

ORDINANCE NO. 2019-4258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS OF CHAPTERS 18, 50 AND 62 OF THE POMONA CITY CODE REGARDING INSPECTIONS OF GREASE PRODUCING FACILITIES AND PAYMENT OF FEES FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND GREASE PRODUCING FACILITY INSPECTIONS AT THE TIME OF APPLICATION FOR ISSUANCE OF A CITY BUSINESS LICENSE

WHEREAS, the City's National Pollutant Discharge Elimination System (NPDES) permit issued by the State Water Resources Control Board Water Quality ("Water Board") requires the City to conduct compliance inspections of commercial and industrial facilities, as well as certain construction sites;

WHEREAS, the Water Board Order 2006-0003 requires sanitary sewer collection system operators to conduct annual inspections of grease producing facilities;

WHEREAS, the City desires the authority to conduct the required inspection of grease producing facilities and to collect a fee to recover the costs of said inspections; and

WHEREAS, the City desires to collect NPDES and grease producing facility inspection fees at the time of application for issuance of a City business license.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona as follows:

SECTION 1. That adoption of this Ordinance falls within a statutory exemption from environmental review pursuant to sections 15273, 15060(c)(2) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), which pertain to the establishment, modification, structuring, restructuring, or approval of rates and charges by public agencies which the public agency finds are for the purpose of meeting operating expenses, and pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under CEQA Regulations.

SECTION 2. That Pomona City Code, Chapter 18, Environment, Article X, Stormwater Management, Division 4, "Cost (Recovery) Center" is hereby amended by adding and amending the following:

Sec. 18-527. Business inspection fees.

NPDES Program regulatory inspection fees shall be collected on an annual basis along with the city's business license tax for those businesses requiring regular compliance inspections pursuant to this Division and the California National Pollutant Discharge Elimination System (NPDES) permit. Affected businesses shall include

commercial and industrial businesses subject to the NPDES permit for storm water discharges associated with commercial and/or industrial activities that the state or the city determines may contribute a significant pollutant load to the municipal separate storm sewer system.

The NPDES Program regulatory inspection fees shall be established in an amount to pay for the city's costs of inspection time, preparation of inspection reports, review of written storm water pollution prevention plans, storm water sampling activities, general program compliance, education and enforcement response and follow-up as needed. The NPDES Program regulatory inspection fees shall be established by resolution of the city council and shall be subject to periodic review and revision by city council resolution.

SECTION 3. That Pomona City Code Section 50-337, "Application for license," is hereby amended as follows:

(a) (No change.)

(b) Every person required to have a license under this article shall pay the license fee at the time of the filing of the application with the business license division, ~~of which an amount set by resolution of the city council is a nonrefundable application fee. Such application fee shall be applied to the license tax if a license is issued by the business license division. If a license is not issued because the business was found to be unlawful or conducted contrary to the city zoning ordinance, the application fee shall be retained by the city treasurer to reimburse the city for staff time expended on the investigation of the business.~~

(c) At the time of filing an application for issuance of a business license, every person or business subject to National Pollutant Discharge Elimination System (NPDES) permit inspections, pursuant to the California NPDES permit and Section 18-527 of this Code, shall also pay the NPDES program inspection fee established by resolution of the city council.

(d) At the time of filing an application for issuance of a business license, every person or business subject to an annual inspection of grease producing facilities, as required by State Water Resource Board Regulations and Sections 62-478 and 62-479 of this Code, shall also pay the annual inspection fee established by resolution of the city council.

SECTION 4. That Pomona City Code, Chapter 62, Utilities, Article V, Sewage Disposal, Division 3, Sand and Grease Disposal, is hereby amended as follows:

Sec. 62-474. Cleaning of grease interceptors.

All grease interceptors shall be ~~inspected at regular intervals by the plumbing inspector and~~ cleaned by the owner or operator at least once each week and more often if necessary to maintain the required efficiency of grease removal.

Sec. 62-475. Sand traps required for certain establishments.

(No change.)

Sec. 62-476. Installation of sand traps.

(No change.)

Sec. 62-477. Cleaning of sand traps.

All sand boxes required under this division shall be ~~inspected at regular intervals by the plumbing inspector and~~ cleaned by the owner or operator at least once each week and more often if necessary to maintain the required efficiency of grease, mud or sludge removal.

Sec. 62-478. Inspection authority and enforcement.

Inspection of grease producing facilities shall be conducted annually by an authorized City official. Inspection and enforcement authority for compliance with this division shall be in accordance with Chapter 18, Article X, Division 2.

Sec. 62-479. Method of cost recovery.

A grease producing facility inspection fee shall be established by resolution of the City Council and collected on an annual basis at the time of application for issuance of a business license. Affected businesses shall include grease producing facilities, subject to the provisions of this Division and State Water Resources Control Board regulations.

SECTION 5. The City Clerk shall certify to the passage of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its adoption.

PASSED AND ADOPTED THIS 5th DAY OF AUGUST 2019.

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the ____ day of _____, 2019 and adopted on the ____ day of _____, 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Rosalia A. Butler, City Clerk