspections

### **A. Identification for inspectors**

The Director shall provide means of identification for inspectors and code enforcement officers which shall identify them as such.

### **B. Facility access**

No object, whether a permanent structure, a temporary structure, or any object which is difficult to remove, shall be located on any storm drain easement or placed in such a position as to interfere with the ready and easy access to any facility conveying stormwater or runoff as described in this Chapter unless the Director grants authority to do so. Upon notification by the Director, any such obstruction shall be immediately removed by the responsible party at no expense to the City and shall not be replaced.

### **C. Stormwater inspections**

The Municipal NPDES Permit requires that all industrial and commercial facilities considered critical sources of stormwater pollution must be inspected for compliance to confirm that stormwater and non-stormwater BMPs are effectively implemented in compliance with this Chapter and the Municipal NPDES Permit.

The Director or his/her designee may inspect in a manner authorized by State law, as often and deemed necessary, any publicly or privately owned storm drain, storm drain connection, street, gutter, yard, plant, storage facility, building, BMP, NPDES Permit, SWPPP, stormwater management plan, construction activity or other facility to ascertain whether such facilities, plans or protective measures are in place, maintained, and operated in accordance with the provisions of this Chapter.

In the course of such inspection, the Director or his/her designee may:

1. Inspect, sample, and make flow measurements of any runoff, discharge, or threatened discharge;
2. Place on the premises devices for runoff or discharge sampling, monitoring, flow measuring, or metering;

3. Inspect, copy or examine any records, reports, plans, test results, or other information required to carry out the provisions of this chapter, to the extent allowed by law; and
4. Photograph any materials, storage areas, waste, waste containers, BMP, vehicle, connection, discharge, runoff, and/or violation discovered during an inspection.

These inspections shall be at a frequency sufficient to be in compliance with the Municipal NPDES Permit. Inspections shall be conducted no less than twice during the term of the Municipal NPDES Permit and as often as the Director deems appropriate to verify compliance with this Chapter. The Director will maintain an inventory and inspection record of all applicable industrial and commercial facilities.

#### **D. Inspector authority**

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an Authorized Enforcement Officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this Chapter, the officer may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this Chapter; provided, that: (i) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (ii) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant. In the event the owner and/or occupant refuses entry after such request has been made, the officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

#### **E. Requirement to Sample or Monitor**

Any Authorized Enforcement Officer may order that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the stormwater system, undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. All costs incurred for such activity shall be borne by the party ordered to do the sampling. In the event the owner or operator of a facility subject to a monitoring and/or analyses order fails to conduct required monitoring and/or analyses and furnish the required reports in the form required, the Authorized Enforcement Officer may cause such monitoring and/or analyses to be conducted and the cost, therefore, including the reasonable additional administrative costs incurred by the City, shall be borne by the owner of the property and the cost thereof shall be, after notice and an opportunity for hearing, invoiced to the owner of the property. If the invoice is not paid within sixty (60) days of the issuance thereof, the costs shall be a lien upon and against the property and continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three (3) months after the completion by an Authorized Enforcement Officer of the required monitoring and/or analyses and reports, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

## **F. Stormwater inspections fee**

An inspection fee will be established pursuant to resolution by the City Council.

### 6.17.110 Enforcement

#### **A. Enforcement Procedure**

1. For the first failure to comply with any provision contained in this Chapter, the Director or any Authorized Enforcement Officer shall issue to the violator a written notice which includes the following information: (i) a description of the violation being committed; (ii) a specified time within which the violation must be corrected or within which the violator may file a written response to the Director disputing the existence of a violation; and (iii) a description of the penalties which may be imposed for continued noncompliance.
2. If the violator demonstrates that the violation does not exist, or has been corrected, no further action need be taken. If, however, the violation exists and is not corrected within the prescribed time, the Director of Public Works may thereafter pursue any of the enforcement remedies described below in this section.

#### **B. Director's powers and duties**

1. The Director shall have primary responsibility for the enforcement of the regulations in this Chapter. The Director may enter into agreements with other departments and/or agencies/contractors/consultants for the purpose of implementing this Chapter.
2. This Chapter authorizes the Director to define and adopt applicable BMPs and other stormwater pollution control measures, to cite infractions, to impose fines pursuant to this Chapter, and to grant emergency self-waivers from Municipal NPDES Permit requirements in order to conduct repairs of essential public service systems and infrastructure in emergency situations. Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Chapter.
3. This Chapter authorizes the Director to carry out inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the provisions of this Chapter and the Municipal NPDES Permit, including the prohibition of non-stormwater discharges into the MS4. This includes the authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into the City's MS4.

### 6.17.120 Violations

Any discharge in violation of this Chapter, any illicit connection, and/or any violation of runoff management requirements shall constitute a threat to public health and safety and declared a public nuisance.

#### **A. Notice to correct violations**

The Director may issue a notice of violation and order to comply with the provisions of this Chapter. Failure to comply with the terms and conditions of a notice of violation and order to comply shall constitute a violation of this Chapter.

The Director may also abate a nuisance on any premises should it constitute an immediate threat to public health or safety or may notify, in writing, the person(s) having control of or acting as agent for such premises to abate or remove such nuisance within the time stated on the notice.

If a person fails to comply with an order issued under this section to remove an illicit connection, obstruction, or other encroachment to the MS4, the Director may order performance of the work necessary for compliance with this Chapter. The person responsible for installing or operating or having control of such a facility shall be liable to the City for the cost of such abatement, including reasonable attorneys' fees and other costs of enforcement, to be recovered in a civil action in any court of competent jurisdiction.

#### **B. Penalties**

Any person violating any provision of this Chapter shall be guilty of a misdemeanor. Such violation shall be punishable by a fine or by imprisonment in the county jail for a period not to exceed six months or by both such fine and imprisonment. The amount of the fine shall not exceed \$100.00 for the first violation, \$200.00 for the second violation of the same provision of this Chapter within one year after the first violation, and \$500.00 for each additional violation of the same provision of this Chapter within one year after the first violation.

Each day during any portion of which such violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as such. Penalties under this Chapter are in addition to and do not supersede or limit any and all other penalties or remedies provided by law.

#### **C. Violations Deemed a Public Nuisance**

1. Any condition caused or permitted to exist in violation of any of the provisions of this Chapter or the Municipal NPDES Permit is hereby determined to be a threat to the public health, safety, and welfare; is declared and deemed a public nuisance and may be abated or restored by any Authorized Enforcement Officer; and a civil or criminal action to abate, enjoin, or otherwise compel the cessation of such nuisance may be brought by the City Attorney.
2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.
3. If any violation of this Chapter constitutes a seasonal and recurrent nuisance, the City Administrator shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this Chapter.

#### **D. Concealment**

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a separate violation of such provision.

#### **E. Civil Actions**

In addition to any other remedies provided in this Section, any violation of this Chapter may be enforced by civil action brought by the City. In any

such action, the City may seek, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation;
4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life; and
5. Attorney fees.

#### **F. Administrative Enforcement Powers**

In addition to the other enforcement powers and remedies established by this Chapter, the Authorized Enforcement Officer has the authority to utilize the following administrative remedies:

1. **Cease and Desist Orders.** When an Authorized Enforcement Officer finds that a discharge has taken place or is likely to take place in violation of this Chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (i) comply with the requirement, (ii) comply with a time schedule for compliance, and (iii) take appropriate remedial or preventive action to prevent the violation from recurring. Failure to comply with such an order shall constitute a separate violation of this Chapter.
2. **Notice to Clean.** Whenever an Authorized Enforcement Officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste, or any other pollutionable material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the MS4 or a non-storm water discharge to the MS4, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste, or other pollutionable material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice. Failure to comply with such a notice shall constitute a separate violation of this Chapter.

#### **G. Permit Revocation**

To the extent the City makes a provision of this Chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

#### **H. Remedies**

Remedies specified in this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal, including remedies under the Federal Clean Water Act and/or Porter-Cologne Act. The remedies provided for in this Section shall be cumulative and not exclusive.

#### **I. Citizen Reporting**

Members of the public are encouraged to report possible violations of this Chapter to the City's Public Works Department.

6.17.130 Conflicts with other code sections

The provisions of this Chapter shall control over any inconsistent or conflicting provisions of this code.

6.17.140 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining Chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions be declared invalid or unconstitutional.

SECTION 3. Effective Date

This Ordinance shall become effective thirty (30) calendar days from and after its adoption.

SECTION 4. Chapter 6.17 ("Stormwater and Runoff Pollution Control") of Title 6 ("Health and Sanitation") of the Commerce Municipal Code is hereby amended.

SECTION 5. The City Clerk shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Lilia R. Leon  
Mayor

ATTEST:

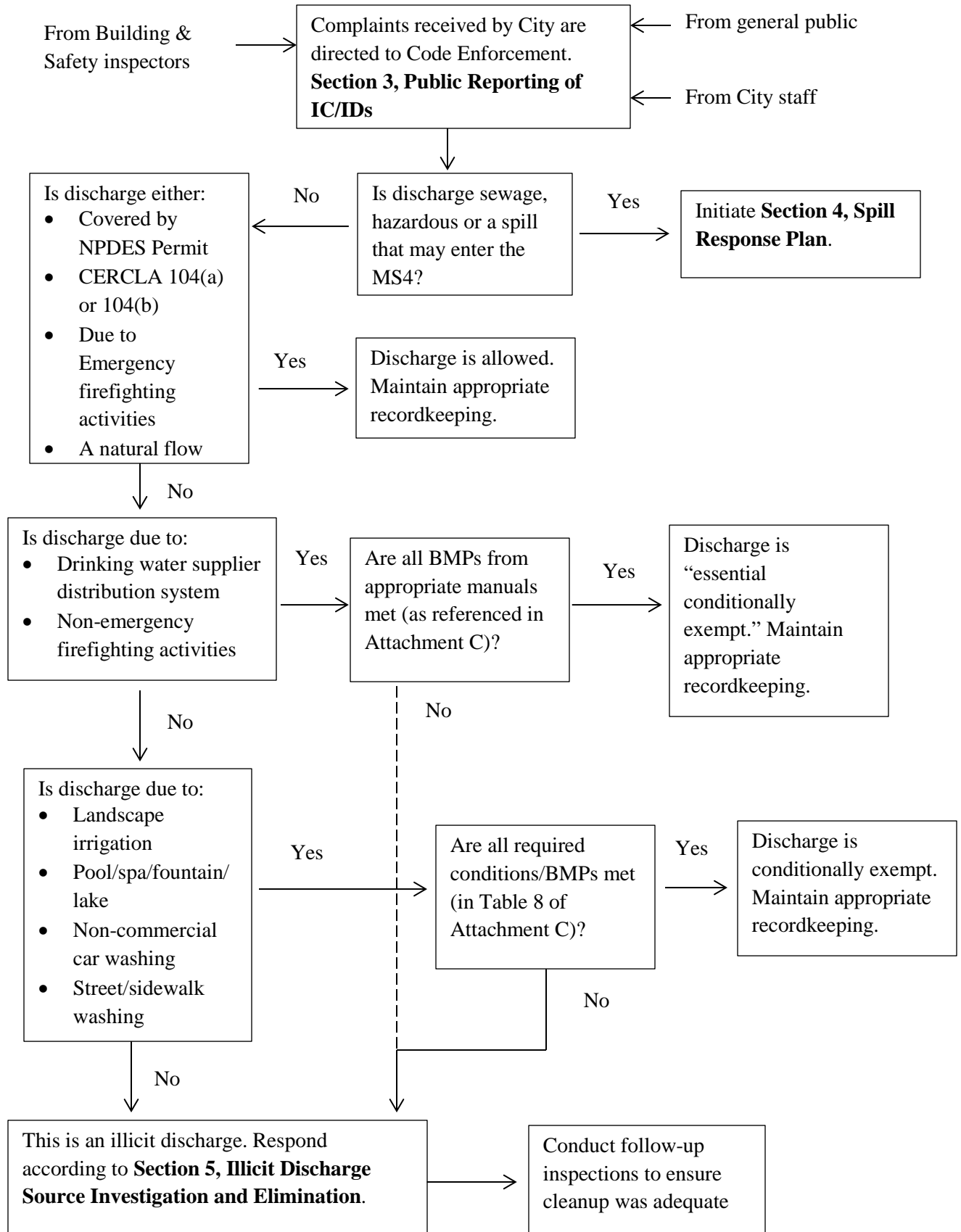
\_\_\_\_\_  
Lena Shumway  
City Clerk



# Attachment B

## Illicit Discharge Flow Chart

## Illicit Discharge Flow Chart



## Attachment C

# Quick Reference Handout Non-Storm Water Discharges Under the LA MS4 Permit

## Quick Reference Handout\*

### Non-Stormwater Discharges under LA MS4 Permit<sup>1</sup>

All non-stormwater discharges are prohibited from the municipal separate storm sewer system (MS4) except for those discharges listed below as specified in the LA MS4 Permit.

#### **Authorized Non-Stormwater Discharges**

The following authorized non-stormwater discharges are allowed if they are either:

- Separately regulated by an individual or general NPDES permit
- Temporary and authorized by USEPA under CERCLA 104(a) and 104(b), typically associated with authorized groundwater remediation actions
- Emergency firefighting activities necessary for the protection of life or property
- Natural flows including: natural springs; flows from riparian habitats and wetlands; diverted stream flows authorized by the State or Regional Water Board; uncontaminated groundwater infiltration; and rising ground waters where ground water seepage is not otherwise covered by a NPDES permit
- Conditionally exempt, as explained below

#### **Conditional Exemptions from Non-Stormwater Discharge Prohibition**

The following categories of non-storm water discharges are exempt if they comply with the terms listed below, including the implementation of Permit-specified Best Management Practices (BMPs), and are not a source of pollutants:

- Dewatering of lakes
- Landscape irrigation
- Dechlorinated/debrominated swimming pool/spa discharges
- Dewatering of decorative fountains
- Non-commercial car washing by residents or non-profit organizations

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<sup>1</sup> California Regional Water Quality Control Board—Los Angeles, Order No. R4-2012-0175, NPDES Permit No. CAS004001 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.

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- Street/sidewalk wash water using only high pressure, low volume potable water with no cleaning agents
- There are separate conditional exemptions for MS4s that discharge to an Area of Special Biological Significance (ASBS).



***Terms for All Conditionally Exempt Non-Stormwater Discharges:***

- Must ensure there are no potential sources of pollutants in the flow path of the of the non-stormwater discharges to prevent introduction of pollutants to the MS4 and receiving water.
- Discharges greater than 100,000 gallons require advance notification, monitoring, and record keeping.
- BMPs for the non-essential categories can be found in Table 8 of MS4 Permit (copied below).

**Table 8. Required Conditions for Conditionally Exempt Non-Storm Water Discharges**

Discharge Category	General Conditions Under Which Discharge Through the MS4 is Allowed	Conditions/BMPs that are Required to be Implemented Prior to Discharge Through the MS4
All Discharge Categories	See discharge specific conditions below.	<p>Ensure conditionally exempt non-storm water discharges avoid potential sources of pollutants in the flow path to prevent introduction of pollutants to the MS4 and receiving water.</p> <p>Whenever there is a discharge of 100,000 gallons or more into the MS4, Permittees shall require advance notification by the discharger to the potentially affected MS4 Permittees, including at a minimum the LACFCD, if applicable, and the Permittee with jurisdiction over the land area from which the discharge originates.</p>
Dewatering of lakes	Discharge allowed only if all necessary permits/water quality certifications for dredge and fill activities, including water diversions, are obtained prior to discharge.	<p>Ensure procedures for advanced notification by the lake owner / operator to the Permittee(s) no less than 72 hours prior to the planned discharge.</p> <p>Immediately prior to discharge, visible trash on the shoreline or on the surface of the lake shall be removed and disposed of in a legal manner.</p> <p>Immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed, shall be inspected and cleaned out.</p> <p>Discharges shall be volumetrically and velocity controlled to minimize resuspension of sediments.</p> <p>Measures shall be taken to stabilize lake bottom sediments.</p> <p>Ensure procedures for water quality monitoring for pollutants of concern<sup>18</sup> in the lake.</p> <p>Ensure record-keeping of lake dewatering by the lake owner / operator.</p>
Landscape irrigation using potable water	Discharge allowed if runoff due to potable landscape irrigation is minimized through the implementation of an ordinance specifying water efficient landscaping standards, as well as an outreach and education program focusing on water conservation and landscape water use efficiency.	<p>Implement BMPs to minimize runoff and prevent introduction of pollutants to the MS4 and receiving water.</p> <p>Implement water conservation programs to minimize discharge by using less water.</p>

Discharge Category	General Conditions Under Which Discharge Through the MS4 is Allowed	Conditions/BMPs that are Required to be Implemented Prior to Discharge Through the MS4
Landscape irrigation using reclaimed or recycled water	Discharge of reclaimed or recycled water runoff from landscape irrigation is allowed if the discharge is in compliance with the producer and distributor operations and management (O&M) plan, and all relevant portions thereof, including the Irrigation Management Plan.	Discharges must comply with applicable O&M Plans and all relevant portions thereof, including the Irrigation Management Plan.
Dechlorinated/ debrominated swimming pool/spa discharges  AND  Dewatering of decorative fountains	Discharges allowed after implementation of specified BMPs	Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water.  Water must be dechlorinated or debrominated using holding time, aeration, and/or sodium thiosulfate. Chlorine residual in the discharge shall not exceed 0.1 mg/L.
	Water containing copper-based algaecides is not allowed to be discharged to the MS4	Water shall not contain any detergents, washes, or algaecides, or any other chemicals including salts from pools commonly referred to as "salt water pools" in excess of applicable water quality objectives.
	Discharges of cleaning waste water and filter backwash for pools allowed only if authorized by a separate NPDES permit	Discharges are to be pH adjusted, if necessary and be within the range of 6.5 and 8.5 standard units.
	Fountain water containing dyes may not be discharged to the MS4	Discharges shall be volumetrically and velocity controlled to promote evaporation and/or infiltration.  Ensure procedures for advanced notification by the owner to the Permittee(s) at least 72 hours prior to planned discharge for discharges of 100,000 gallons or more.  For discharges of 100,000 gallons or more, immediately prior to discharge, the discharge pathway and the MS4 inlet to which the discharge is directed, shall be inspected and cleaned out.

Discharge Category	General Conditions Under Which Discharge Through the MS4 is Allowed	Conditions/BMPs that are Required to be Implemented Prior to Discharge Through the MS4
Non-commercial car washing by residents or by non-profit organizations	Discharges allowed after implementation of specified BMPs.	<p>Implement BMPs and ensure discharge avoids potential sources of pollutants in the flow path to prevent introduction of pollutants prior to discharge to the MS4 and receiving water.</p> <p>Minimize the amount of water used by employing water conservation practices such as turning off nozzles or kinking the hose when not spraying a car, and using a low volume pressure washer.</p> <p>Encourage use of biodegradable, phosphate free detergents and non-toxic cleaning products.</p> <p>Where possible, wash cars on a permeable surface where wash water can percolate into the ground (e.g. gravel or grassy areas).</p> <p>Empty buckets of soapy or rinse water into the sanitary sewer system (e.g., sinks or toilets).</p>
Street/sidewalk wash water	Discharges allowed after implementation of specified BMPs.	<p>Sweeping should be used as an alternate BMP whenever possible and sweepings should be disposed of in the trash.</p> <p>BMPs shall be in accordance with Regional Water Board Resolution No. 98-08 that requires: 1) removal of trash, debris, and free standing oil/grease spills/leaks (use absorbent material if necessary) from the area before washing and 2) use of high pressure, low volume spray washing using only potable water with no cleaning agents at an average usage of 0.006 gallons per square feet of sidewalk area. In areas of unsanitary conditions (e.g., areas where the congregation of transient populations can reasonably be expected to result in a significant threat to water quality), whenever practicable. Permittees shall collect and divert street and alley wash water from the Permittee's street and sidewalk cleaning public agency activities to the sanitary sewer.</p>



## **Conditionally Exempt Essential Non-Stormwater Discharges**

Two categories of non-storm water discharges are exempt if they comply with specific BMPs, are essential public services discharge activities, and are directly or indirectly required by statute or regulation:

- 1. Drinking water supplier distribution systems**
- 2. Non-Emergency firefighting activities**

**Drinking water supplier distribution system releases include:**

- drinking water system failures;
- pressure releases;
- system maintenance;
- distribution line testing;
- flushing and dewatering of pipes, reservoirs and vaults;
- minor non-invasive well maintenance activities not involving chemical additions.

There are four categories of applicable BMPs for releases of potable water, potential low volume potable water, raw water, and groundwater from drinking water supplier distribution systems:

**Administrative-** These are operational practices that reduce potential pollutants at the source. These practices include conservation and reuse of water, training/education of workers, improved material storage and waste management practices, preparing procedures for unplanned releases, maintaining documentation, and planning, scheduling and developing operating procedures.

**Erosion and sediment control-** Need to slow the flow of water, protect bare earth surfaces, use piping to bypass sediment, and/or prevent water from reaching sediment by using berms or dikes.

**Dechlorination-** This is a treatment method that removes or replaces chlorine atoms in water after measuring/monitoring for chlorine residual. This can be accomplished through use of dechlorination agents (ex. sodium sulfite, or ascorbic acid) or use of dechlorination equipment (ex. Dechlor mat or diffuser).

**On-site storage or treatment-** Analyze the water and choose an on-site storage or treatment option that will remove or treat the contaminants/constituents (ex. BOD reduction, VOC removal, pH adjustment).

Appropriate BMPs from the preceding categories must be implemented based on the type of release activity and the potential pollutants of concern associated with the type of release. Detailed BMPs can be found in *AWWA (CA-NV Section) Guidelines for the Development of Your Best Management Practices (BMP) Manual for Drinking Water System Releases (2005)*, or an equivalent industry standard BMP manual.

**Non-emergency firefighting activities** include:

- Fire training activities which simulate emergency responses
- Routine maintenance and testing activities necessary for the protection of life and property, specifically:
- Fire hydrant testing and maintenance
- Building fire suppression system maintenance and testing (e.g., sprinkler line flushing)



Discharges from vehicle washing are not considered essential and are not conditionally exempt.

Detailed BMPs can be found in *CAL FIRE Water-Based Fire Protection Systems Discharge Best Management Practices Manual (September 2011)* and *Riverside County's Best Management Practices Plan for Urban Runoff Management (May 2004)*. A summary of the BMPs are listed below in the following two tables.

## BMP Summary for Non-Emergency Firefighting Activity Discharges (CAL FIRE Manual)

Category	BMP Description	Reference
Safety Considerations for Discharges Associated with Fire Protection Systems	Ensure water will flow into nearby drain inlets as intended	CAL FIRE Manual, Part 4
	Ensure drain inlets are open and free of debris	
	Ensure flowing water will not cause flooding or damage to adjacent properties	
	Ensure water flow trajectory will not impact nearby vehicles, equipment, or pedestrian traffic	
	Ensure water flow does not create slick or unsafe conditions	
Discharges Associated with Fire Protection Systems	Conduct flows for the shortest duration possible	CAL FIRE Manual, Part 6.1
	Remove all debris from the curb and gutter before initiating flushing	CAL FIRE Manual, Part 6.2
	If chlorine residual is a concern, use dechlorination	CAL FIRE Manual, Part 6.3
	Whenever possible and when safe to do so without causing damage or erosion, contain flows onsite by directing the water to landscaped or green areas	CAL FIRE Manual, Part 6.4
	When practicable and with the permission of the local sewer agency, divert sprinkler system discharge to the sewer	CAL FIRE Manual, Part 6.5
	Make required visibility/chemical assessments prior to any discharge from a vault, substructure, or building fire system	CAL FIRE Manual, Part 6.6
	When dechlorinating, use appropriate methods/equipment as prescribed in this Section	CAL FIRE Manual, Part 6.7
	Use sediment control in accordance with the CAL FIRE Manual as necessary. A list of equipment is provided therein	CAL FIRE Manual, Part 6.8
	Determine the flow path of the discharge from the point of release to the inlet of a storm drain	CAL FIRE Manual, Part 6.9
	Use appropriate drain inlet protection	CAL FIRE Manual, Part 6.10
Discharges Associated with Fire Protection Systems (Discharges Into Sensitive Areas)	Ensure road surfaces are free of debris that may flow into the drain inlets or nearby sensitive areas	CAL FIRE Manual, Part 5
	Ensure curbs or ditches are adequate to handle the flow without creating a buildup of silt which cannot be contained and removed	
	Ensure water flows will be free of potential contaminants such as oil, contaminated soils, etc.	
	Ensure water does not cause erosion	

**BMP Summary for Non-Emergency Firefighting Activity Discharges (Riverside County Manual)**

Discharges Associated with Fire Training Activities	Where feasible, live and simulated fire training should be conducted in facilities where runoff controls protecting the storm drain system have been engineered and built into the facility	Riverside County Manual, Page 2
	When conducting Maximum Capability Training exercises, potable water sources may be used when runoff cannot be contained	
	Direct water flows to landscaped or green belt areas whenever possible	
	Survey the area prior to the training exercise to ensure that debris will not enter the storm drain system	
	When practicable, divert flows to the sewer with the permission of the local sewer agency	
	Use fog streams or straight streams for short durations when practicable	
	Use lower gpm nozzle settings	
	Prevent discharge of foam or other additives to the storm drain system. If necessary, block inlets with plastic sheeting and sandbags or temporary berms	
Discharges Associated with Post-Emergency Firefighting Activities	Rehab and maintenance of response equipment must be performed in a manner that prevents discharges to the storm drain system whenever practicable	Riverside County Manual, Page 2
	When elimination of discharges is unavoidable, rehab and maintenance of response equipment must be performed in a manner that minimizes discharges to the storm drain system	

In addition to prescribing BMPs for non-emergency firefighting activities, the BMP manuals also include recordkeeping requirements:

1. Records must be kept for all discharges greater than 1,500 gallons
2. Include the information listed in Part 2, Section 3 of the CAL FIRE Manual
3. Appendix C of the CAL FIRE Manual provides a form that should be utilized for recordkeeping purposes.
4. Records should be kept onsite for a minimum of five years.

Please feel free to ask for more information or resources on any of these subjects.

# Attachment D

## IC/ID Documentation



# City of Commerce

## Illicit Connection & Illicit Discharge Reporting and Response Form

Inspector name: \_\_\_\_\_ Inspector signature: \_\_\_\_\_

### PUBLIC REPORTING

Date/Time report was received: \_\_\_\_\_ Date/time discharge was noticed: \_\_\_\_\_

Source of Report: \_\_\_\_\_ Source's Telephone number: \_\_\_\_\_

Location of Discharge/Spill: \_\_\_\_\_

Category: Discharge  Illicit Connection  **Spill that may enter MS4**  Sewage  Hazardous

(for bolded responses above, immediately notify appropriate agency and implement Spill Response)

Additional Public Reporting Notes: \_\_\_\_\_

### SPILL RESPONSE (if applicable)

Date/Time spill was investigated: \_\_\_\_\_ (within 1 business day of spill report)

Spill is located on: Public Property  Private Property

Date/Time of spill response: \_\_\_\_\_ (within 4 hours of investigation on public property, or 2 hours of being granted access to private property)

### Agencies that were notified:

X	Type of Discharge	Agency	Phone number
	Sanitary Sewer System or Septic System	LA County Department of Public Works	(800) 675-4357
	Potentially Hazardous (for spills 5 gallons or less)	LA County Fire Department (Haz Mat Team)	(323) 881-2455 911 in an emergency
	Potentially Hazardous (for spills greater than 5 gallons)	Ocean Blue Environmental	(562) 624-4120 or (800) 990-9930
	Danger to Health or the Environment	Office of Emergency Management (OEM).	(323) 980-2260; After-hours (323) 980-2158
	Drinking Water System Release	California Water Service	(323) 722-8601
	Other	City of Commerce Public Works (8am-6pm/M-Friday) Fire Department (24-hours)	(323) 722-4805 (323) 881-2455

Additional Spill Response notes: \_\_\_\_\_

### SOURCE INVESTIGATION (Discharge investigations within 72 hours. Connection investigation within 21 days)

Investigation Date/Time: \_\_\_\_\_

Discharge type: Illicit  Spill  Authorized  Conditionally Exempt  Essential Conditionally Exempt

OR

Connection type: Illicit  Permitted

Estimated quantity discharged (gallons): \_\_\_\_\_

Discharge quality: Color  Odor  Sheen  Cloudiness  Describe: \_\_\_\_\_

Did the discharge reach the storm drain or surface water? yes  no

Source of discharge (e.g., sewer, water main, vehicle): \_\_\_\_\_

Responsible Party Information: \_\_\_\_\_

Were photographs taken? yes  no

Additional Source Investigation notes: \_\_\_\_\_



# City of Commerce

## Illicit Connection & Illicit Discharge Reporting and Response Form

### SOURCE ELIMINATION

**Actions taken to eliminate/clean up IC/ID:** \_\_\_\_\_

**Enforcement Actions:** Verbal warning  NOV  **Other:** \_\_\_\_\_

**Is a follow up necessary?**                      yes       no

**Additional source elimination notes:** \_\_\_\_\_

### FOLLOW UP/CLOSURE

**The Illicit Discharge has been cleaned and eliminated:**                      yes                       no                       N/A

**The Illicit Connection has been:** Left intact and has obtained a permit                       Eliminated                       N/A

**Additional Follow up notes:** \_\_\_\_\_

**Date IC/ID case was closed:** \_\_\_\_\_

**Personnel/Agencies notified of case closure:** \_\_\_\_\_

### FIELD GUIDE FOR DETERMINING IF A DISCHARGE IS ILLICIT:

**Authorized Discharges are allowed if they are either:**

- Separately regulated by an individual or general NPDES permit (*e.g., construction site dewatering*)
- Temporary and authorized by USEPA under CERCLA 104(a) and 104(b) (*uncommon in RH*)
- Emergency firefighting activities necessary for the protection of life or property
- Natural flows including: natural springs; flows from riparian habitats and wetlands; diverted stream flows authorized by the State or Regional Water Board; uncontaminated groundwater infiltration; and rising ground waters where ground water seepage is not otherwise covered by a NPDES permit
- Conditionally exempt or essential conditionally exempt discharges, as explained below

**Conditionally Exempt discharges are allowed if they comply with the implementation of Permit-specified Best Management Practices (BMPs), and are not a source of pollutants:**

- Dewatering of lakes
- Landscape irrigation (*must follow City's Water Conservation Ordinance*)
- Dechlorinated/debrominated swimming pool/spa discharges
- Dewatering of decorative fountains
- Non-commercial car washing by residents or non-profit organizations
- Street/sidewalk wash water using only high pressure, low volume potable water with no cleaning agents

**Essential Conditionally Exempt are exempt if they comply with specific BMPs, are essential public services discharge activities, and are directly or indirectly required by statute or regulation:**

1. Drinking water supplier distribution systems
2. Non-emergency firefighting activities

**All other discharges to the storm drain system or ocean not explicitly listed above are prohibited.**

More Complete description of non-stormwater discharges, reporting requirements by the discharger and required BMPs can be found in the "Quick Reference Handout Non-Stormwater Discharges under LA MS4 Permit <sup>1</sup>"

<sup>1</sup> California Regional Water Quality Control Board—Los Angeles, Order No. R4-2012-0175, NPDES Permit No. CAS004001 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.

# Attachment E

## IC/ID Training Records







City of Commerce Public Works Contract Services

Company Name	Type of Service	Mailing Address	Contact No.	ICID Training Self-Certification Date
<b>California Water</b>	Lease and operate water system	2000 S. Tubeway Avenue, Commerce, CA 90040	(323) 722-8601	
<b>CalMet</b>	Residential refuse & recycling	7202 Peterson Lane, Paramount, CA 90723	(562) 259-1239	
<b>Caltrans</b>	Freeway and on/off ramp maintenance			
<b>Jetpatcher</b>	Street Repair	P.O. Box 15597, Anaheim, CA 92803	(714) 299-2521 office or at (714) 556-5002 (310) 974-1051	
<b>L.A. County</b>	General services, industrial waste, and traffic signal maintenance at mixmaster.	900 S. Fremont Avenue, Alhambra, CA 91803	(626) 458-5100	
<b>Martinez Concrete, Inc.</b>	Pothole repair and improvements	920 W. Foothill Blvd. Azusa, CA 91702	626-334-2979 Office 626-334-3365 Fax mcicon77@aol.com	
<b>Nationwide Environmental Services</b>	Street sweeping	11914 Front Street, Norwalk, CA 90650	(562) 860-0604 office (800) 222-5637 office (818) 414-5454 cell ani@nes-sweeping.com	
<b>Nationwide Environmental Services</b>	Catch basin cleaning	11914 Front Street, Norwalk, CA 90650	(562) 860-0604 office (800) 222-5637 office (818) 414-5454 cell ani@nes-sweeping.com	
<b>Pump Man</b>	Storm drain pump station maintenance	5020 Bleecher St., Baldwin Park, CA 91706	(626) 939-0300, ext. 201 keith.thomas@pumpman.com	
<b>West Coast Arborist</b>	Tree maintenance services	2200 E. Via Burton, Anaheim, CA 92806	(714) 991-1900	
<b>Urban Graffiti Enterprises, Inc.</b>	Bus stop maintenance and pressure washing	P.O. Box 2383, Covina, CA 91722		