

City of Hesperia

STAFF REPORT



DATE: March 17, 2020

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay – Assistant City Manager
Bethany Hudson – Engineering Technician
Tina Souza – Senior Management Analyst

SUBJECT: Amendments to Title 1, Chapter 1.12, Title 8, Chapter 8.30 and Title 15, Chapter 15.06 of the Hesperia Municipal Code

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-03: amending Title 1, Chapter 1.12, Title 8, Chapter 8.30 and Title 15, Chapter 15.06 of the Hesperia Municipal Code.

BACKGROUND

On April 30, 2003 the State Water Resources Control Board (SWRCB) adopted Water Quality Order No. 2003-0005-DWQ; National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (MS4 Permit) as required by the Clean Water Act (CWA). The City was required to apply for coverage under the MS4 Permit and has been a permittee since 2003.

The SWRCB renewed and reissued the MS4 Permit in February 2013 as Water Quality Order No. 2013-0001-DWQ, and new requirements became effective on July 1, 2013. The MS4 Permit required the City to review and update its ordinances, policies and procedures to comply with new regulations in the MS4 Permit.

The City of Hesperia adopted Ordinance 2016-07 to comply with the NPDES Permit Implementation on September 6, 2016. This ordinance gave the City adequate legal authority to implement and enforce the provisions under the MS4 Permit issued in February 2013. Part of the MS4 Permit implementation is Program Effectiveness Assessment and Improvement.

The City has currently been working with a consulting firm to evaluate and assess the City's Stormwater Management Program for compliance with the MS4 Permit requirements. Based on staff findings and the consultant's recommendations, amendments to Title 8, Chapter 8.30, Surface and Groundwater Protection: NPDES Permit Implementation of the Hesperia Municipal Code are required to bring the City into compliance with the permit regulations and requirements, along with incidental revisions to Title 1, Chapter 1.12 and Title 15, Chapter 15.06.

ISSUES/ANALYSIS

Staff has prepared revisions to Title 8, Chapter 8.30, Title 1, Chapter 1.12, and Title 15, Chapter 15.06 for the Council's review. Chapter 8.30 has several revisions resulting in a substantially re-written version. Staff worked with the consultant and other City Staff to ensure that any new or updated sections represent current permit language and comply with the regulations.

Below is a short summary of the changes to each section of Chapter 8.30.

Section 8.30.030 – Definitions

This section was updated with current definitions that have been changed or modified by state or federal agencies. Some definitions were added for clarification purposes throughout the Chapter, while others were deleted.

Section 8.30.130 – Requirement to eliminate illicit/illegal discharges

This section was updated to reflect the MS4 Permit language. Staff found some inconsistencies with the language and timeframes in comparison to the permit language in this section.

Section 8.30.170 – Reduction of pollutants in urban runoff

This section was updated to provide specific language in compliance with the MS4 Permit.

Section 8.30.180 – Best Management Practices (BMPs)

Additional language was added to this section to better clarify BMPs for development sites.

Section 8.30.190 – Responsibility to obtain permits and implement BMPs – Commercial and Industrial Facilities

This section was modified to include language requiring proof of compliance with the Industrial General Permit (IGP) prior to issuance of a "business license", due to the new California State Law, SB205 that went into effect on January 1, 2020.

Section 8.30.200 – Construction Projects: Construction Site Stormwater Runoff Control Program

This section added language to comply with the Construction General Permit (CGP) and MS4 Permit language for construction sites that disturb over 1 acre of land.

Section 8.30.220 – Post Construction requirements for Site Design Only projects; Water Quality Management Plan (WQMP)

This section was amended to clarify and specify the two types of development projects that require a WQMP per the MS4 Permit language.

Section 8.30.230 – Post Construction requirements for Regulated Projects; Water Quality Management Plan (WQMP)

This section was added to clarify and specify the requirements of the MS4 Permit for a Regulated Project WQMPs.

Section 8.30.240 – Source Control Measures

This section was modified to include language and clarify implementation per the MS4 permit.

Section 8.30.250 – Authority to enter, inspect, monitor and sample

This section was modified to include language to give authority to City inspectors and/or other authorized City representatives, in addition to enforcement officers, to have the ability to enter, inspect, monitor and sample as needed to comply with the MS4 Permit.

Section 8.30.290 – Appeals

This section was modified to follow the City's Municipal Code Enforcement Procedures under Title 1, Chapter 1.12.

Section 8.30.300 – Acts in violation of the CWA and/or the Porter-Cologne Water Quality Control Act

This section was modified to comply with the permit and regulatory language.

Below is a short summary of the changes to each section of Chapter 15.06

Section 1.12.130 – Special enforcement procedures

This section was revised to include special enforcement procedures for enforcing Chapter 8.30 in compliance with the MS4.

After further evaluation of the Hesperia Municipal Code, staff found that NPDES compliance language was also written in Title 15, Chapter 15.06. To make the code more cohesive, staff is removing all language having to do with NPDES from this Chapter and including language as appropriate in Chapter 8.30.

15.06.020 – Definitions

NPDES related definitions were removed from this section for inclusion in Chapter 8.30

15.06.040 - Permit application submittals.

A portion of this section was removed and addressed Chapter 8.30.

15.06.110 National Pollutant Discharge Elimination System (NPDES compliance)

Section 15.06.110 – National Pollutant Discharge Elimination System (NPDES) compliance

This section has been removed from Title 15 and has been modified and replaced in Title 8, Chapter 8.30.

FISCAL IMPACT

Development of the ordinance required staff time; however, there is no other fiscal impact associated with approval of the recommended action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance 2020-03 (Title 8, Chapter 8.30, Surface and Groundwater Protection: NPDES Permit Implementation)
2. Exhibit "A" Municipal Code Title 8, Chapter 8.30

3. Municipal Code Title 8, Chapter 8.30 with revisions
4. Exhibit “B” Municipal Code Title 1, Chapter 1.12 with revisions
5. Exhibit “C” Municipal Code Title 15, Chapter 15.06 with revisions