

C.4. Industrial and Commercial Site Controls

Each Permittee shall implement an industrial and commercial site control program at all sites that could reasonably be considered to cause or contribute to pollution of stormwater runoff, with inspections, effective follow-up, and enforcement to abate potential and actual discharges consistent with each Permittee's respective Enforcement Response Plan (ERP), in order to prevent discharge of pollutants and impacts on beneficial uses of receiving waters. Inspections shall confirm implementation of appropriate and effective BMPs and other pollutant controls by industrial and commercial site operators.

C.4.a. Legal Authority for Effective Site Management

- i. **Task Description** – Permittees shall have sufficient legal enforcement authority to obtain effective stormwater pollutant control on industrial and commercial sites. Permittees shall have the ability to inspect, require effective stormwater pollutant control, and implement progressively stricter enforcement to achieve expedient compliance and pollutant abatement at commercial and industrial sites within their jurisdiction.
- ii. **Implementation Level** – Permittees shall have the legal authority to oversee, inspect, and require expedient compliance and pollution abatement at all industrial and commercial sites which may be reasonably considered to cause or contribute to pollution of stormwater runoff. Permittees shall have the legal authority to require implementation of appropriate BMPs at industrial and commercial facilities to address pollutant sources associated with outdoor process and manufacturing areas; outdoor material storage areas; outdoor waste storage and disposal areas; outdoor vehicle and equipment storage and maintenance areas; outdoor parking areas and access roads; outdoor wash areas; outdoor drainage from indoor areas, rooftop equipment; and contaminated and erodible surface areas; and other sources determined by the Permittees or Water Board Executive Officer to have a reasonable potential to contribute to pollution of stormwater runoff.

C.4.b. Industrial and Commercial Business Inspection Plan (Inspection Plan)

- i. **Task Description** – Permittees shall continue to update and implement an Inspection Plan that will serve as a prioritized inspection workplan. This Inspection Plan will allow inspection staff to categorize the commercial and industrial sites within the Permittee's jurisdiction by pollutant threat and inspection frequency, change inspection frequency based on site performance, and add and remove sites as businesses open and close.
- ii. **Implementation Level**
 - (1) **Facilities For Prioritization Into Inspection Plan**

Commercial and industrial facilities with functional aspects and types described below, and other facilities identified by the Permittees as having the reasonable potential to contribute to pollution of stormwater runoff shall be prioritized for inspection on the basis of 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. The following are some of the functional aspects of businesses and types of businesses that shall be included in the Inspection Plan:

- (a) Sites that include the following types of functions that may produce pollutants when exposed to stormwater include, but are not limited to:
 - Outdoor process and manufacturing areas
 - Outdoor material storage areas
 - Outdoor waste storage and disposal areas
 - Outdoor vehicle and equipment storage and maintenance areas
 - Outdoor wash areas
 - Outdoor drainage from indoor areas
 - Rooftop equipment
 - Other sources determined by the Permittee or Water Board to have a reasonable potential to contribute to pollution of stormwater runoff.
 - (b) The following types of industrial and commercial businesses that have a reasonable likelihood to be sources of pollutants to stormwater and non-stormwater discharges:
 - Industrial facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the Statewide NPDES General Permit for Stormwater Discharges Associated with Industrial Activity (hereinafter the Industrial General Permit);
 - Vehicle Salvage yards;
 - Metal and other recycled materials collection facilities, waste transfer facilities;
 - Vehicle mechanical repair, maintenance, fueling, or cleaning;
 - Building trades central facilities or yards, corporation yards;
 - Nurseries and greenhouses;
 - Building material retailers and storage;
 - Plastic manufacturers; and
 - Other facilities designated by the Permittee or Water Board to have a reasonable potential to contribute to pollution of stormwater runoff.
- (2) Inspection Plan – The Inspection Plan shall be updated annually and shall contain the following information:
- (a) A description of the process for prioritizing inspections and frequency of inspections. The prioritization criteria shall assign a more frequent inspection schedule to the highest priority facilities per Provision C.4.b.ii.(1). If any geographical areas are to be targeted for inspections

due to high potential for stormwater pollution, these areas should be indicated in the Inspection Plan.

- (b) Assign appropriate inspection frequency for each industrial and commercial facility based on the priority established in Provision C.4.b.ii.(2)(a) above, potential for contributing pollution to stormwater runoff, and commensurate with the threat to water quality.
 - (c) A mechanism to include newly opened businesses that warrant inspections.
 - (d) Total number and a list of all industrial and commercial facilities requiring inspections, within each Permittee's jurisdiction based on the prioritization criteria established in Provision C.4.(b)ii.(2)(a). This list shall be updated annually.
 - (e) List of facilities scheduled for inspection each fiscal year of the MRP permit term. Each fiscal year's inspection list shall be added to the Inspection Plan at the beginning of the fiscal year as part of the annual update. Previous fiscal years' inspection lists shall remain in the Inspection Plan.
- (3) Record Keeping – For each facility identified in Provision C.4.b.ii.(2)(d), the Permittee shall maintain a database or equivalent tabular system of at least the following information:
- (a) Name and address of the business and local business operator;
 - (b) A brief description of business activity or pollutant source, including SIC code. Examples: outdoor process/manufacturing areas, outdoor material storage areas, outdoor waste storage and disposal areas, outdoor vehicle and equipment storage and maintenance areas, outdoor parking areas and access roads, outdoor wash areas, rooftop equipment, outdoor drainage from indoor areas;
 - (c) Inspection priority and inspection frequency; and
 - (d) If coverage under the Industrial General Permit is required.
- iii. **Reporting** – The Permittees shall include the list of all industrial and commercial facilities requiring inspections identified in Provision C.4.b.ii.(2)(d).

C.4.c. Enforcement Response Plan (ERP)

- i. **Task Description** – Permittees shall implement and update, as needed, its ERP – a reference document for inspection staff to take consistent actions to achieve timely and effective compliance from all commercial and industrial site operators.
- ii. **Implementation Level** – The ERP shall contain the following:
 - (1) **Enforcement Procedures** – A description of the Permittee's procedures from the discovery of the problems through the confirmation of implementation of corrective actions. This shall include guidance for appropriate enforcement actions, follow-up inspections, referrals to

another agency, appropriate time periods for implementation of corrective actions, and the roles and responsibilities of staff responsible for implementing the ERP.

- (2) Enforcement Tools and Field Scenarios – A discussion of the various, escalating enforcement tools for different field scenarios, including but not limited to potential discharges (i.e., housekeeping issues, evidence of actual discharges, lack of Best Management Practices (BMPs), inadequate BMPs, inappropriate BMPs, no Storm Water Pollution Prevention Plan (SWPPP), an inadequate SWPPP, and not implementing a site specific SWPPP), actual discharges, non-compliance with previous enforcement actions, and sites with a history of potential and/or actual discharges.
- (3) Timely Correction of Potential and Actual Discharges – A description of the Permittee’s procedures for assigning due dates for corrective actions. Permittees shall require timely correction of all potential and actual discharges. Corrective actions shall be implemented before the next rain event but no longer than 10 business days after the potential and/or actual discharges are discovered. Corrective actions can be temporary and more time can be allowed for permanent corrective actions. If more than 10 business day are required for compliance, a rationale shall be recorded in the electronic database or equivalent tabular system.
- (4) Referral and Coordination with Other Agencies – Each Permittee shall enforce its stormwater ordinances to achieve compliance at sites with observed potential and actual discharges. For cases in which Permittee enforcement tools are inadequate to remedy the noncompliance, the Permittee shall refer the case to the Water Board, district attorney, or other relevant agencies for additional enforcement.

C.4.d. Inspections

- i. **Task Description** – Each Permittee shall conduct inspections according to the Inspection Plan in Provision C.4.b.ii.(2) and Enforcement Response Plan in Provision C.4.c.ii. to enforce its ordinance to prevent stormwater pollution.
- ii. **Implementation Level**
 - (1) Inspections – Inspections shall be conducted to include at least the following activities:
 - (a) Observations for appropriate BMPs to prevent stormwater runoff pollution or illicit discharge;
 - (b) Observations for evidence of unauthorized discharges, illicit connections, and potential discharge of pollutants to stormwater;
 - (c) Observations for noncompliance with Permittee ordinances and other local requirements; and
 - (d) Verification of coverage under the Industrial General Permit, if applicable.

- (2) Record Keeping – Permittees shall maintain adequate records to demonstrate compliance and appropriate follow-up enforcement responses for facilities inspected. Permittees shall maintain an electronic database or equivalent tabular system that contains the following information regarding industrial and commercial site inspections:
 - (a) Name of facility/site inspected
 - (b) Inspection date
 - (c) Industrial General Permit coverage required (Yes or No)
 - (d) Compliance status
 - (e) Specific problems
 - (f) Type of enforcement (if applicable)
 - (g) Problem resolution date
 - (h) Additional comments

The electronic database or equivalent tabular system shall be made readily available to Water Board staff or its representative during inspections and audits.

- iii. **Reporting** – Permittees shall include the following information in each Annual Report:
 - (1) Number of inspections conducted;
 - (2) Number of each type of enforcement action, as listed in each Permittee’s ERP, issued;
 - (3) Number of enforcement actions fully resolved within 10 working days or otherwise deemed resolved in a longer, but still timely manner;
 - (4) Frequency and types of potential and actual discharges noted by business category; and
 - (5) A list of facilities that are required to have coverage under the Industrial General Permit, but have not filed for coverage.

C.4.e. Staff Training

- i. **Task Description** – Permittees shall provide focused training for industrial and commercial site inspectors and illicit discharge detection and elimination inspectors annually. Trainings may be Program-wide, Region-wide, or Permittee-specific.
- ii. **Implementation Level** – At a minimum, train inspections, within the 5-year of this Permit, in the following topics:
 - (1) Urban runoff pollution prevention;
 - (2) Inspection procedures
 - (3) Business Inspection Plan
 - (4) Enforcement Response Plan
 - (5) Illicit Discharge Detection, Elimination; and

- (6) Appropriate BMPs to be used at different industrial and commercial facilities.

iii. **Reporting** – The Permittees shall include the following information in each Annual Report:

- (1) Dates of training;
- (2) Training topics covered;
- (3) Percentage of industrial and commercial site inspectors attending training; and
- (4) Percentage of Illicit Discharge, Detection, and Elimination inspectors attending training.

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