

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING
CHAPTER 4, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SECTION 43.0305(b)
REGARDING STORM DRAIN DISCHARGES.

WHEREAS, the San Diego Regional Water Quality Control Board requires municipalities to maintain legal enforcement authority over discharges to their storm water conveyance systems; and

WHEREAS, the San Diego Regional Water Quality Control Board had formerly adopted Order No. R9-2001-01 in 2001 to prohibit discharges of non-storm water to the conveyance system, with specified exceptions; and

WHEREAS, the Council adopted Section 43.0305(b) in the San Diego Municipal Code to list the specified exceptions to the prohibitions against discharges of non-storm water, in conformity with San Diego Regional Water Quality Control Board Order No. R9-2001-01; and

WHEREAS, Order No. R9-2001-01 has expired and the San Diego Regional Water Quality Control Board has adopted Order No. R9-2007-0001 in its place, with a modified list of exceptions to the prohibition against non-storm water discharges; and

WHEREAS, it is necessary to amend Section 43.0305(b) of the Municipal Code to reflect the new terms of Order No. R9-2007-0001 with respect to the exceptions to non-storm water discharge prohibitions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 4, Article 3, Division 3 of the San Diego Municipal Code is hereby amended by amending Sections 43.0305(b), to read as follows:

§ 43.0305 Exemptions from Discharge Prohibition

The following discharges are exempt from the prohibition set forth in Section 43.0305:

- (a) [No change to text.]
- (b) Discharges from the following activities which do not cause or contribute to the violation of any Plan Water Quality Objective and are not a significant source of pollutants into or from the *Storm Water Conveyance System*:
 - (1) diverted stream flows;
 - (2) rising ground waters;
 - (3) uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)]
to the *Storm Water Conveyance System*;
 - (4) uncontaminated pumped ground water;
 - (5) foundation drains;
 - (6) springs;
 - (7) water from crawl space pumps;
 - (8) footing drains;
 - (9) air conditioning condensation, provided such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (10) flows from riparian habitats and wetlands;
 - (11) water line flushing, provided that such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (12) irrigation water, provided such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (13) discharges from potable water sources not subject to NPDES Permit No. CAG679001, other than water main breaks;

- (14) individual residential car washing, provided such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (15) dechlorinated swimming pool discharges, provided such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (16) emergency fire fighting flows necessary for the protection of life or property; and
 - (17) non-emergency fire fighting flows from controlled or practice blazes and fire suppression equipment maintenance activities, provided that such discharges are not prohibited categorically by *Best Management Practices* established by the *Enforcement Official* pursuant to Section 43.0307(a), and provided further that such discharges comply with all *Best Management Practices* established by the *Enforcement Official* under Section 43.0307(a).
- (c) [No change to text.]
- (d) [No change to text.]

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, [or March 24, 2008, whichever is later](#).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
12/18/07
01/17/08 Corr.
Or.Dept:GenSvc
O-2008-59

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor