

# **Performing Stormwater Inspections to Identify Nonstormwater Discharges and Control Illicit Discharges**

- San Mateo County
- Commercial and Industrial Inspectors
- June 28, 2022

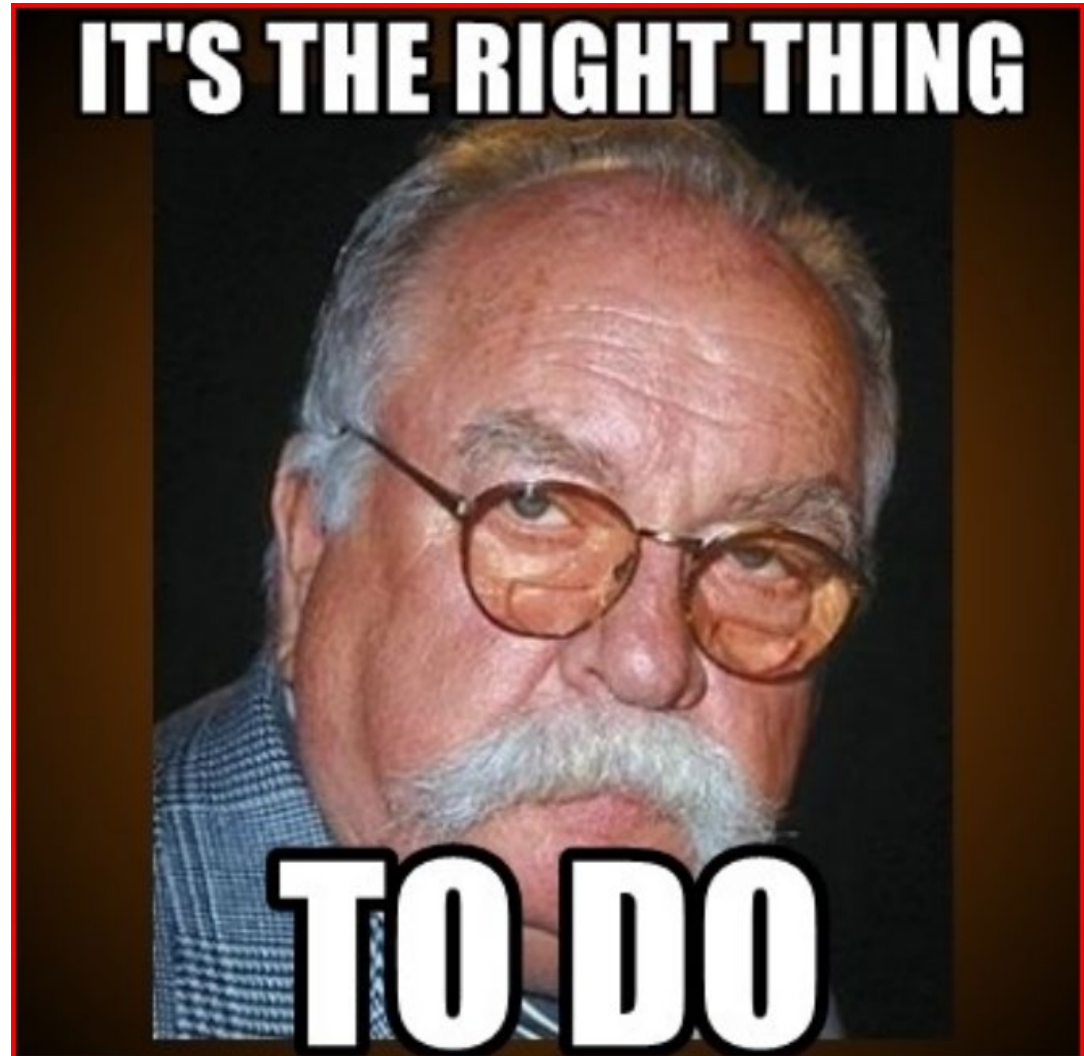
# Why do we do stormwater inspections?

- Every city and the county are regulated under permit by the Federal CWA (NPDES)
  - Implemented by the SWRCB
  - Municipal Regional Permit (MRP)
- The MRP is broad, but requires implementation of a commercial / industrial site control program
  - Inspect all businesses which “could reasonably be considered to cause or contribute to pollution of stormwater runoff.”
- We are audited and subject to penalties

## Why are we doing stormwater inspections?

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- Failure to do inspections cause compliance issues for us
  - Risk NOV/NOD from the SFRWQCB
  - Risk fines
  - Risk Scrutiny from decision makers
  - Diminish our reputation as public servants
- Environmental protection?
  - We should want to minimize impacts to our water resources
  - Wilford Brimley Rule





# Terminology

- What are we protecting?
    - **Receiving waters**
      - creeks, streams, lagoons, the Bay, and the ocean
- (Surface water bodies)





# Receiving Waters



# Receiving Waters





# Receiving Waters





# Terminology

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- Where does stormwater go?
  - **MS4 - Municipal Separate Storm Sewer System**
    - A conveyance, or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains
    - MS4 **is not** the sanitary sewer
    - MS4 **is not** a combined system

# Terminology

- **MS4 - Municipal Separate Storm Sewer System**





# Terminology

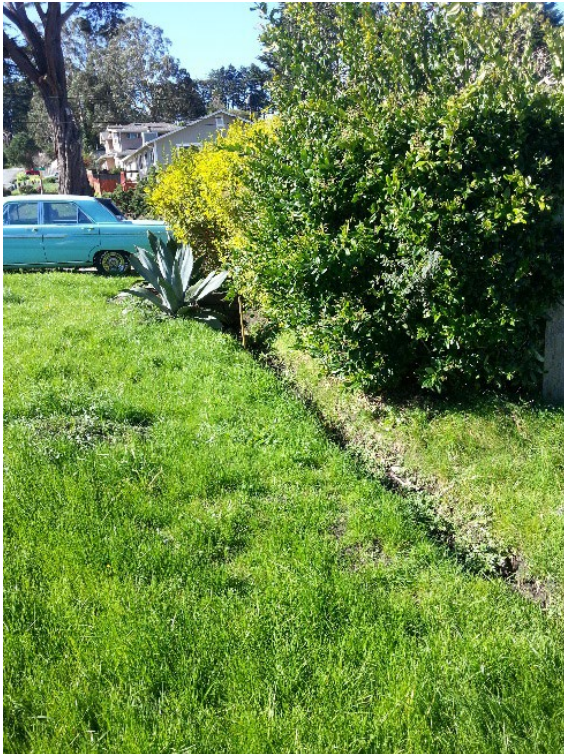
- **MS4 - Municipal Separate Storm Sewer System**





# Terminology

- **MS4 - Municipal Separate Storm Sewer System**





# Terminology

**Stormwater** –surface runoff and drainage ...  
derived from rainfall



# Terminology

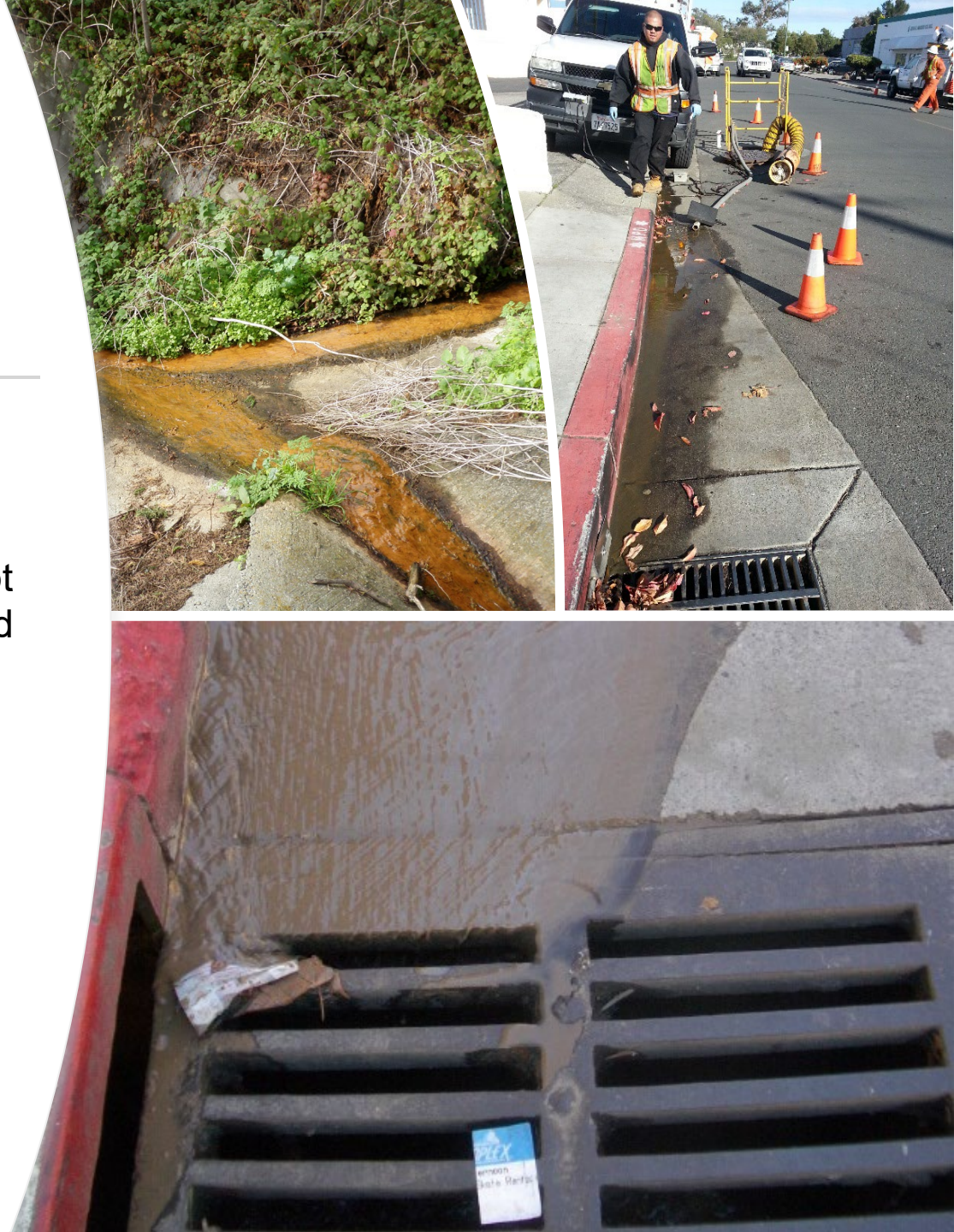
**Stormwater** –surface runoff and drainage ... derived from rainfall





# Terminology

- **Nonstormwater** – any discharge that is not entirely composed of stormwater (except those exempted in C.15 or noted within a NPDES permit)





- **Nonstormwater**



# Terminology

- **“Pollutants of Concern”** – dredged soil, solid waste, treated drinking water, sewage, sewage sludge, garbage, munitions, chemical wastes, biological materials, radioactive materials, wrecked or destroyed equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water.
  - **Some of these pollutants trigger action from other programs!**

Pollutants that impair waterbodies listed under CWA pollutants associated with the land use type of a dev pollutants commonly associated with urban runoff. P associated with stormwater runoff include, but are not limited to: suspended solids; sediment; pathogens (e.g., bacteria and viruses); heavy metals (e.g., copper, lead, zinc, and cadmium); organic chemicals (e.g., PAHs); synthetic organics (e.g., pesticides, herbicides, and pharmaceuticals); nutrients (e.g., nitrogen and phosphorus fertilizers); and debris (e.g., decaying vegetation and animal waste).



# Terminology

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- **Pollutant** – also includes any increment or increase in the total volume of stormwater runoff resulting from any activity or development.



# Terminology

- **Discharge** – Any addition of any pollutant to navigable waters (receiving waters) from any point sources or any addition of any pollutant to the waters of the ocean from any point source, except watercraft/vessels (ordinance)
- More broadly, it can also mean a release or flow of stormwater or nonstormwater from a conveyance system or storage container (e.g., a facility or the MS4)





## (New) Terminology

- **Actual Discharge –**
- Observed or documented flow of unauthorized, illicit, or pollutant- containing stormwater discharges to the MS4.







## Terminology

- **Actual Discharge –**





## (New) Terminology

- **Potential Discharge** – Conditions with the potential to result in unauthorized, illicit, or pollutant-containing stormwater discharges to the MS4. These include, but are not limited to, housekeeping issues, inadequate waste or materials management, evidence of actual discharges that are not ongoing, lack of emergency response plans, lack of MBPs, inadequate BMPs, and inappropriate BMPs.





## Terminology

- Actual or Potential Discharge?



# Terminology

- **Illicit Discharge** – Any discharge to an MS4 system that is prohibited under local, State, or federal statutes, ordinances, codes, or regulations. The term *illicit discharge* includes all non-stormwater discharges not composed entirely of stormwater and discharges that are identified under Section A (Discharge Prohibitions) of this Permit. The term illicit discharge does not include discharges that are regulated by an NPDES permit (other than the DNPDES permit for discharges to the MS4) or authorized by the Executive Officer.

# Illicit Discharge

- **Discharges that contain:**

- Dirt or Soil
- Construction runoff
- Paint
- Saw Cut
- Masonry Wash
- Soapy Water
- Hazardous Liquids
- Dissolved Metals
- Oil and Grease
- Food Products
- Trash





# Illicit Discharge

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# Terminology

- **Permitted Discharge –**
  - Stormwater that does not carry pollutants from a facility/operations
  - Discharge from emergency fire fighting operations
  - Residential pool draining provided conditions are met \*
  - Groundwater, sump, fountain pumping \*
  - Discharges allowed by an NPDES Permit
  - Residential car washing...?
- \* Must meet the conditions in C.15





# Terminology

**Permitted Discharge – Emergency Operations**





# Terminology

**Permitted Discharge – Pool Drainage**





# Terminology

**Permitted Discharge – NPDES Permitted**

**California Regional Water Quality Control Board  
San Francisco Bay Region  
Municipal Regional Stormwater NPDES Permit**

**Order No. R2-2022-0018  
NPDES Permit No. CAS612008  
May 11, 2022**

# Inspector Resources

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**MRP**





# Inspector Resources

## Ordinance

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### 4.100.140 Best management practices for new developments and redevelopments.

Any construction contractor performing work shall provide filter materials at the catch basin to retain any debris and dirt flowing in to the County's storm sewer system. County may establish controls on the volume and rate of storm water runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants.

*(Prior code § 5022; Ord. 3633, 2/14/95)*

### 4.100.150 Compliance with best management practices.

Every person undertaking any activity or operation, or operating a facility, which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, shall utilize best management practices to prevent or reduce the discharge of pollutants directly or indirectly to the County's storm sewer system.

*(Prior code § 5023; Ord. 3633, 2/14/95)*

### 4.100.160 Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee or tenant, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for said maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

*(Prior code § 5204; Ord. 3633, 2/14/95)*

### 4.100.170 Authority to inspect.

The County Health Officer or other duly authorized representative of the County shall visit all premises from time to time and examine the sanitary conditions of said premises and determine whether the provisions of this ordinance are complied with.

*(Prior code § 5025; Ord. 3633, 2/14/95)*

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# Inspector Resources

## BIP / ERP



### INDUSTRIAL AND COMMERCIAL BUSINESS INSPECTION PLAN County of San Mateo Unincorporated Area

Date Originally Prepared: March 31, 2010  
Date Last Updated: May 17, 2013

#### BACKGROUND

This industrial and commercial business inspection plan (Inspection Plan) serves as the county's prioritized inspection work plan that will be used to implement and comply with the municipal regional stormwater permit's (MRP) Provision C.4.b requirements.

County staff used the following steps to create this Inspection Plan to comply with the MRP. Steps 1 and 2 address MRP requirements for the Inspection Plan and Step 3 addresses compliance with MRP requirements for creating an Inspection List (which is included with the Inspection Plan).

##### Steps:

1. Identify a method of establishing priorities for inspections and the frequency of inspections for each category of priority.
2. Describe the method that will be used to identify newly opened businesses that may need inspection.
3. Develop an Inspection List that includes:
  - a. A list of all of the industrial and commercial businesses located within the Unincorporated Areas of San Mateo County that require inspection;
  - b. A determination of the priority for inspection of each business on the Inspection List using the identified method of establishing inspection priorities;
  - c. Identification of businesses on the Inspection List that are scheduled for inspection during the current fiscal year; and
  - d. An annual update or revision of the Inspection List starting in 2011.

#### METHOD OF ESTABLISHING PRIORITIES FOR INSPECTIONS AND FREQUENCY OF INSPECTIONS

The MRP requires that each of the 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 water body, violation history of the facility, and other relevant factors" (Provision C.4.b.ii.[3]). In addition, the MRP requires that appropriate inspection frequencies be established based on the priority for inspection, "potential for contributing pollution to stormwater runoff" and be "commensurate with the threat to water quality" (Provision C.4.b.ii.[5]).



SAN MATEO COUNTY



SAN MATEO COUNTYWIDE  
Water Pollution Prevention Program  
Clean Water. Healthy Community.

#### Stormwater Enforcement Response Plan

Agreement between the County of San Mateo,  
Environmental Health Services Division and:

Atherton  
Belmont  
Burlingame  
Brisbane  
Colma  
East Palo Alto

Foster City  
Half Moon Bay  
Hillsborough  
Menlo Park  
Millbrae  
Pacifica

Portola Valley  
San Carlos  
San Mateo  
San Mateo County  
Woodside

Date Originally Prepared: March 31, 2010  
Date Last Updated: May 17, 2013

#### Description and Purpose of Enforcement Response Plan

The above 16 cities (CITIES) have an Agreement with the County of San Mateo, Environmental Health Services Division (COUNTY) to conduct Stormwater Inspections at facilities in their city and the unincorporated areas, that the COUNTY has already issued a permit to operate, primarily Food Related Facilities and Facilities that handle or generate Hazardous Material and or Hazardous Waste.

This Stormwater Enforcement Response Plan (ERP) is an addendum to the existing Enforcement Plans, to provide guidance to CITY and COUNTY staff to assist them to take consistent actions needed to achieve effective and timely compliance with the municipality's stormwater ordinance and other enforcement authorities allowed by the local municipal code. The ERP was developed to comply with the following sections of the municipal regional stormwater permit (MRP):

- Industrial and Commercial Site Controls – ERP (Provision C.4.c); and
- Illicit Discharge Detection and Elimination – ERP (Provision C.5.b);

As shown in Appendix A these different MRP sections contain similar, but not identical requirements for developing and implementing an ERP. This template integrates the requirements from these two different MRP provisions into one ERP to facilitate consistent enforcement response within the agency.

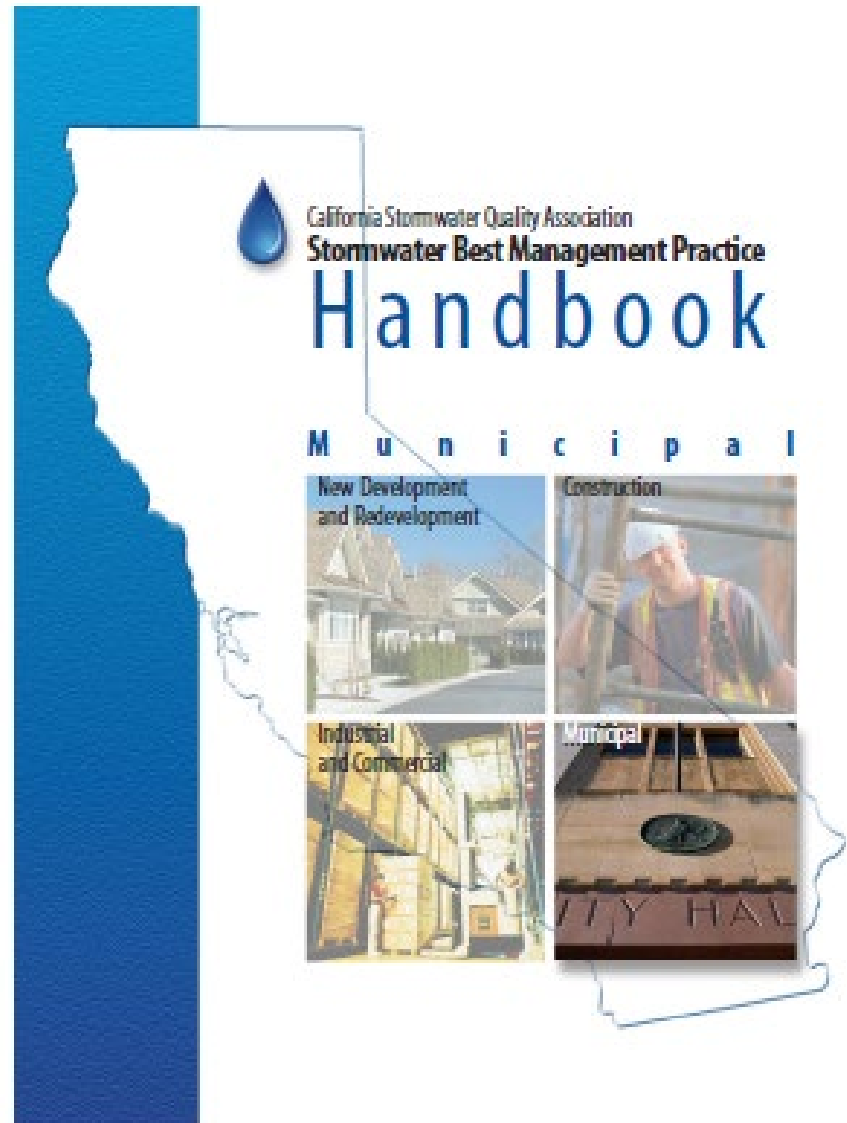
The selection of an appropriate enforcement action and the escalation of enforcement are based on the seriousness of the violation and the violator's response to the agency's previous attempts to achieve compliance. The ERP includes suggested amounts of time to allow for the correction of violations based on the goal stated in the MRP<sup>1</sup>. The nature of a specific violation may require tailoring of the timeframes for correction and/or the use of temporary measures to promptly address a violation before a permanent solution may be implemented. As required by

<sup>1</sup> The MRP states that violations must be corrected in a timely manner with a goal of correction before the next rain event, but not longer than 10 business days after discovery unless agency staff document reasons why a longer period is needed in the agency's database or equivalent.



# Inspector Resources

CASQA





## SAN MATEO COUNTY HEALTH SYSTEM

May 8, 2009

Bill Bubba  
123 El Camino Real  
Daly City, CA 94015

Subject: Litter noted in Stormdrain from Bubba's Restaurant, 123 El Camino Real,  
Daly City

Dear Mr. Restaurant Owner:

We have received a complaint concerning the depositing of litter into the storm water system at the subject property. Allowing litter or waste from your facility be discharged into the storm drain system, or upon a street or sidewalk is not only a blight on the city, but also pollutes our waterways.

This activity is a violation of two Daly City Municipal Codes:

**8.32.030 Deposit of litter in streets prohibited**

**14.08.050 Reduction of pollutants in storm water**

Any waste that is disposed of onto the exterior surfaces or is hosed into the gutter eventually gets washed into the storm drain system. Unlike the sanitary sewers, which flow to a wastewater treatment facility, storm drains flow directly to the Bay or Ocean without treatment. Therefore, please properly dispose of all solid waste debris in your trash receptacle and pour the wash water into a sink or toilet so that it can be properly treated. Should we continue to receive complaints, it may be necessary impose fines or send City Streets cleanup crews to remove the debris, the cost of which you may be held responsible.

Your cooperation in making Daly City a healthier place to live will be greatly appreciated. Should you have any questions, please contact me at (650) 372-6257.

Sincerely,

Inspector  
Hazardous Materials Specialist  
Storm Water Coordinator

**COMMUNITY HEALTH • ENVIRONMENTAL HEALTH**

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Carole Groom • Adrienne Tissier  
Health System Chief: Jean S. Fraser

2000 Alameda de las Pulgas, Suite 100 • San Mateo, CA 94403 • PHONE 650.372.6200 • CA RELAY 711 • FAX 650.627.8244  
[www.smhealth.org](http://www.smhealth.org)

# Inspector Resources

## Example Enforcement Letters