



City of Huntington Beach

File #: 20-1654

MEETING DATE: 6/1/2020

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Tom Herbel, PE, Acting Director of Public Works

Subject:

Adopt Ordinance No. 4206 repealing Chapter 14.24 and amending Chapter 14.25 of the Huntington Beach Municipal Code (HBMC) regarding Stormwater and Urban Runoff Management Ordinance

Approved for introduction 5/18/20 - Vote: 7-0

Statement of Issue:

Repealing of Chapter 14.24 and revisions to Chapter 14.25 of the Huntington Beach Municipal Code is necessary to comply with current stormwater regulations established under the Municipal Separate Storm Sewer (MS4) permit (Order No. R8-2009-0030) as issued by the Santa Ana Regional Water Quality Control Board.

Financial Impact:

No funding is required for this action.

Recommended Action:

Adopt Ordinance No. 4206, "An Ordinance of the City of Huntington Beach Repealing Chapter 14.24 and Amending Chapter 14.25 of the Huntington Beach Municipal Code Regarding Stormwater and Urban Runoff Management."

Alternative Action(s):

Do not adopt ordinance and direct staff as how to proceed differently.

Analysis:

Chapter 14.24 of the HBMC was adopted in 1970 to prohibit the discharge of industrial waste and other pollutants into the storm drain system and established a mechanism for the Director of Public Works Department to issue industrial waste discharge permits to industrial facilities for the discharge of industrial waste into the sanitary sewer system. This ordinance is no longer relevant as it does not comply with current storm water regulations and the authority to issue industrial waste permits is now

under the purview of the Orange County Sanitation District. Chapter 14.25 was adopted in 1997 to supersede Chapter 14.24 and was adopted to comply with the then-current stormwater related regulations. Chapter 14.25 of the Huntington Beach Municipal Code (Code) was adopted in 1997 to comply with the MS4 permit as issued by the Santa Ana Regional Water Quality Control Board. The MS4 permit requires the City to demonstrate through ordinances the necessary legal authority to enforce prohibited discharges to the storm drain that would have a negative impact on the water quality and aesthetic value of downstream receiving water bodies such as the Santa River and the Pacific Ocean. The MS4 permit has been revised since the adoption of Chapter 14.25 and the proposed amendments will comply with the new restrictions and requirements included in the latest MS4 permit.

The amendments to the ordinance include:

- Deletion of language that grants the City authority to issue storm water discharge permits. Orange County Sanitation District has the legal authority to issue these permits;
- Grants City staff the authority to define exempted discharges as “nuisance” thereby prohibiting the discharge to the storm drain system due to the nature of the discharge, volume of discharge, and or potential negative impact to downstream water bodies;
- Deletion of language that permits the City to wash down streets without a discharge permit.;
- Defines fugitive dust as prohibited discharge that could potentially have an adverse impact on adjacent properties and downstream water bodies.

Environmental Status:

This section was updated to reflect the language that was submitted and approved by City Council at the May 18, 2020 meeting.

Staff has determined that pursuant to the California Environmental Quality Act (“CEQA”) Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060 (c)(3)(the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, the introduction and adoption of this Ordinance does not require any further environmental analysis such as a negative declaration, mitigated negative declaration or environmental impact report.

Strategic Plan Goal:

Non-Applicable - Administrative Item

Attachment(s):

1. Ordinance No. 4206
2. Legislative Draft Ch. 14.24
3. Legislative Draft Ch. 14.25