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TRUCKEE MUNICIPAL CODE TITLE 11

Chapter 11.01 Stormwater Quality

11.01.010 Title.

The ordinance codified in this title shall be known as the “Stormwater Quality Ordinance” of the Town of Truckee, and may be so cited.

11.01.020 Purpose and Intent

- A. The purpose of this title is to ensure that the Town of Truckee (Town) is compliant with state and federal laws and fulfills its requirements to:
 - 1. Protect the health, safety, and general welfare of the citizens of the Town.
 - 2. Enhance and protect the quality of waters of the State in the Town by reducing pollutants in stormwater discharges to the maximum extent practicable and controlling non-stormwater discharges to the storm drain system.
 - 3. To cause the use of best management practices by the Town and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the State.
- B. This title seeks to promote these purposes by:
 - 1. Prohibiting illicit discharges to the storm drain system.
 - 2. Establishing authority to adopt requirements for stormwater management, including source control requirements, to reduce pollution to the maximum extent practicable.
 - 3. Establishing authority to adopt requirements for municipal operations to reduce stormwater pollution and erosion to the maximum extent practicable;
 - 4. Establishing authority to adopt requirements for public and private development projects to reduce stormwater pollution and erosion both during construction and after the project is complete.
 - 5. Establishing authority that will enable the Town to implement and enforce all requirements of the State Water Resource Control Board Water Quality Order No. 2013-0001-DWQ.

11.01.030 Findings

The Town of Truckee Town Council has determined that the health, safety, and general welfare of the citizens of the Town are adversely affected by the discharge of pollution into storm drain systems and waters of the State. The Town Council further finds that any violation of this title constitutes a public nuisance.

The Town of Truckee is permitted under the Waste Discharge Requirements for Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ), which also serves as a National Pollutant Discharge Elimination System (NPDES) Permit (No. CAS000004) under the Federal Clean Water Act. Under the provisions of this permit, the Town is required to implement the necessary legal authority and implement appropriate procedures, to regulate the entry of pollutants and non-stormwater discharges into the Town stormwater conveyance system.

11.01.040 Applicability

This title applies to all areas of the Town of Truckee within Town limits.

11.01.050 Definitions

Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically mentioned in this section, shall, when used in this title, have the same meaning as set forth in such act or regulation.

As used in this title, the following terms shall have the meanings set forth herein:

- A. "Best Management Practices (BMPs)" means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the State. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices, to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures, Institutional controls, non-structural best management practices (i.e., no structures are involved) that may include, but not be limited to, street sweeping, sidewalk trash bins, collection of the trash, anti-litter educational and outreach programs, and producer take-back for packaging, and such other provisions as the Town determines appropriate for the control of pollutants.
- B. "Bioretention Facility" means a post-construction stormwater treatment BMP that treats stormwater runoff vertically through an engineered soil filter media and vegetation and retains stormwater runoff on-site through infiltration or evapotranspiration. Specific design criteria are found within the current MS4 permit (Order No. 2013-0001-DWQ).
- C. "CASQA" means the California Stormwater Quality Association.
- D. "Clean Water Act" means the federal Water Pollution Control Act of 1972, codified at Chapter 26 of Title 33 of the United States Code.
- E. "Construction Activity" means any soil disturbing activity that requires a building or grading permit from the Town, including, but not limited to, clearing, grading, paving, stockpiling, and excavating.
- F. "Construction General Permit" means the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities issued by the State Board, NPDES No. CAS000002, as it currently exists or may be amended and reissued from time to time. The Construction General Permit is available from the State Board and may be reviewed on the Internet at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml.
- G. "Construction Site" means the premises where any project that involves any construction activity is located, including projects requiring coverage under the Construction General Permit.

- H. “Design Storm” means a synthetic rainstorm defined by rainfall intensities and durations. Rainfall intensities and durations are defined in the MS4 permit and are used to determine the quantity or flow that will need to be infiltrated or treated to meet the permit requirements. Current guidance for the local design storm is found within the most current Town of Truckee LID Calculator.
- I. “Development” means any activity that moves soils or substantially alters the pre-existing vegetated or man-made cover of any land. Development includes any activity that may be considered new development or redevelopment. This also includes, but is not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil, placement of fill materials, paving, pavement removal, exterior construction, substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing, or any activity which disturbs soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Development does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.
- J. “Discharge” means the release, threatened release, or placement of any material into the Town’s storm drain system or receiving waters, including but not limited to stormwater, wastewater, solid materials, liquids, hazardous waste, raw materials, debris, litter, or any other substance.
- K. “Drainage Management Area” means discrete portions of a project site that drain to a common point. A site may have multiple Drainage Management Areas.
- L. “Drainage Study” means a detailed study, prepared by a state of California registered civil engineer, showing hydrology and drainage design calculations in accordance with requirements found within the Town of Truckee’s Development Code, within the Town’s Public Improvement and Engineering Standards, and as directed by the Town’s Engineer
- M. “Enforcement Agency” means the Town of Truckee Code Compliance is the primary enforcement agency for the purposes of this title. The Town shall coordinate program activities with and authorize personnel of various departments to serve as compliance officials to effectuate the purposes of this title.
- N. “Enforcement Official” means any agent of the Town authorized to enforce compliance with this chapter.
- O. “Hazardous Material” means any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.
- P. “Hazardous Waste” means any hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which has been suspended under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) by act of Congress.
- Q. “Hydromodification Management Project” means a project that has a significant opportunity to change runoff characteristics within a watershed by changes in land use conditions. Hydromodification results in an artificially altered rate of natural channel erosion and sedimentation processes. These projects are defined by the MS4 permit as any project that creates or replaces one acre or more of impervious surface. A project that does not increase impervious surface area over the pre-project condition is not a hydromodification project.

- R. “Illicit Connection” means either of the following define an illicit connection:
1. Any drain or water conveyance facility, either surface or subsurface, which allows an [illicit] discharge to enter the storm drain system or waters of the State, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system or waters of the State and any connection to the storm drain system from indoor drains and sinks, regardless of whether such drain or connection has been previously allowed, permitted, or approved by a government agency; or
 2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the Town of Truckee, Nevada County, or other permitting agency.
- S. “Illicit Discharge” means any direct or indirect non-stormwater discharge to the Town’s municipal storm drain system or waters of the State, except as otherwise exempted in Section 11.02.020 of this title including the introduction of pollution into the storm drain system.
- T. “Incidental Runoff” means unintended amounts (measured in volume) of runoff from landscape irrigation, such as unintended, minimal over-spray from a sprinkler that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.
- U. “Industrial or Commercial Facility” has the meaning set forth for “industrial activity” in Sections 122.2(b)(14)(i) through (xi) of Title 40 of the Code of Federal Regulations.
- V. “Licensed Professional” means a California registered civil engineer.
- W. “Low Impact Development (LID)” means a site development strategy that emphasizes the integration of site planning and best management practices that mimic the natural hydrologic functions of a site.
- X. “Materials” means any substance including but not limited to: garbage and debris; lawn clippings, leaves and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners; and any other fluid or solid containing chemicals.
- Y. “Maximum Extent Practicable (MEP)” means a technology-based standard established by Congress in the Clean Water Act Section 402(p) (3) (B) (iii) for stormwater discharge to apply to all small municipal separate storm sewer system (MS4) operators regulated under the NPDES program. MEP is generally the result of emphasizing pollution prevention and source control Best Management Practices (BMPs) as the preferred method of preventing water pollution. The MEP approach is an ever-evolving, flexible, and advancing concept which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does what constitutes MEP.
- Z. “Multi-Benefit Project” means a treatment control project designed to achieve more than one of the benefits set forth in section 10562, subdivision (d) of the Water Code. Examples include projects designed to: infiltrate, recharge or store stormwater for beneficial reuse; develop or enhance habitat and open space through stormwater and nonstormwater management; and/or reduce stormwater and nonstormwater runoff volume.

- AA. "Municipal Separate Storm Sewer System (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned by a state, county, city, or other public body, that is designed or used for collecting or conveying stormwater, which is not a combined sewer, and which is not a part of a publicly owned treatment works.
- BB. "National Pollutant Discharge Elimination System (NPDES)" means the primary permitting program under the Clean Water Act (33 U.S.C. Section 1251 et seq.) which regulates most discharges to surface water. Permits under this program include the Construction General Permit, Industrial General Permit, and the Municipal Stormwater Permits.
- CC. "NPDES Municipal Stormwater Permit (MS4 Permit)" means a statewide permit issued to local government agencies (Dischargers) placing provisions on allowable discharges of municipal stormwater to Waters of the State.
- DD. "New Development" means land disturbing activities that fall under the Town's planning or permitting authority; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision on an area that has not been previously developed.
- EE. "Operation and Maintenance Plans (O & M Plan)" means documentation for operation and maintenance of all new post-construction treatment/hydromodification BMPs. The documents shall outline specific provisions for routine maintenance, repair, replacement, specific locations of BMPs, and schedule of maintenance. Annual self-certification reports shall be submitted to the Town indicating that the BMP maintenance has been performed and that BMPs are functioning as intended. O & M Plans are required for all Regulated Projects that require Baseline Hydromodification Management measures, or other structural BMP controls, beyond Site Design Measures. O & M Plans shall require at least one of the following from all project proponents and their successors in control of the Project or successors in fee title:
1. The project proponent's signed statement accepting responsibility for the O & M of the post-construction treatment/hydromodification BMP(s) until such responsibility is legally transferred to another entity.
 2. Written texts in project deeds, or conditions, covenants and restrictions for multi-residential projects that require the homeowners association or each individual owner if there is no association, to assume responsibility for the operation and maintenance of the installed permanent post-construction BMPs until such responsibility is legally transferred to another entity.
 3. Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the operation and maintenance of all installed permanent post-construction BMPs until such responsibility is legally transferred to another entity.
 4. Any other legally enforceable agreement of mechanism, such as recordation in the property deed, that assigns the O & M responsibility for the installed treatment/hydromodification BMP(s) (if any) to the project owner(s).
 5. Projects completed in the Town's right-of-way shall be addressed using a maintenance schedule approved by the Town.

- FF. "Pollutant" means anything that causes or contributes to pollution, as defined in this section. Pollutants include, but are not limited to: paints, varnishes, solvents, oil, automotive fluids, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, detergents, soaps, hazardous substances, hazardous waste, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates), and noxious or offensive matter of any kind.
- GG. "Pollution" means the human-made or human-induced alteration of the quality of waters to a degree that causes or contributes to an exceedance of water quality standards contained in the Statewide Water Quality Control Plan, the California Toxics Rule, or in the applicable Regional Water Quality Control Board Basin Plan.
- HH. "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act, as amended (California Water Code Section 13000 et seq.).
- II. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved.
- JJ. "Property Owner" means any person, entity, company, and/or authorized representative having title to real property within the geographic area affected by this title.
- KK. "Qualified SWPPP Developer" means an individual authorized to develop and revise Stormwater Pollution Prevention Plans (SWPPPs) and Town of Truckee Erosion and Sediment Control Plans.
- LL. "Regional Water Quality Control Board (RWQCB)" means the California Regional Water Quality Control Board, Lahontan Region.
- MM. "Receiving Waters" means a river, ocean, stream, or other watercourse into which water, wastewater or treated effluent is discharged.
- NN. "Redevelopment" means land disturbing activities that result in the creation, addition or replacement of exterior impervious surface area on a site on which some past development has occurred and that fall under the Towns planning or permitting authority. Redevelopment does not include trenching, excavation and resurfacing associated with linear underground/overhead projects; pavement grinding and resurfacing of existing roadways; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, noncontiguous sections of roadway.
- OO. "Runoff" means water and substances carried in it that drains from the surface of an area of land, a building or structure.
- PP. "Site Assessment" means an evaluation of how site conditions, such as soils, vegetation, and flow paths, will influence the placement of buildings and paved surfaces.
- QQ. "Source Control Measures" means any schedule of activities, prohibitions, structural controls, practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

- RR. "Storm Drain System" means facilities owned or operated by the Town or privately by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drain, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the Town and are not part of a publicly owned treatment works as defined by law.
- SS. "Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from precipitation events, which has not been polluted.
- TT. "Stormwater Pollution Prevention Plan (SWPPP)" means a document, which describes the best management practices implemented to eliminate illicit discharges and/or reduce pollutant discharges to the MS4 from Industrial General Permit sites or construction projects that are required to comply with the Construction General Permit.
- UU. "Stormwater Quality Plan (SWQP) or an equivalent document " means a plan that addresses site-specific construction site BMPs and post –construction BMPs which meet the minimum requirements, including the rationale used for selecting the BMPs, and the methodology used for sizing the post-construction BMPs.
- VV. "Town" means the Town of Truckee.
- WW. "Town Manager" All references to the Town Manager shall mean Town Manager, or his/her designee.
- XX. "Trash" means all improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials, as defined by the 2015 "Trash Amendments."
- YY. "Trash Amendments" means the 2015 "Trash Amendments" approved by the State Water Resources Control Board pursuant to Resolution no. 2015-0019, as such, Trash Amendments may be amended from time to time.
- ZZ. "Trash Full Capture System" means a treatment control, or series of treatment controls, including but not limited to, a multi-benefit project or a low impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a) of not less than the peak flow rate, Q, resulting from a one-year, one-hour, storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain.
- AAA. "Trash Capture Treatment Controls" means structural best management practices to either (a) remove pollutants and/or solids from stormwater runoff, wastewater, or effluent, or (b) capture, infiltrate or reuse stormwater runoff, wastewater, or effluent. Treatment controls include trash full capture systems and low impact development controls) that meet the requirements for certification as "full capture systems" as defined in the Trash Amendments.
- BBB. "Treatment/Hydromodification Best Management Practice" means stormwater facilities that are designed to infiltrate, evapotranspire, and/ or bioretain stormwater.
- CCC. "Watercourse" means a permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.
- DDD. "Waters of the State" means all surface watercourses and water bodies, including lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface waters as defined by state law, and which are within the Town of Truckee. This definition includes, but is broader than, waters of the United States.

EEE. "Waters of the United States" means surface watercourses and water bodies as defined by federal law, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

FFF. "Wet Season" For the Town of Truckee, the wet season is the calendar period beginning October 15 and ending April 30.

GGG. "Winterization" means implementing erosion and/or sediment controls that will prevent the discharge of earthen materials from the site and the controls will remain effective throughout the wet season without requiring maintenance. In general, this requires stabilizing bare disturbed soils with mulch, erosion protection blankets, or other suitable materials, and installing perimeter sediment controls such as fiber logs or other similar materials that will remain effective during significant rain and snow events (Lahontan Region, Board Order R6T-2003-0004).

11.01.060 Responsibility for Administration

The Town Manager or his/her designee shall administer the provisions of this title. Any duties herein may be performed by other departments of the Town.

11.01.070 Conflicts with Other Laws

In the event of any conflict between this title and any federal or state law or regulation, that requirement which establishes the higher standard for public health shall govern. To the extent permitted by law, nothing in this title shall preclude enforcement of any other applicable law,

Chapter 11.02 Prohibitions

11.02.010 Discharge Prohibitions

No person shall:

- A. Discharge, permit to be discharged, or cause to be discharged, any non-stormwater into any part of the MS4 or into any part of a watercourse except in compliance with the requirements of this chapter and in compliance with any separate individual or general NPDES permit, except as provided by the exemptions in Section 11.03.020 of this chapter;
- B. Cause, allow or facilitate any illicit discharge; and/ or
- C. Discharge any material into the MS4 or any watercourse with the Town's jurisdiction that may cause or threaten to cause a condition of pollution, contamination, or nuisance within the meaning of California Water Code Section 13050 or that may cause or contribute to a violation of the Town's NPDES permit, the Clean Water Act or the Porter Cologne Water Quality Control Act or any applicable water quality standard.

11.02.020 Exemptions to Prohibited Discharges

- A. Discharges from the following activities shall not be prohibited, provided that appropriate control measures are implemented:
 - 1. Water line flushing and discharges from potable water sources;
 - 2. Incidental runoff from landscape irrigation;
 - 3. Diverted stream flows;
 - 4. Springs, rising groundwater, and flows from riparian habitat and wetlands;
 - 5. Uncontaminated groundwater infiltration as defined by federal law;
 - 6. Uncontaminated pumped groundwater, foundation drains, footing drains, and water from crawl space pumps;
 - 7. Air conditioning condensation;
 - 8. Individual residential car washing;
 - 9. Dechlorinated swimming pool discharges; and
 - 10. Firefighting flows.
- B. Notwithstanding the conditional exemptions provided in subsection A of this section, if the Town Manager, independently or at the direction of the Regional Board, determines that a conditionally exempt discharge is a significant source of pollutants, threatens water quality standards, causes or significantly contributes to a violation of any receiving water limitation, results in the conveyance of significant quantities of pollutants to surface waters, or is otherwise a danger to public health or safety, the Town Manager may prohibit, limit, or direct the control of such discharge and may take any enforcement option available under this chapter.

11.02.030 Illicit Connections Prohibited

- A. No person shall:
 - 1. Construct, use, maintain, operate, or utilize any illicit connections to the MS4.
 - 2. Act, cause, permit or suffer any agent, employee, or independent contractor to construct, maintain, operate or utilize any illicit connection.

- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

11.02.040 Discharge in Violation of Existing NPDES Permit

Any person subject to a construction and/or industrial NPDES stormwater discharge permit shall comply with all provisions of such permit and any regulations or ordinances promulgated thereto, including requirements of grading and erosion prevention requirements of the Town. Proof of compliance with such permit may be required in a form acceptable to the enforcement agency prior to or as a condition of a subdivision map, site plan, building permit, or development, redevelopment, or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

11.02.050 Discharge in Violation of Town of Truckee NPDES Permit— Indemnification

Any discharge that would result in or contribute to a violation of any NPDES permit for stormwater discharges to the Town issued by the California State Water Resources Control Board or Regional Water Quality Control Board and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) so causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the Town in any administrative or judicial enforcement action relating to such discharge, including payment of the Town's attorney's fees, expert witness fees, and costs resulting from any such administrative or judicial proceedings.

11.02.060 Acts Potentially Resulting in Violation of Federal Clean Water Act and/or Porter- Cologne Act.

The standards set forth herein and promulgated pursuant to this title are minimum standards. This title does not intend or imply that compliance to these minimum standards will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into the waters of the State. This title shall not create liability on the part of the Town, or any agent or employee thereof, for any damage that results from any discharger's reliance upon this title or any administrative decision made there under.

11.02.070 Incidental Runoff

Every person responsible for any premises within the Town shall control incidental runoff from the premises by taking the following actions:

- A. Detect and correct leaks within 72 hours of learning of the leak;
- B. Properly design and aim sprinkler heads, in accordance with the Town of Truckee Municipal Code Section 18.40.050 Landscape Standards;
- C. Cease watering during precipitation events;
- D. Properly manage ponds containing recycled water such that no discharge occurs in violation of any applicable permit, state or local law or regulation; and
- E. Take any action necessary to prevent the discharge of non-stormwater to the Town's stormwater system or to the waters of the State or United States.

11.02.080 Containment and Notification of Illicit Discharges

Any person owning or occupying premises who have knowledge of any illicit discharge from or across those premises, which might enter the storm, drain system shall:

- A. Immediately report discharge or spill of hazardous materials to emergency response officials via emergency dispatch services (i.e., by calling 911);
- B. Immediately take all reasonable action to contain and abate the illicit discharge; and
- C. Notify the enforcement agency or its designated contact person within twenty-four (24) hours of the illicit discharge. The enforcement agency may require the owner of the property and/or the responsible person to take corrective actions within a specified time pursuant to this title and may require cessation of activities until discharge problems are adequately addressed if a situation persists where pollutant-causing sources or activities are not abated.
- D. In addition to the above requirements, release of any hazardous materials, sewage, oil, or petroleum to any waters of the State, or discharged or deposited where it is or probably will be discharged in or on any waters of the State, shall be reported to the State Office of Emergency Services, as required by Sections 13271 and 13272 of California Water Code.

11.02.090 Coordination with Hazardous Materials Inventory and Response Program

Any business located in Truckee and subject to Nevada County's and/or the Town of Truckee's hazardous materials inventory and release response plan shall include, at the first opportunity for revision, provisions in that plan for compliance with this title and applicable laws regarding hazardous materials and releases thereof.

Chapter 11.03 Adoption of Best Management Practices

11.03.010 Reduction of Pollutants in Stormwater, Best Management Practices.

- A. Each Town department may adopt requirements identifying best management practices for any activity, construction activity, operation or facility, which may cause or contribute to pollution or contamination of stormwater, the MS4 system or waters of the United States. Where best management practice requirements are promulgated or adopted by the Town or any federal, State of California or regional agency for any activity, operation or facility which would otherwise cause the discharge of pollutants to the MS4 system or water of the United States, every person undertaking such activity or operation or owning or operating such facility shall comply with such requirements.
- B. All BMPs shall be protected and maintained to ensure continuous and fully effective performance as designed. All structural and non-structural permanent BMPs not owned by the Town shall be maintained by the property owner or person's lessee. The enforcement official shall have the authority to inspect any permanent stormwater BMP whether permitted or not, as allowed for in Chapter 11.06. The purpose of inspections may be to verify BMP function. The enforcement official shall also have the authority to require monitoring, remediation, or issue citations or compliance orders for any BMP that is not properly maintained or operated.
- C. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the State, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, titles, and accumulations, so that the same may cause or contribute to pollution.
- D. Every property owner or any tenant in legal possession of the property upon which there is a paved sidewalk shall maintain that portion of the sidewalk on the property free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept into or otherwise allowed to enter the gutter or roadway, storm drain system, or any waters of the State, but shall instead be disposed of in receptacles maintained as required for proper disposal of solid waste.
- E. Every property owner or any tenant in legal possession of the property upon which there is an unpaved road or driveway shall maintain that portion of the road or driveway and associated cuts or fills on the property free of litter or to prevent erosion to the maximum extent practicable.
- F. Persons owning, operating, or maintaining a paved area, including the paved areas of a parking lot, gas station, paved street, road, or driveway, and related storm drain systems shall clean those structures as frequently and as thoroughly as practicable in a manner that does not result in discharge of pollutants to the storm drain system.

- G. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for utility and trail construction and or maintenance, flood control or fire protection, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to unnaturally high rates of erosion.

Chapter 11.04 Requirements for Construction, Development, and Redevelopment Activities

11.04.010 Construction Activities

- A. Demonstration of Outside Agency Permitting and Town Development Code Compliance
1. Prior to, and as a condition of, receiving a grading or building permit, the person who possesses the title of the land or the leasehold interest on which a construction activity will occur within the Town shall demonstrate that the project is covered under applicable permits, including, but not limited to: the State Water Board's Construction General Permit; Industrial General Permit; State Water Board 401 Water Quality Certification; United States Army Corps 404 Permit; and California Department of Fish and Game 1600 Agreement. The Town may require documentation demonstrating coverage by and compliance with any applicable permit, including copies of any notice of intent, Stormwater Pollution Prevention Plans, inspection reports, monitoring results, and other information deemed necessary to assess compliance with this chapter or any permit.
 2. Any person performing construction work within the Town disturbing soil or rock shall demonstrate compliance with the Town of Truckee Development Code and implement appropriate BMPs to prevent the discharge from the site of soil, construction wastes, or debris, including contaminants from construction materials, tools, and equipment to the stormwater drainage system or Waters of the State. Such terms, conditions, and requirements may include, but are not limited to, requirements consistent with CASQA's Construction, New and Redevelopment, and Industrial/Commercial Best Management Practice Manuals, and requirements for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures and illicit discharges.
- B. Wet Season and Emergency Site Stabilization
1. All sites shall be stabilized, year round, with specific BMPs to control erosion and protect water quality 48 hours prior to a wet weather event or as requested by the Director/Engineer. The applicability of any other exemption to a ground disturbance shall not be deemed permission to violate any provision of this title.
 2. All soil-disturbing activities shall cease when wet weather conditions exist, unless it is deemed an emergency or otherwise exempt. Adequate temporary erosion control measures shall be installed prior to a wet weather event.
 3. The responsible party shall field check temporary BMPs prior to storm events, immediately after storm events, during storm events longer than 48 hours, and weekly. All maintenance, repairs, and needed BMP changes shall be completed in a timely manner. BMPs shall be inspected every 24 hours during extended storm events.
 4. Winterization of sites shall be made prior to the wet season. Permanent or temporary stabilization of all disturbed or eroding areas shall be installed consistent with the requirements of this Chapter. ' Installation and maintenance of BMPs is required on a year-round basis. All BMPs shall be inspected for winterization and proper function prior to October 15.

5. Ground disturbance that falls subject to the Town's grading requirements, including vegetation removal that disturbs soil, shall be prohibited during the wet season (Town of Truckee Municipal Code 15.03.160), unless a variance is approved as outlined below.
 - a. Where it can be shown that granting a variance would not cause or contribute to the degradation of water quality, an exception to the wet season grading prohibition may be granted in writing by the Town's Community Development Director, or designee, for areas outside of the Town's right-of-way or the Town Engineer, or designee, for areas within the Town's right-of-way.
 - b. A project that may be granted a "wet season variance" shall have a low erosivity factor and possess a minimal opportunity for sediment transport off the project site. Wet season variance is evaluated by, but not limited to, the following general criteria: slope (relatively flat sites less than 10%), proximity to a waterbody or watercourse (greater than 250 ft.), area of disturbance (less than 10,000 sq. ft.), minimal opportunity for sediment to leave the project site, and 10-day weather forecast.
 - c. Variances requested by commercial projects shall be for a set 10-day period or less with a renewal possible given the scope of the work and weather forecast.
- C. Temporary Construction Site Measures
1. Adequate temporary erosion control measures shall remain in place until all disturbed areas are permanently stabilized and/or vegetated and after all permanent erosion control is properly placed. Temporary measures must be removed and properly disposed of after all construction has been completed and the site has been stabilized.
 2. All projects shall prevent fugitive dust during and after construction with the use of water or by covering disturbed areas with mulch, tackifier, vegetation, or an approved equivalent.
 3. All loose piles of soil shall be protected during periods of precipitation or runoff by a combination of the following:
 - a. Stockpiles situated in appropriate locations to reduce wind and water impacts.
 - b. Installation of erosion control measures such as silt fences and waddles.
 - c. Application of tackifier products.
 - d. The use of tarps temporarily during the building season (May 1 – October 15) or in an emergency capacity.
 4. Spills and leaks of materials shall be prevented. Trash enclosures/storage containers and portable toilets shall be properly stored and maintained. These items are not permitted within the Town Right of Way unless specifically approved by the Town.
 5. All surplus materials shall be removed from the site and deposited in an approved location within 10 days from completion of construction.

11.04.020 Numeric Sizing Criteria for Permanent Stormwater Best Management Practices

- A. For all projects, volumetric and flow-based criteria for permanent BMPs are found in the most recent MS4 permit and in the Town of Truckee's LID Calculator.
- B. For projects that create and/or replace (1) one acre or more of impervious surface and that increase impervious surface area over the pre-project condition, the post-project runoff shall not exceed the estimated pre-project flow rate for the 2-year, 24-hour design storm.

11.04.030 Stormwater Quality Plan (SWQP) Applicability

- A. A preliminary SWQP that includes permanent BMP locations and sizing shall be submitted as part of an application for a land use permit, for new development, and redevelopment (as that term is used in Section E.12.c (ii) of the 2013 MS4 Permit or the corresponding section of the most recent MS4 permit).
- B. A final SWQP shall be submitted as part of the application for a Building Permit.
 - 1. Projects that require grading over 500 square feet or 20 cubic yards up to one (1) acre of new impervious surface shall be designed to retain, infiltrate, and/or detain stormwater runoff from the design storm, at a minimum, using the numeric sizing criteria described in Section 11.04.020. The Town may require a design to accommodate a larger storm event when topographic and/or drainage conditions of the surrounding area or watershed warrant more stringent drainage improvements;
 - 2. Redevelopment projects (as the term is used in Section E.12.c (ii) of the 2013 MS4 Permit or the corresponding section of the most recent MS4 permit) that increase the impervious area by more than 50 percent of the previously existing development must retain and infiltrate the appropriate design storm as described in section 11.04.020 from the entire project, consisting of all existing, new, and/or replaced impervious surfaces.
 - 3. Redevelopment projects (as the term is used in Section E.12.c (ii) of the 2013 MS4 Permit or the corresponding section of the most recent MS4 permit) that do not result in an increase of impervious surface by more than 50 percent of existing development need only to retain and infiltrate the design storm, using the numeric sizing criteria described in section 11.04.020 for the new and/or replaced impervious surface.
 - 4. Roadway and Linear Utility Projects (LUPs) that create 5,000 square feet of contiguous impervious surface shall be designed to retain, infiltrate, and/or detain stormwater runoff, at a minimum, from the design storm event, using the numeric sizing criteria described in section 11.04.020. The following projects shall comply with the requirements found in (b) of this section : new streets or roads, sidewalks and bicycle lanes, widening of existing streets or roads with additional traffic lanes, construction of linear underground/overhead projects (with a discrete location over 5,000 square feet), and impervious trails. Exceptions may be made for some projects in accordance with the MS4 permit.
 - 5. Projects with soil disturbance of (1) one acre or more require a Construction General Permit and shall submit a copy of the SWPPP plan that was included in the submission to the State Water Resources Control Board as the final SWQP.
- C. The Town may approve the submittal in compliance with this Chapter, or may deny or require changes to a submittal that is not in compliance.

11.04.040 Stormwater Quality Plan Contents

SWQP requirements shall include the following components and shall be consistent with the current MS4 permit, the "California Stormwater Best Management Practices Handbooks" prepared by the California Stormwater Quality Association, and the guidance given in the Town of Truckee's Public Improvement and Engineering Standards, the Town of Truckee's Development Code, and the Town of Truckee's LID Calculator. The SWQP shall include:

- A. Site Assessment narrative, as defined in the Town's LID Calculator and current MS4 permit.

- B. Locations and aerial extent of permanent post-construction BMPs, sized according to section 11.04.020, and labeled with corresponding drainage management areas.
- C. Permanent post-construction BMP maintenance plan for all permanent BMPs (O & M Plan) as directed by the Town.
- D. Location of drainage infrastructure and delineation of flow paths utilized to direct stormwater runoff to post-construction measures (features may be included in the required drainage report);
 - 1. The structural and hydraulic adequacy of all stormwater conveyance facilities shown on the SWQP shall be verified by a licensed professional and all calculations and supporting material to demonstrate such adequacy shall accompany the plans as required by the Town's Engineer as set forth in the Town's Public Improvement and Engineering Standards, section 5 Drainage.
- E. Erosion and Sediment Control Plan (ESCP)
 - 1. Location (plan view) of BMPs and type of temporary erosion and sediment control measures including the location of a non-pervious concrete washout area or expressed prohibition of concrete washout on site; and,
 - 2. A clear delineation of effective temporary erosion control barriers and a section view showing their correct installation for all areas of disturbance. Shall be consistent with the erosion control plans requirements found in the Town of Truckee's Development Code.
- F. Schedule of project operations including general dates and scope of work involved in the construction activity.
- G. Commercial, Industrial, Mixed Use and High Density Residential (greater than 10 units per acre) development or significant redevelopment must comply with the Town of Truckee's trash capture policy and the Trash Amendments.

Chapter 11.05 Inspection, Monitoring, and Data Collection

11.05.010 Requirement to Monitor and Analyze

- A. The Town Manager may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution, illegal discharges and/or non-stormwater discharges to the MS4 or to the waters of the United States undertake at said person's expense such monitoring and analyses and to furnish such reports to the Town as the Town Manager shall deem necessary for determining that person's compliance with this chapter.
- B. The owner or operator of any installed permanent stormwater treatment system or hydromodification control shall provide the Town Manager with information and physical access necessary to assess compliance with this title, with the Town's NPDES permit, and with any maintenance plan and provisions establishing operation and maintenance responsibilities for BMPs approved pursuant to section 18.30.050.C.3 of this code.

11.05.020 Authority to Enter, Inspect, Investigate, and Collect Information

- A. The enforcement official is authorized with reasonable cause to enter any premises for making an inspection to enforce this title, using the provisions of this code in any means consistent with the applicable law.
- B. The enforcement official may conduct inspections related to purposes of implementing this title on private or public property. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objective of this title, including, but not limited to, visual evidence, complaints received, knowledge or physical evidence of industrial activities or other pollutant sources, random sampling, sampling in areas with evidence of stormwater contamination, illicit connections, discharge of non-stormwater to the Town storm drain system, or similar factors.
- C. The enforcement official is authorized to inspect facilities, equipment, practices and operations and to inspect and copy all records at a facility that are related to stormwater compliance. Any 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 upon issuance of a warrant issued by a court of competent jurisdiction. In the event that the owner or occupant of the premises refuses to allow the enforcement official to enter the premises for the purposes of conducting an inspection authorized by this chapter after the enforcement official has asked the owner or occupant of the property to enter thereon for the purposes authorized by this chapter, the Town may seek the assistance of a court of competent jurisdiction in order to facilitate compliance with this title.
- D. During any inspection as provided herein, Town staff or contractors may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

- E. The Town Manager may inspect records of the owner or person in charge of the day-to-day activities of private property relating to chemicals or processes presently or previously occurring on site, including but not limited to material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, stormwater pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, illegal discharges, a legal nonconforming connection or any other source of discharge or potential discharge of pollutants to the MS4. Such records must be kept on site and remain available for inspection. Failure to keep records on site and available for inspections shall constitute a violation of this chapter.
- F. Monitoring, Analysis and Reporting Authority. The Town Manager may erect and maintain or require any person discharging to the MS4 to erect and maintain monitoring devices for measuring any discharge or potential source of discharge to the MS4. Upon service of written notice by the Town Manager, the burden, including cost, of these activities, analyses and reports, incurred in complying with the requirement, shall, to the extent permitted by law, be borne by the property owner, occupant or operator of the facility or activity for which testing and monitoring has been requested.
- G. If an inspection pursuant to this section results in an enforcement action, the Town may issue an invoice of costs and recover in an enforcement action its reasonable inspection costs.

Chapter 11.06 Enforcement

11.06.010 Enforcement Authority

- A. Any person who violates a provision of this title may be subject to administrative, civil, or criminal liability as provided in this title.
 - 1. The enforcement agency is empowered to use any of the provisions of the Truckee Municipal Code, as well as and in addition to any other available remedy in law or equity where appropriate to correct violations of, and secure compliance with the provisions of this title.
 - 2. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this title.
 - 3. Activities and operations of public agencies shall be exempt from the provisions of this ordinance to the extent that such activities and operations are regulated by state or federal agencies or are exempt under state or federal law.
- B. The Town Manager may, together with the Town Attorney, develop and implement an enforcement response plan setting forth enforcement procedures and actions to address repeat and continuing violations of this chapter, a spill response plan setting forth the procedures, roles and responsibilities for investigating, cleaning up and reporting spills, and an illicit discharge response plan setting forth the procedures and responsibilities for investigating and abating illegal discharges.

11.06.020 Administrative Remedies

Without limitation on the enforcement authority set forth elsewhere in this chapter, the Town Manager is authorized to exercise any and all of the following administrative remedies to enforce the provisions of this title, in addition to those remedies set forth in Title 1.03 of the Truckee Municipal Code:

- A. Notice of Violation (“NOV”). Whenever the Town Manager finds that a person has violated or otherwise failed to meet a requirement of this chapter, the Town Manager may order a person to comply with this chapter by either personally serving that person with a written notice or by sending written notice to that person by certified mail. Such notice may require without limitation, in addition to the contents required by Section 1.03.040 of the Municipal Code, the following:
 - 1. The performance of monitoring, analyses and reporting;
 - 2. The elimination of illicit connections or discharges;
 - 3. That violating discharges, practices or operations shall cease and desist within 72 hours of notification;
 - 4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property, the notice shall set forth a deadline, no later than 30 days from notification, by which such remediation or restoration shall be completed;
 - 5. Payment of a fine to cover administrative and remediation costs, as set forth in Section 1.03.120 of the Municipal Code; and/or
 - 6. The implementation of source control or treatment BMPs.

- B. The Town Manager may enter property to perform abatement activities or conduct cleanup work in the event abatement or cleanup activities ordered pursuant to this chapter are not conducted by the established deadline, provided either an abatement warranty or property owner consent has been obtained. In the event a violation of this chapter constitutes an imminent danger to public safety or the environment, the Town Manager may enter the property from which the violation emanates, conduct abatement activities and restore any property affected by the violation.
- C. Unless a timely appeal occurs within 21 days in accordance with Municipal Code Section 1.03.060 an administrative order shall be effective and final as of the date it is issued by the Town Manager. Administrative citations fines and costs will be recovered in accordance with Municipal Code Section 1.03.120.
- D. Hearing requests shall be submitted pursuant to Municipal Code Section 1.03.070, and all hearings shall be conducted pursuant to Section 1.03.090 of the Municipal Code.

11.06.030 Civil Remedies

Any violation of the prohibitions of this chapter, including, but not limited to, the maintenance or use of any illicit connection or the occurrence of any illicit discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to Government Code Section 38771 and Chapter 1.02 of this Code.

11.06.040 Remedies

Remedies provided under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

11.06.050 Concealing and Abetting

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

(ORD 2015-08 08-11-2015 Repealed; ORD 2019-02 03-26-19)