
CII Subcommittee Meeting
October 8, 2009 – 1:00 to 2:30 pm
Millbrae Community Center Conference Room
 477 Lincoln Circle – Millbrae

AGENDA

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| 1. | Introductions, Announcements, Changes to Agenda, Approve August Meeting Summary
<i>Outcome: Agree on agenda and meeting summary.</i> | 10 min. | <i>Ward Donnelly</i> |
| 2. | Update on Pollution Prevention Group's Activities
<i>OUTCOME: Obtain update.</i> | 10 min. | <i>Whomever</i> |
| 3. | Review Final Tentative Order of Municipal Regional Permit
<i>OUTCOME: Review changes to MRP sections that affect the CII Subcommittee (Provisions C.4, C.5, and C.15 and PCB-containing equipment inspections in C.12).</i> | 10 min. | <i>Fred Jarvis/
Everyone</i> |
| 4. | Testing of Draft Template for Industrial and Commercial Business Inspection Plan
<i>OUTCOME: Review results of initial efforts to prepare example plans for cities of Burlingame and Menlo Park and agree on how to proceed.</i> | 15 min. | <i>Dermot Casey/
Fred/
Everyone</i> |
| 5. | Discuss Ideas for Meeting Enforcement Response Plan Requirements and Possible Joint Work Group with New Development Subcommittee Participants
<i>OUTCOME: Review ERP requirements and possible direction for preparing a model ERP and agree on how to proceed.</i> | 15 min. | <i>Fred/
Everyone</i> |
| 6. | Update on TAC Meeting Any Other Matters That Affect CII Not Covered Elsewhere
<i>OUTCOME: Obtain information.</i> | 10 min. | <i>Fred</i> |
| 7. | Share Information on Illicit Discharge and Industrial/Commercial Inspection Problems
<i>OUTCOME: Identify common problems and gain information on successful ways to resolve them.</i> | 15 min. | <i>Everyone</i> |
| 8. | Agree on Next Meeting Date of December 17 and Topics
<i>OUTCOME: Agree on next meeting date and topics.</i> | 5 min. | <i>Everyone</i> |

DRAFT CII Subcommittee Report

Meeting Date: August 20, 2009

Subcommittee Action:

- Agreed that the April subcommittee meeting summary was acceptable with the following changes. Information about the City of Burlingame's dental amalgam program is replaced with the following text: "The City of Burlingame's Dental Amalgam Program will be voluntary, and outreach to dentists will include site visits to ensure proper installation and use of an amalgam separators and implementation of best management practices to reduce and prevent mercury discharge. Regional brochures developed by BAPPG will be distributed during site visits."
- The subcommittee's members will review and provide comments on the draft Industrial and Commercial Business Inspection Plan (Inspection Plan).
- Once the Inspection Plan has been modified it was agreed that it would be worthwhile to use the template to create an example city Inspection Plan that shows what the county would inspect and what the city would inspect.

Requested Technical Advisory Committee Action or Feedback/Guidance (if any): None.

Other Information/Announcements:

- **Bay Area Pollution Prevention Group.** The work group is developing a list of priorities for 2011. The FY 2008/09 projects have just been completed, and the FY 2009/10 projects have been identified. At the last meeting there was a great presentation about integrated pest management. There are more carryover funds available from previous years than expected, and these funds may be used for additional projects.
- **May Inspector Training Workshop.** The training was well received. Thirty-five people attended the training which is less than the 66 people that attended similar inspector training offered in March 2006. Municipalities may not be able to justify sending staff that are only indirectly responsible for inspections to trainings. It was mentioned that having a stormwater inspector certification by CWEA and/or CASQA would be useful. Norm Domingo mentioned that Jody Allen is interested in training the trainers and having a CWEA stormwater certification.
- **Draft Annual Report.** There have been no detectable changes in the number of illicit discharges over the last 14 years. The number of illicit discharges may increase because of an increase in the number of do-it-yourselfers created by the current economy. A number of subcommittee members mentioned that they actively look for illicit discharges. It was mentioned that sometimes soapy water is visible from a washing machine illegally discharging to the storm drain system. Norm reported that some carpet washers discharge the cleaning water to their residential sanitary sewer clean out. This water should be filtered to remove dog hair and prevent clogging the sewer lines. It was agreed that this code enforcement issue may have a low priority as long as the wastewater was going to the sanitary sewer.
- **MRP.** The most likely date for MRP adoption is October. The two big remaining issues are trash and low impact development. BASMAA staff met with Save the Bay to discuss trash requirements.
- **TAC Meeting.** Geoff Brosseau, the Executive Director of CASQA, made a presentation at the July TAC meeting. BASMAA will be submitting two applications for the use of federal San Francisco Bay Water Quality Improvement Funds to help comply with the MRP. One project will be for trash capture and the other will be to implement mercury and PCB pilot projects.
- **Training Work Group.** The training work group is developing an Inspection Plan. There may be some businesses that County Environmental Health would not typically inspect. Dermot added that the county would inspect any business that sells lighter fluid and it also inspects pool supply stores. It

would not typically inspect nurseries and limousine services. Other items on the Training Work

Group's draft list of projects for this year was also reviewed.

- **Sharing Information.** Some recent problems with illicit discharges by grease and other waste haulers was reviewed. Interest was expressed in a magnetic manhole cover lifter.

Subcommittee Work That Affects Other Subcommittees: The development of an Enforcement Response Plan needs to be coordinated with the New Development Subcommittee.

Next Steps: EOA will distribute the draft Inspection Plan for review and comment.

Next Meeting Date: Subcommittee will meet next on October 8, 2009 at 1:00 pm.

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**INDUSTRIAL AND COMMERCIAL BUSINESS INSPECTION PLAN
CITY OF _____**

Date Originally Prepared: _____

Date Last Updated: _____

BACKGROUND

This industrial and commercial business inspection plan (Inspection Plan) for the city of _____ serves as its prioritized inspection work plan that the city will implement to comply with the municipal regional stormwater permit's (MRP) Provision C.4.b. The MRP requires that an Inspection Plan be developed. The Inspection Plan's attached Facilities/Businesses Prioritized Inspection List (Inspection List) must be submitted with the 2010 Annual Report and, the Inspection List must be updated annually for submittal with subsequent annual reports.

The Inspection Plan follows a template developed by the Countywide Program's Commercial, Industrial, and Illicit Discharge Control (CII) Subcommittee.

This Inspection Plan includes the attached Inspection List to comply with the MRP's requirements for the following:

1. Preparation of a list of industrial and commercial facilities requiring inspection; and
2. Identification of inspection priorities for facilities/businesses based upon their potential to contribute pollutants to stormwater and cause non-stormwater discharges disallowed by the MRP.

In addition, the Inspection List provides a way to address the MRP's requirement for an:

3. Annual Inspection Plan update that maintains a list of industrial and commercial facilities to inspect; and
4. A list of facilities/businesses scheduled for inspection during the current fiscal year.

The following sections summarize the MRP's Inspection Plan requirements and describe how the requirements are being met.

LIST OF INDUSTRIAL AND COMMERCIAL FACILITIES REQUIRING INSPECTION

What is Required?

The MRP requires that the Inspection Plan be used to maintain an inspection list of industrial and commercial facilities "that could reasonably be considered to cause or contribute to pollution of stormwater runoff" (Provision C.4.b.ii).

In particular, the MRP lists the following types of businesses as needing to be inspected if they "have a reasonable likelihood to be sources of pollutants to stormwater and non-stormwater discharges:" (Provision C.4.b.ii(2))

- 1) Industrial facilities, as defined in 40 CFR 122.26(b)(14), including those subject to the State General NPDES Permit for Stormwater Discharges Associated with Industrial Activity;

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- 2) Vehicle salvage yards;
- 3) Metal and other recycled material collection facilities, waste transfer facilities;
- 4) Vehicle mechanical repair, maintenance, fueling, or cleaning;
- 5) Building trades central facilities or yards, corporation yards, nurseries, and greenhouses;
- 6) Building material retailers and storage;
- 7) Plastic manufacturers; and
- 8) Other facilities designated by the city or Water Board as having a reasonable potential to contribute to pollution of stormwater runoff. The Water Board staff places a priority on inspecting retail food facilities, and these businesses should be included in the Inspection List if they “have a reasonable likelihood to be sources of pollutants to stormwater and non-stormwater discharges.”

In addition, the MRP lists sites that include the following types of functions that may produce pollutants when exposed to stormwater as part of the criteria for developing an inspection list:

- 1) Outdoor process and manufacturing areas
- 2) Outdoor material storage areas
- 3) Outdoor waste storage and disposal areas
- 4) Outdoor vehicle and equipment storage and maintenance areas
- 5) Outdoor wash areas
- 6) Outdoor drainage from indoor areas
- 7) Rooftop equipment
- 8) Other sources determined by the city or Water Board to have a reasonable potential to contribute to pollution of stormwater runoff.

Preparation of Inspection List

- ➔ Using the above criteria, the city has prepared the attached Inspection List. The Inspection List and future updates to the list include the total number of facilities to be inspected.

PRIORITIES OF FACILITIES/BUSINESSES FOR INSPECTION

What is Required?

The MRP requires that each of the facilities/businesses to be inspected be assigned a priority for inspection based on “the potential for water quality impact using criteria such as pollutant sources on site, pollutants of concern, proximity to a waterbody, violation history of the facility, and other relevant factors” [Provision C.4.b.ii.(3)]. In addition, the MRP requires that the inspection frequencies be based on the “potential for contributing pollution to stormwater runoff” and be “commensurate with the threat to water quality.”

In addition, the MRP requires: “A description of the process for prioritizing inspections and frequency of inspections” [Provision C.4.b.i.(2)].

Description of Municipality’s Prioritization Process

- ➔ Businesses meeting the following criteria generally have been assigned as having a high priority for inspection: [*Please modify to fit your city’s situation*].
1. Businesses that are subject to the State General NPDES Permit for Stormwater Discharges Associated with Industrial Activity.

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- 2. Retail food facilities, hazardous materials users, and hazardous waste generators that have a history of using inadequate best management practices.
 - 3. Businesses that have had a non-stormwater discharge disallowed by the MRP during the past year.
- All other businesses or facilities have generally been assigned as having a low priority for inspection.
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What is Required?

The MRP requires that each municipality use its judgment in setting up categories of frequency of inspection that reflect the priorities assigned based on the criteria and prioritization process described above.

Assignment of Inspection Priority

The CII Subcommittee recommends that each facility/business listed in the Inspection List be assigned either a high priority for inspection or a low priority for inspection. High priority for inspection means that the facility/business will typically be inspected at least twice during the five-year permit cycle. Low priority for inspection means that the facility/business will be inspected typically at least once during the five-year permit cycle¹.

- ➔ For each commercial and industrial facility/business listed in the attached Inspection List, either a high or low priority has been assigned for inspection.

INSPECTION LIST ANNUAL UPDATE

What is Required?

The MRP requires that the Inspection Plan incorporate a “mechanism to include newly opened businesses that warrant inspection.” In addition, the MRP requires that each municipality annually update and maintain a list of industrial and commercial facilities for inspection. The annual updates should include new businesses, modifications to inspection priorities when needed based on recent inspections or illicit discharge notifications, and removal of businesses that are no longer operating.

Annual Update

- ➔ Starting with the 2011 annual report any needed revisions to the Inspection List will be prepared annually. The Inspection List with an updated list of facilities scheduled for inspection during the current fiscal year will be submitted with each annual report.

¹ The municipality may define other categories of priority and their associated inspection frequency. The Countywide Program has previously used two categories of frequency of inspection and that is retained in this template as recommended by the CII Subcommittee.

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Facilities/Businesses Prioritized Inspection List

Date Originally Prepared: _____

Date Last Updated²: _____

High Priority Facilities/Businesses for Inspection³ at Least Twice During Next Five Years

Name of Facility/Business	Address	Type of Business	Has Industrial General Permit Coverage?	Comments	Scheduled for Inspection in FY 2010/11 ⁴

Total number of facilities _____

Low Priority Facilities/Businesses for Inspection² at Least Once During Next Five Years

Name of Facility/Business	Address	Type of Business	Has Industrial General Permit Coverage?	Comments	Scheduled for Inspection in FY 2010/11 ⁵

Total number of facilities _____

² The municipal regional stormwater permit requires an annual update of facilities to inspect.

³ The frequency of inspections is a goal that should be met for most businesses. A particular business or facility's inspection priority may be modified based on more recent information during the Annual Inspection Update, and businesses and facilities may be added and deleted from the Facilities/Businesses Prioritized Inspection List as allowed by the MRP.

⁴ A check mark in this column means that a business is scheduled for inspection in the current fiscal year. This column should be updated annually and the updated Facilities/Businesses Prioritized Inspection List is required to be submitted in each annual report.

San Mateo Countywide Stormwater Pollution Prevention Program
 Guidance on Enforcement Options for Illicit Discharges and Industrial/Commercial Business
 Storm Water Pollution Violations

Enforcement Action	Description
I Warning Notice	<p>Issue for anticipated violations due to poor housekeeping or management practices. A verbal warning is considered a warning notice.</p> <p>Appropriate BMP(s) may be recommended to prevent violation. Facility should receive the results of the inspection within seven calendar days.</p> <p>A follow up inspection may be conducted within four weeks as the inspector feels appropriate.</p>
II Informal Violation	<p>Issue for minor violations.</p> <p>The facility operator shall respond within 14 calendar days of receiving inspection results with the following information: the cause of the violation, corrective actions being taken, and date anticipated for corrective action to be completed.</p> <p>A follow up inspection is conducted or an alternate method of self-reporting of completion of corrective measures by violator is completed within 45 days of initial inspection. If violation persists, issue formal violation or begin legal action as the inspector feels appropriate.</p>
III Formal Violation	<p>Issue for major violations or if the response to informal violation is inadequate.</p> <p>Facility operator shall respond within 14 calendar days of receiving the formal violation with the following information: cause of the violation, corrective actions being taken, and date anticipated for corrective action to be completed.</p> <p>If the formal violation is issued because corrective actions for an informal violation were inadequate, the facility operator shall submit a revised compliance schedule within fourteen calendar days of receiving the formal violation.</p> <p>A follow-up inspection is conducted or an alternate method of self-reporting of completion of corrective measures by violator is completed within 45 days of previous facility inspection. If the violation is not corrected, refer to city attorney or County District attorney.</p>
IV Legal Action	<p>Failure to respond to previous violation notices should be referred to city attorney or County District attorney. All potential legal actions will be reviewed by the County Environmental Health and the District Attorney for possible violations of Hazardous Waste and Hazardous Materials regulations.</p>



Guidance on Enforcement Options for Illicit Discharges and Industrial/Commercial Business Storm Water Pollution Violations

VIOLATION	ENFORCEMENT OPTIONS			
	Warning Notice	Informal Violation	Formal Violation	Legal Action ⁶
1. Failure to effectively apply Best Management Practices (BMPs) to minimize potential exposure of raw materials, products, equipment, waste materials, and work, material storage, and material handling areas to storm water				
2. Release of small quantities ¹ of pollutants where there is the potential to reach the storm drain system, creek, lagoon, marsh or bay/ocean.				
3. Evidence of discharges present (stains, sludge, eroded concrete, etc.)				
4. Emissions from short stacks or air exhaust systems or emissions of dust or particles that have the potential to contribute significant quantities of pollutants to storm water				
5. Discharge of washwaters ² to the storm drain, or for certain types of washwaters specified by STOPPP, failure to effectively apply BMPs.				
6. Illicit connection to storm drainage system, such as a floor drain				
*** First failure to correct violations 1-6				
7. Failure of applicable facility to file a NOI				
8. Failure of applicable facility ³ to have a SWPPP, ⁴ Monitoring Plan or Annual Monitoring Report				
9. Failure of applicable facility to have an adequate SWPPP, Monitoring Plan or Annual Monitoring Report				
10. Discharge of small quantities ¹ of pollutants that have reached the storm drain system, creek, lagoon, marsh or bay/ocean.				
11. Visible pollutants present in storm water runoff (during wet weather) such as oil sheen or litter.				
*** Second failure to correct violations 1-6, first failure to correct violations 7-11				
12. Discharge of large quantities of pollutants which have reached the storm drain system, creek, lagoon, marsh or bay/ocean.				
13. Industrial process wastewaters or sanitary sewage discharged to storm drainage system				
*** Failure to correct violations that resulted in formal violation notices				

Notes:

1. Small quantities are defined as less than 1-gallon for liquid materials based on RWQCB's Enforcement Policy's "ACL Ticket - Violation Categories"
2. Washwaters include wastewater from 1) businesses washing of automobiles, trucks, equipment (including buckets, mats and utensils), parking lots, or sidewalks, 2) mobile cleaners/steamers/rug cleaners, 3) high-pressure hosing for painting preparation, and 4) any other type of washing
3. Facilities required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Industrial Activities
4. Stormwater Pollution Prevention Plan
5. If sufficient resources exist to review such plans and documents
6. All potential legal actions will be reviewed by County Environmental Health and District Attorney for possible violations of Hazardous Waste and Hazardous Materials regulations