

ORDINANCE NO. 3145

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 8.36 RELATED TO STORMWATER AND RUNOFF POLLUTION CONTROL

WHEREAS, on November 8, 2012, the Municipal Separate Sewer System (MS4) Permit (LARWQCB Order No. R-2012-0175) was adopted by the Los Angeles Regional Water Quality Control Board;

WHEREAS, on June 11, 2013, the City Council approved a Draft Whittier Green Streets Policy Manual and approved a Draft Low Impact Development (“LID”) Ordinance;

WHEREAS, on November 12, 2013, the City Council adopted Ordinance No. 3013, updating the Stormwater and Runoff Pollution Control chapter (8.36) of the Whittier Municipal Code (WMC); and

WHEREAS, City staff, a technical consultant, and the City Attorney reviewed the Draft LID Ordinance and then prepared the following recommended revisions to the Whittier Municipal Code to bring it into conformance with the MS4 Permit.

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

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council hereby finds this Ordinance is categorically exempt from environmental review under Section 15268(a) of the California Code of Regulations and Section 21080(b)(1) of the California Public Resources Code, which provide that California Environmental Quality Act (CEQA) guidelines do not apply to “ministerial projects proposed to be carried out or approved by public agencies.”

SECTION 3. Chapter 8.36 of the Whittier Municipal Code is hereby amended to read as follows:

8.36.040 – Definitions

“Construction General Permit” or “CGP” means *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*. General NPDES permit issued by the State Water Board, which authorizes the discharge of stormwater from construction activities under certain conditions.

“Discharge” means the release of a pollutant or pollutants from the MS4 when used without qualification.

“Industrial/Commercial facility” means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by either the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private and profit motive of the facility are not factors in this definition.

“Industrial General Permit” or “IGP” means *General Permit for Storm Water Discharges Associated with Industrial Activities*. General NPDES permit issued by the State Water board, which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

“Low Impact Development or “LID” means the implementation of systems and practices that use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire and/or 3) harvest and use precipitation near to where it falls to earth.

“Non-Stormwater Discharge” means any discharge into the MS4 that is not composed entirely of stormwater.

“Receiving waters” means a “water of the United States” into which waste and/or pollutants are, or may be, discharged.

“Storm_water” or “Stormwater” means Storm water 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)).

8.36.090 – Control of pollutants from commercial facilities.

This includes but is not limited to the implementation of source control BMPs listed in Table 6 of the municipal NPDES permit, where applicable.

8.36.100 – Control of pollutants from industrial activities.

This includes but is not limited to the implementation of source control BMPs listed in Table 6 of the municipal NPDES permit, where applicable.

8.36.120 – Control of pollutants from other construction activities.

Construction activity not subject to the NPDES Construction General Permit that are subject to pollution control requirements under the municipal NPDES permit, shall implement BMPs prescribed by the regional board or its executive officer, or the city’s public works director through programs or actions made pursuant to the municipal NPDES permit. This includes the implementation of an effective combination of erosion and sediment control BMP listed in table 7 and/or Table 8 of the municipal NPDES permit, where applicable.

8.36.130 – Control of pollutants from new development and redevelopments.

Prior to the construction of a new development or redevelopment project, such project shall be evaluated by the city for applicability of Low Impact Development (LID) requirements per Part VIII.F.1.a-b of the municipal NPDES Permit.

SECTION 4. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 6. The City Clerk shall certify to the passage and adoption hereof. This Ordinance shall take effect 30 days after its adoption and shall be published pursuant to law.

APPROVED AND ADOPTED this 14th day of February 2023.



JOSEPH A. VINATIERI, Mayor

ATTEST:



RIGOBERTO GARCIA JR., City Clerk
(seal)

Date: 02/16/2023

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3145 was introduced on the 24th day of January 2023, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 14th day of February 2023, by the following vote:

AYES: 5 Council Members: Vinatieri, J. Martinez, Dutra, Warner, O. Martinez
NOES: 0
ABSTAIN: 0
ABSENT: 0



RIGOBERTO GARCIA JR., City Clerk
(seal)