

ORDINANCE NO. 24-967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA, UPDATING PORTIONS OF THE CITY'S STORMWATER QUALITY MANAGEMENT REGULATIONS AND FINDING OF EXEMPTION FROM CEQA

Summary: This ordinance updates the City's regulations for stormwater quality management.

WHEREAS, a Stormwater Quality Management Ordinance is necessary for compliance with the State's National Pollutant Discharge Elimination Systems ("NPDES"), Clean Water Act 402, and Division 7 of the California Water Code which the City has been subject to since the adoption of the first NPDES Permit for municipalities within Ventura County in 1998; and

WHEREAS, Chapter 8.06 of the Fillmore Municipal Code ("FMC") states the City's "Stormwater Quality Management" regulations to effectively prohibit non-stormwater discharges into the City Storm Drain System, and to reduce the discharges of pollutants in stormwater to the maximum extent practicable. This chapter was last updated in 2014 and now requires an update to certain sections to ensure compliance with recent changes made by the Municipal NPDES Permit issued in 2021; and

WHEREAS, the City Council desires to update portions of FMC Chapter 8.06 to be consistent with the applicable state and federal laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.06.020, "Definitions", in the Fillmore Municipal Code, specific definitions is revised to replace several definitions with the language shown below (additions in ***bold italics***, deletions in ~~striketrough~~):

"Construction activity" means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in a land disturbance. Construction Activity does not include routine maintenance as defined in the municipal stormwater permit, nor does it include emergency construction activities required to protect public health and safety. ***Where clearing, grading or excavating of underlying soil takes place during a repaving operation, the Statewide General Construction Permit coverage is required if more than one acre is disturbed or the activities are part of a larger plan.***

"Co-permittee" means any of the ***entities listed as co-permittees on California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2021-0105 NPDES Permit No. CAS004004, including the*** following entities: the Ventura County Watershed Protection District (VCWPD), the County of Ventura, or the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura (Ventura), Santa Paula, Simi Valley, or Thousand Oaks. Each co-permittee is responsible for compliance with the terms of the municipal

stormwater permit. *Co-permittees need only comply with permit conditions relating to discharges from the municipal separate storm sewers for which they are operators (40 CFR 122.26(a)(3)(vi)).*”

““Discharger” means any person ~~causing a discharge~~ *without qualification the release of a pollutant or pollutants.*”

““Hazardous substances” means those substances designated as hazardous substances under section 311(b)(2)(A) of the Clean Water Act, and listed in the table at 40 CFR 116.4. *When discharged in any quantity into waters subject to CWA jurisdiction, present an imminent and substantial danger to public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.*”

““Municipal separate storm drain system” or “MS4” or “city’s storm drain system” means a conveyance or system of conveyances, including *roads with drainage systems*, municipal streets, *catch basin, curbs*, gutters, ditches, conduits, natural or artificial drains, channels and watercourses, or other facilities owned, operated, maintained or controlled by city and used for the purpose of collecting, storing, transporting or disposing of stormwater into waters of the United States (as defined at 40 CFR 122.2) *which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.*”

““New development” means ~~projects as identified in the municipal stormwater permit. land disturbing activities;~~ *land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.*”

SECTION 2. Subsection (a)(16) of Section 8.06.030, “Prohibition of non-stormwater discharges, illicit connections, and illicit discharges”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~striketrough~~):

“Dechlorinated/Debrominated swimming pool/***spa*** discharges;”

SECTION 3. New Subsections (a)(18) – (20) are hereby added to Section 8.06.030, “Prohibition of non-stormwater discharges, illicit connections, and illicit discharges”, in the Fillmore Municipal Code to read as follows and the subsection thereafter is renumbered accordingly (additions in ***bold italics***, deletions in ~~striketrough~~):

“(18) Short-term releases of potable water with no additives or dyes for filming purposes;

(19) Potable wash water used to clean reservoir covers;

(20) Hillside dewatering;”

SECTION 4. Subsection (e)(1) of Section 8.06.030, “Prohibition of non-stormwater discharges, illicit connections, and illicit discharges”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~striketrough~~):

“Construct, use, maintain, operate and/or continue to utilize an illicit connection *applies to connections made in the past;*”

SECTION 5. Subsection (a) of Section 8.06.040, “Reduction of pollutants in stormwater”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~striketrough~~):

“(a) No person shall discharge stormwater containing pollutants which have not been reduced to the maximum extent practicable by application of best management practices (BMPs);

the structural BMPs shall be properly operated and maintained; and

such person(s) shall maintain documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4.”

SECTION 6. Subsection (b)(1) of Section 8.06.050, “Development”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~striketrough~~):

“Any conditions and requirements established for new development and redevelopment by the municipal stormwater permit or other permits which are reasonably related to the reduction or elimination of pollutants in stormwater from the project site;

a) Retain on-site the sediments generated on or brought to the project site, using treatment control or structural BMPs.

b) Retain construction-related materials and wastes, spills, and residues at the project site and prevent discharges to streets, drainage facilities, the MS4, receiving waters, or adjacent properties;

c) Contain non-stormwater runoff from equipment and vehicle washing at the project site; and,

d) Control erosion from slopes and channels through the use of effective BMPs, such as limitation of grading during the wet season, inspection of graded areas during rain events; planting and maintenance of vegetation on slopes, if any, and covering any slopes susceptible to erosion.”

SECTION 7. Subsection (c)(4) of Section 8.06.050, “Development”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~striketrough~~):

“The owner or responsible party of the applicable new development or redevelopment project shall submit an annual report to the city to verify that the maintenance plan is executed as required and all post-construction stormwater controls function as designed and are properly maintained. ***The city may charge an inspection fee should the owner or responsible party fail to provide the city with an annual report with proper verification of maintenance of all post-construction stormwater controls. The inspection fee will be in an amount set by resolution adopted after a hearing on a cost of service study.***”

SECTION 8. A new Subsection (c)(i) is added to Section 8.06.060, “Best management practices and requirements”, in the Fillmore Municipal Code to read as follows (additions in ***bold italics***, deletions in ~~strikethrough~~):

“Each discharger shall ensure proper operation of all treatment control BMPs and maintain them as necessary for proper operation, including all post-construction treatment control BMPs.”

SECTION 9. Subsection (i) of Section 8.06.060, “Best management practices and requirements”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~strikethrough~~):

“When the director discovers the owner or operator of a facility or responsible party named in a stormwater pollution prevention plan (SWPPP), stormwater pollution control plan (SWPCP), or PCSMP has failed to adequately implement all necessary BMPs, a notice of violation may be issued stating the actions that shall be taken to achieve compliance and the due date for actions to be implemented. A follow-up inspection ***within 4 weeks from the date of the initial inspection and/or investigation*** may be conducted as required by the municipal stormwater permit or as conditioned or required by the director to protect specific watersheds or drainage basins. If the follow-up inspection reveals the necessary BMPs or PCSMP controls are still not adequately implemented or maintained, the director may follow the enforcement actions specified in Section 8.06.080 of this chapter.”

SECTION 10. Subsection (b) of Section 8.06.070, “Scope of inspections”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~strikethrough~~):

“Entry to Inspect. The authorized inspector may enter public or private property to investigate the source or potential source of a discharge to the city's storm drain system (MS4) or receiving waters located within the city at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or person in charge of day-to-day operations refuses entry after a request to enter and inspection has been made, the director is empowered to seek assistance from the city attorney in obtaining such entry. If the property requires special security clearances to accommodate inspections, it shall be the responsibility of the discharger to obtain all necessary clearances on behalf of the city so that city inspections are not encumbered. Requirements and provisions for special security clearances shall be included in the SWPCP, SWPPP, PCSMP, or PCSMP control maintenance agreement prior to approval. “

SECTION 11. Subsection (e) of Section 8.06.070, “Scope of inspections”, in the Fillmore Municipal Code is revised to read as follows (additions in ***bold italics***, deletions in ~~strikethrough~~):

“Records Review. An authorized inspector may inspect records of the owner or occupant, or person in charge of day-to-day operations of private property during operating hours, to determine compliance with the provisions of this chapter including ***but not limited to***:

- (i) ***The facility is either enrolled in the Industrial General Permit (i.e. has an active WDID number) or has submitted, and granted, a Notice of Non-Applicability (NONA) or Notice of Exemption Certification (NEC) by the Los Angeles Regional Water Quality Control Board.***
- (ii) ***A Storm Water Pollution Prevention Plan (SWPPP) is developed and available at the facility.”***

SECTION 12. Subsections (a) of Section 8.06.080, “Administrative remedies”, in the Fillmore Municipal Code is hereby revised to read as follows (additions in ***bold italics***, deletions in ~~strike through~~):

“Notice of Violation. The director reviews, and, if appropriate, may issue and serve a notice of violation on the owner and/or person in charge of day-to-day operations of any public or private property, as to which an illicit connection or illicit discharge exists. The notice of violation shall:

- (1) Identify the provision(s) of this chapter, the applicable stormwater pollution prevention plan, storm-water pollution control plan or permit alleged to have been violated; and
- (2) State that continued noncompliance may result in civil, criminal or administrative enforcement actions against the owner and/or person in charge of day-to-day operations; and
- (3) State a compliance date that must be met by the owner and/or person in charge of day-to-day operations; and
- (4) Describe the manner of abatement required; and
- (5) Order remediation work; ***and***
- (6) ***Any individual violating such condition is subject to the permit revocation procedures set forth in this code.”***

SECTION 13. Subsection (b) of Section 8.06.080, “Administrative remedies”, in the Fillmore Municipal Code, is hereby revised to read as follows (additions in ***bold italics***, deletions in ~~strike through~~):

“The notice or violation may include where deemed applicable by the director, the following terms and requirements:

- (1) Specific steps and time schedules for compliance as reasonably necessary to prevent threatened or future unauthorized illicit discharges, including but not limited to, the threat of an illicit discharge from any pond, pit, well, surface impoundment, holding or storage area; and

- (2) Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection; and
- (3) Specific requirements for containment, cleanup, removal, storage, installation of overhead covering or proper disposal of any pollutant having the potential to contact stormwater runoff; and
- (4) Any other terms or requirements reasonably calculated to prevent continued or threatened violations of this chapter including, but not limited to, requirements for compliance with BMPs guidance documents promulgated by any federal agency, the state of California or the city; and
- (5) Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of the stormwater quality management plan, a stormwater pollution prevention plan, stormwater pollution control plan or permit issued pursuant hereto, or this chapter; **and**
- (6) ***Failure to comply will result in each day of violation being considered a separate offense; and***
- (7) ***An amount not to exceed \$250 per day in the same year for failing or refusing to furnish technical or monitoring reports; to comply in a timely fashion with any compliance schedule established by the city; or for discharges in violation of any permanent stormwater pollution prevention measure certification, permit condition or requirement issued by the city.***

SECTION 14. This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 15. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 16. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in the *Fillmore Gazette*, a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this 9th day of April, 2024.



Carrie Broggie, Mayor

ATTEST:



Olivia Carrera Lopez, City Clerk

APPROVED AS TO FORM:



Tiffany J. Israel, City Attorney

CITY OF FILLMORE)

COUNTY OF VENTURA)§

STATE OF CALIFORNIA)

I, Olivia Carrera Lopez, City Clerk of the City of Fillmore, California, do hereby certify that the foregoing Ordinance No. 24-967 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof, held on the 9th day of April, 2024, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES: Mayor Broggie, Mayor Pro Tem Gurrola, Councilmember Austin, Councilmember Villaseñor, Councilmember Mendez

NOES: None.

ABSENT: None .




ABSTAIN: None.



Olivia Carrera Lopez, City Clerk

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