**Dear Mobile Business Owner:**

All mobile businesses that work in the City of Chula Vista are required to prevent pollution of storm drainage systems by implementing Best Management Practices (BMPs). In order for you to receive your business license, you must review a Storm Water Information Packet that is applicable to your business and submit a completed Storm Water Questionnaire and Certification Statement. These packets and questionnaire can be found online at: www.chulavistaca.gov/clean under the Storm Water Pollution Prevention and Mobile Businesses links. This packet of information will help you become familiar with the City's requirements and some standard BMPs for your type of business. In the packet you will find the following items:

1) General Storm Water Education based on your type of mobile business.
2) Storm Water Questionnaire and Certification Statement to be completed and returned to the address below.
3) Chula Vista Municipal Code Chapter 14.20. – Storm Water Management and Discharge Control.
4) Examples of BMPs generally applicable to your type of business. Please note that additional BMPs may be required for your specific business.

Please carefully read the packet before completing and submitting the Questionnaire and Certification Statement. **Please note that we must receive your completed Storm Water Questionnaire and Certification Statement before we can process your business license.**

You may submit the completed Questionnaire and Certification by mail, email, fax, or hand delivery to the City of Chula Vista Storm Water Management Section at:

City of Chula Vista
Storm Water Management Section
Attn: Kimberly Valenzuela
1800 Maxwell Road
Chula Vista, CA 91911
Phone: (619) 397-6111
Fax: (619) 397-6254
Email: kimberlyv@chulavistaca.gov

If you have any questions or concerns, please call (619) 397-6111. Appointments can be set up on a case-by-case basis if you would like to meet in person.

The City of Chula Vista is committed to sustaining a clean and healthy environment for all who live and work in Chula Vista. We appreciate your cooperation in helping the City foster its role as an environmental steward. For more information on the City's environmental programs, please visit the website www.chulavistaca.gov/clean.

CITY OF
CHULA VISTA

# STORM WATER INFORMATION PACKET FOR MOBILE COMMERCIAL BUSINESSES

**This information applies to Mobile Commercial Businesses (other than construction trades), including:**

- Auto Repair, Detailing, and Washing
- Carpet, Drape, or Furniture Cleaning
- Fire Equipment and Sprinkler Maintenance
- Handyman
- Landscaping
- Painting
- Pet Grooming
- Pest Control Services
- Plumbing
- Pool, Spa, and Fountain Maintenance
- Portable Sanitary Services
- Power Washing Services
- Any mobile business that utilizes water or generate pollutants

**Table of Contents:**

Definitions.....1

Fact Sheet.....2

Frequently Asked Questions.....6

City of San Diego Sanitary Sewer Regulations.....8

# DEFINITIONS

Best Management Practices (BMPs) – Practices and procedures that prevent or reduce the pollution of storm drainage systems.

Mobile Commercial Business – Any business that provides door-to-door services for profit.

Non-Storm Water – Water that is not purely rainwater, for example irrigation water or concrete slurry.

Pollutant – Any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated. Some examples of pollutants include sediment, petroleum products, pesticides, fertilizers, detergents, heavy metals, animal waste, and trash.

Storm Drain System – The system of gutters, streets, catch basins, curbs, ditches, man-made channels, or storm drains designed to collect and convey storm water to a receiving water body.

Storm Water – Uncontaminated rainwater runoff, snowmelt runoff, surface runoff and drainage.

Urban Runoff – All flows in a storm drainage system that may consist of storm water or non-storm water.

# FACT SHEET

Mobile commercial businesses have the potential to contribute a number of pollutants to the storm drain system through their normal, everyday business operations. Examples of generated pollutants include chemicals, detergents, wash water, oil and grease, lawn clippings, and trash. By implementing Best Management Practices (BMPs), businesses can reduce and/ or prevent pollutants from entering the storm drain system.

The City of Chula Vista prohibits all discharges of water not entirely composed of storm water through the City of Chula Vista Municipal Code Chapter 14.20 (Storm Water Management and Discharge Control) with a few exceptions.

For additional information about the City of Chula Vista's Storm Water Management Program please call (619) 397-6134 or visit the website at www.chulavistaca.gov/clean.

**BEST MANAGEMENT PRACTICES (BMPS)**

You and your employees are expected to be familiar with BMPs applicable to your mobile business and to implement BMPs whenever conducting mobile business activities.

Some BMPs include:

- Use dry methods of clean up. Sweep instead of hosing down areas, use absorbent material to soak up any leaks and spills. Used absorbent materials must be disposed of properly.
- Collect all wash water. Use as little water as possible. Do not let wash water enter the storm drainage system. Properly dispose of all collected wash water. See below for more information about discharging wash water to the sanitary sewer.
- Dispose of hazardous wastes properly. To dispose of hazardous materials, please contact a certified hazardous waste handler, or call the County of San Diego Hazardous Materials Management Division at (619) 338-2231 or (800) 253-9933 to obtain more information about hazardous waste disposal.
- Practice good housekeeping BMPs. Maintain clean work areas, protect storm drain inlets before starting work, prevent pollutants from contaminating adjacent areas, and clean up after completion of the work.
- Practice Integrated Pest Management Practices. This means using pesticides and herbicides sparingly, adjusting irrigation systems to prevent excessive runoff, and using management techniques that use non-chemical means of pest control.

- Use less toxic products and do not exceed amounts shown on the instruction label.

### OPTIONS FOR HANDLING WASH WATER

Option 1:

With the property owner's permission, wash water can be discharged onto landscaped areas if private sewer connections are not readily available. Do not allow runoff to enter the street or storm drain and ensure that wash water does not contaminate the soil with hazardous pollutants.

If there is a sanitary sewer connection, obtain business or homeowner's permission before directing the wash water to a sanitary sewer connection or cleanout at the jobsite. Private sewer connections include an onsite sink, toilet, or lateral clean out. The discharge flow rate to the sewer connection should not exceed 20 gallons per minute.

Option 2:

Collect the wash water from the jobsite in a mobile tank and arrange for disposal at a facility with a sanitary sewer connection. Call the City of San Diego Metropolitan Wastewater District at (858) 654-4100 or the City of Chula Vista Wastewater Engineering at (619) 476-5368 if you have any questions regarding discharge to the sanitary sewer system. Please see below for more information.

### DISCHARGES OF WASH WATER TO THE SANITARY SEWER SYSTEM

You must have permission from the property owner before discharging wash water to their sanitary sewer connection. All discharges to the sanitary sewer must be free of grease, grit, hazardous material or any other substance that could possibly clog the sewer pipe. It is recommended to filter the wash water through a 400-micron filter before discharge. The wastes left in the filter may be placed in a dumpster after drying. Before discharging the wash water into the sewer system, the collected wash water should be allowed to settle inside the holding tank or container to allow the suspended solids to settle. The liquid can be drained and the solids can be placed in the dumpster.

Some important facts to remember about discharges to the sanitary sewer:

- Discharges to the sanitary sewer must not have a temperature more than 150°F or 65°C.
- Discharges to the sanitary sewer must not contain pollutants that could create a fire or explosion hazard.

- Discharges of wash water into the sanitary sewer may require an industrial waste discharge permit. Call the City of San Diego Metropolitan Wastewater District at (858) 654-4100 for permit requirements.
- Discharge wash water into the sanitary sewer only at permitted sites or a fixed facility with a sanitary sewer connection.

Please see the attached pages for more information about sanitary sewer discharge prohibitions and restrictions.

### BMPS FOR WASHING AND POWER WASHING

City of Chula Vista requires that BMPs be used for wash water collection and that they must be adequately designed to prevent wash water from entering the storm drainage system.

Some examples of BMPs to manage wash water include:

- Portable containment areas or wash pits made from waterproof tarps, heavy duty plastic, or vinyl equipped with berms to prevent wash water from running into storm drains or offsite. Materials used for berms may include wooden 2x4s or gravel bags.
- Storm drain covers made of an impermeable barrier such as heavy-duty vinyl or plastic, secured in place with materials such as concrete blocks or gravel bags. Storm drain covers are also available through commercial vendors. Any water contained by the covers must be collected and disposed of into the sanitary sewer prior to removing the covers.
- Pump systems to collect wash water may range from a wet-dry vacuum to a sump pump. You can create a natural catch basin to pump water from by setting up your containment system in an area that is slightly sloped. You need to ensure that water does not wash over the berms.
- Utilizing companies that will pump and truck the wash water to a legal dumpsite and dispose of it for a cost.

### SPILL RESPONSE

All chemicals that are not being used should be stored in designated locations with secondary containment and overhead cover. Keep spill response materials on-hand at all times. In case of a spill of liquid materials, building materials, or hazardous wastes, absorbents must be applied immediately to prevent the spill from entering the storm drain system. When the spill is controlled and contained, the absorbent must be collected and disposed of properly. Major spills should be immediately reported to the City of Chula Vista Public Works Department at (619) 397-6000.

## INSPECTION AND ENFORCEMENT PROGRAM

The City of Chula Vista maintains an inspection and enforcement program to ensure that all businesses operating within the City are in compliance with CVMC Chapter 14.20 requirements and discharge prohibitions. CVMC Chapter 14.20 is intended to reduce the amount of pollutants entering storm drains and polluting our creeks, beaches, bay, and the ocean. Violating any of the City's storm water regulations constitute a public nuisance and can lead to civil or criminal enforcement action. Please provide training to all employees so that they are aware of CVMC 14.20 and the BMPs related to your business activities.

## ADDITIONAL INFORMATION

For additional information on the regional mobile business program, please consult the following websites:

- www.projectcleanwater.org/ - Click on BMP Toolbox
- www.cabmphandbooks.com/

# FREQUENTLY ASKED QUESTIONS

**What is the difference between the storm drain and the sanitary sewer?**

The storm drain system collects and conveys rainwater and urban runoff from our neighborhoods to creeks, rivers, and San Diego Bay **without** any treatment. The sanitary sewer system collects and conveys wastewater from bathrooms, kitchen sinks, etc., to a sewer treatment plant where wastewater gets treated before being discharged to the Pacific Ocean.

**What types of commercial businesses does the City of Chula Vista Storm Water Ordinance regulate?**

The Storm Water Ordinance regulates all businesses that may create pollutants or polluted runoff. Examples of mobile commercial businesses may include but are not limited to: automobile or vehicle washing and detailing; carpet, drape or furniture cleaning; construction; painting and coating; landscaping; pool and fountain cleaning; portable sanitary services; power washing services; fire equipment and sprinkler maintenance; and pet grooming.

The City of Chula Vista Storm Water Ordinance also applies to all industrial, commercial, and construction businesses. These businesses are subject to the same requirements as mobile businesses and are subject to inspections and enforcement.

**When did the "prohibition of non-storm water discharges to the storm drain system" regulation go into effect?**

It has been illegal to discharge any pollutants, wastewater, or wash water into the storm drain system in Chula Vista since 1990.

**I use biodegradable products. Why can't I discharge these to the storm drain?**

The term "biodegradable" simply means that the product will break down faster than conventional products and does not harm the sewer treatment process. Mismanaged biodegradable products can be storm water pollutants and can cause environmental problems such as a fish kill in a creek just as fast as non-biodegradable products. It is important to remember that not only the chemicals you use, but also the pollutants you wash off are prohibited from entering the storm drain system.

**How do I access the sanitary sewer line to properly dispose of my wash water?**

You can access the sewer line through a cleanout stub (where the plumber sends the drain snake), a sink, a toilet, or some indoor floor drains connected to the sanitary sewer. Be aware that most outside area drains are connected to the storm drain system rather than the sanitary sewer, so be sure you know how things are plumbed before discharging to floor drains. Never open a public sewer or storm drain manhole in the street. Opening a manhole is not only extremely dangerous, but it is also against the law for unauthorized persons.

**Is washing a vehicle or any other equipment on a private driveway prohibited?**

If you have a mobile auto detailing/car washing business and wash cars on private property, you are required to comply with the City's regulations. You need to capture all runoff and properly manage all cleaning supplies so that they will not enter the City's sidewalks, streets, gutters, and storm drainage system. Washing of equipment on private driveways is prohibited.

**I have a business license for my mobile business in another city. To work in Chula Vista, am I required to obtain a Chula Vista business license?**

Yes. The City of Chula Vista requires that all mobile businesses that perform business operations within its jurisdiction obtain a Chula Vista business license. In order to obtain a business license, applicants are required to complete a Stormwater Questionnaire and Certification Statement. Mobile businesses also receive educational materials about storm water pollution prevention, the City's Storm Water Ordinance, and example BMPs related to their mobile business as a part of the business license application process.

# CITY OF SAN DIEGO SANITARY SEWER REGULATIONS

City of Chula Vista's sanitary sewer collection systems are connected to the City of San Diego's main sewer lines and treatment facilities. Dischargers to the sanitary sewer systems must, therefore, meet the standards set by the City of San Diego Public Utilities Department in addition to the City of Chula Vista's regulations. Current limits set by the City of San Diego on pollutant concentrations are provided below:

CITY OF SAN DIEGO
PUBLIC UTILITIES DEPARTMENT
ENVIRONMENTAL MONITORING & TECHNICAL SERVICES DIVISION
INDUSTRIAL WASTEWATER CONTROL PROGRAM
CURRENT LOCAL LIMITS

| **Pollutant** | **Local Limit** |
|---|---|
| pH | 5-12.5 |
| Oil &Grease | 500 mg/L |
| Dissolved Sulfides | 1.0 mg/L |
| Flash Point | > 140 ºF |
| Temperature | < 150 ºF |
| Cyanide (Total) | 1.9 mg/L |
| Cadmium | 1.0 mg/L |
| Chromium | 5.0 mg/L |
| Copper | 11.0 mg/L |
| Lead | 5.0 mg/L |
| Nickel | 13.0 mg/L |
| Silver | n/a |
| Zinc | 24.0 mg/L |

Local limits are re-evaluated annually and subject to change.

All mobile businesses are required to comply with the above pollutant concentration limits, as updated from time-to-time, before they can discharge wastewater into a sanitary sewer system within the City of Chula Vista.

The following is a summary of the City of San Diego Metropolitan Wastewater District discharge prohibitions for wastewater discharge into the sanitary sewer system.

**DISCHARGE PROHIBITIONS**

A. GENERAL PROHIBITION (from 40 CFR 403): A User may not introduce into a Publicly Owned Treatment Works (POTW) any pollutant(s), which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in "D" below apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any National, State, or Local Pretreatment Requirements.

B. PROHIBITION AGAINST DILUTION: No Industrial User shall ever increase the use of process water, or in any other way attempt to dilute as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

C. PROHIBITION AGAINST BYPASS: Bypass of wastewater pretreatment is prohibited, and the Industrial Wastewater Control Program (IWCP) may take enforcement action against an industrial user for a bypass, unless the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and the industrial user submitted notices in compliance with the Standard Conditions of this permit.

D. SPECIFIC PROHIBITIONS: In addition, a User may not introduce the following discharges into the Metropolitan Sewerage System:

1. **Flammable or Explosive Substances**: Pollutants which create a fire or explosion hazard in the wastewater collection system or treatment plant, including but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21;
2. **Corrosives:** Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0 unless a specific variance is granted;
3. **Hazardous Wastes:** Hazardous wastes, as defined in California Administrative Code, Title 22, Section 66261.3;
4. **Trucked Pollutants:** Any trucked or hauled pollutants except at discharge points designated by the POTW;
5. **Toxic and Poisonous Substances:** Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
6. **Substances which may obstruct flow:** Solid or viscous substances in amounts which will cause obstruction to flow in the sewer resulting in Interference;
7. **Odorous Wastes:** Strongly odorous wastes or wastes tending to evolve strong odors;
8. **Uncontaminated Water:** Uncontaminated ground, storm, and surface waters, and roof runoff;
9. **Pretreatment Sludges:** Sludges or deposited solids resulting from an industrial or pretreatment process;
10. **Heat:** Heated waste streams having a temperature that is equal to or greater than one hundred and fifty (150) degrees Fahrenheit or sixty-five (65) degrees Centigrade;
11. **Radioactive Wastes:** Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in the "Code of Federal Regulations" at 10 CFR 20, Subpart K;
12. **Greases and Oils:** Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

BL# _____

CITY OF
CHULA VISTA

# STORM WATER QUESTIONNAIRE AND CERTIFICATION STATEMENT

**Please answer all questions and sign and date at the bottom. If you have any questions, please call (619) 397-6134 for assistance. *Business license approval pending return of this document.***

**Applicant Name:** _____ **Phone:** (_____)_____
Last First M.I. Area Code Phone Number

**Mailing Address:** _____
Number Street Apt.# City State Zip Code

**Name of Business:** _____

**Type of Business:** _____

1. Explain what potential pollutants or non-storm water is generated by your business operations.

_____

_____

_____

_____

2. Explain how you will prevent pollutants or non-storm water from your business operations and activities from entering the storm drain.

_____

_____

_____

_____

3. Have you received and read the City of Chula Vista Municipal Code Chapter 14.20 "Storm Water Management and Discharge Control" (copy attached)?

   - ❑ Yes
   - ❑ No You are required to read this document.

4. Are you familiar with the Best Management Practice (BMP) requirements related to your business?

   - ❑ Yes Please explain: _____

     _____

   - ❑ No Please read the attached copies of the storm water BMPs and familiarize yourself with the requirements.

I declare under the penalty of perjury that the foregoing information is true and correct. I certify that I will not discharge runoff to City of Chula Vista storm drains. Also, I understand that I need to comply with City of Chula Vista Municipal Code Chapter 14.20 (Storm Water Management and Discharge Control) and the recommended BMP implementation requirements (copies of each received).

Applicant Signature: _____ Date: _____

City Approval Signature: _____ Date: _____

# Chapter 14.20
# STORM WATER MANAGEMENT AND DISCHARGE CONTROL

Sections:


14.20.010 Purpose and intent.
14.20.020 Scope.
14.20.030 Definitions.
14.20.040 Administration.
14.20.100 Discharge of non-storm water prohibited.
14.20.110 Exemptions to discharge prohibition.
14.20.120 Reduction of pollutants contacting or entering storm water required.
14.20.125 Additional planning, design, construction, and post-construction requirements for all land development and redevelopment projects.
14.20.130 Containment, cleanup, and notification of spills.
14.20.140 Watercourse protection.
14.20.150 Development in or adjacent to watercourse restricted – Land development, building, or watercourse permit required.
14.20.160 Illegal connection prohibited.
14.20.170 Proof of compliance required.
14.20.200 Inspection and sampling – General.
14.20.210 Inspection procedures – Additional requirements.
14.20.220 Authority to sample and establish sampling devices.
14.20.230 Testing, monitoring or mitigation required – When.
14.20.300 Concealment.
14.20.310 Administrative enforcement powers.
14.20.320 Administrative notice, hearing, and appeal procedures.
14.20.330 Judicial enforcement.
14.20.340 Violations deemed a public nuisance.
14.20.350 Remedies not exclusive.
14.20.360 Civil penalties to be deposited in the storm drain revenue fund.


## 14.20.010 Purpose and intent.

The purpose of this chapter is to promote the health, safety, and general welfare of the citizens of the City of Chula Vista by:

A. Prohibiting non-storm water discharges to the storm water conveyance system.

B. Preventing discharges to the storm water conveyance system from spills, dumping or disposal of materials other than storm water.

C. Reducing pollutants in storm water discharges, including those pollutants taken up by storm water as it flows over urban areas (“urban runoff”), to the maximum extent practicable.

D. Reducing pollutants in storm water discharges in order to achieve applicable water quality objectives for surface waters in San Diego County.

The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act (33 USCA Section 1251, et seq.) and its implementing regulations, the Porter-Cologne Water Quality Control Act (California Water Code Section 13020, et seq.) and its implementing regulations, and the San Diego Regional Water Quality Control Board (NPDES Permit No. CAS

0109266) and any subsequent amendments thereto. (Ord. 2854 § 1, 2002; Ord. 2597 § 11, 1994).

**14.20.020 Scope.**

This chapter shall be interpreted in accordance with the definitions set forth herein and the provisions of this chapter shall apply to the direct or indirect discharge of pollutants into the city's storm water conveyance system.

Further, this chapter shall be interpreted in accordance with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto; applicable implementing regulations; NPDES Permit No. CAS 0109266) and any amendment, revision, or reissuance thereof; and the purposes and intent of this chapter.

This chapter, among other things, provides for the prohibition of non-storm water discharges to the storm water conveyance system, the prohibition of illegal connections to the storm water conveyance system, the requirement that all persons reduce the volume and character of pollutants related to urban activity entering the storm water conveyance system to the maximum extent practicable, and the establishment of enforcement mechanisms for violation of this chapter, including civil and criminal fines and penalties. (Ord. 2854 § 2, 2002; Ord. 2597 § 11, 1994).

**14.20.030 Definitions.**

When used in this chapter, the following terms shall have the meanings ascribed to them in this section:

A. "Basin plan" shall mean the "Water Quality Control Plan for the San Diego Basin" adopted by the Regional Water Quality Control Board, San Diego Region (September 1994), and approved by the State Water Resources Control Board, together with subsequent amendments.

B. "Best management practices (BMPs)" shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce, to the maximum extent practicable, the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

C. "Building permit" shall mean a permit issued by the Building Official pursuant to Chapter 15.06 CVMC.

D. "California ocean plan" shall mean the "California Ocean Plan: Water Quality Control Plan for Ocean Waters of California" adopted by the State Water Resources Control Board in October 2012, and any subsequent amendments.

E. "Clean Water Act" shall mean the federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 95-117 (33 USCA Section 1251, et seq.), and any subsequent amendments.

F. "County Health Officer" shall mean the Health Officer of the County of San Diego Department of Public Health or designee.

G. "Development" shall mean:

1. The placement or erection of any solid material or structure on land, in water, or under water;
2. The discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
3. The grading, removing, dredging, mining, or extraction of any materials;
4. A change in the density or intensity of the use of land, including, but not limited to, a subdivision pursuant to the Subdivision Map Act (Government Code Section 66410, et seq.) and any other division of land, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use;
5. A change in the intensity of the use of water, or of access thereto;
6. The construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal entity; and
7. The removal or harvesting of major vegetation other than for agricultural purposes.

As used in this definition, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Source: Government Code Section 65927.)

H. “Employee training program” shall mean a documented employee training program for all persons responsible for implementing a storm water pollution prevention plan. The employee training program shall include, but is not limited to, the following topics:

1. Laws, regulations, and local ordinances associated with storm water pollution prevention, and an overview of the potential impacts of polluted storm water on the receiving waters of the San Diego region;
2. Proper handling of all materials and wastes to prevent spillage;
3. Mitigation of spills including spill response, containment and cleanup procedures;
4. Visual monitoring of all effluent streams to ensure that no illegal discharges enter the storm water conveyance system;
5. Discussion of the differences between the storm water conveyance system and the sanitary sewer system;
6. Identification of all on-site connections to the storm water conveyance system;
7. Preventive maintenance and good housekeeping procedures;
8. Material management practices employed by the facility to reduce or eliminate pollutant contact with storm water discharge.

I. “Enclosed bays and estuaries plan” shall mean the “California Enclosed Bays and Estuaries Plan: Water Quality Control Plan for Enclosed Bays and Estuaries of California,” adopted by the State Water Resources Control Board September 2008, and all subsequent amendments.

J. “Enforcement agency” shall mean the City of Chula Vista or its authorized agents charged with ensuring compliance with this chapter.

K. “Enforcement official” shall mean the Director of Public Works or his or her designee.

L. “Hazardous materials” shall mean any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat or other means, if such a substance or mixture of substances may cause substantial injury, serious illness or harm to humans, domestic livestock, or wildlife.

M. “Illegal connection” shall mean any physical connection to the storm water conveyance system which has not been permitted by the City of Chula Vista or the San Diego Regional

Water Quality Control Board, or which drains illegal discharges either directly or indirectly into the storm water conveyance system.

N. "Illegal discharge" shall mean any discharge to the storm water conveyance system that is not composed entirely of storm water, or is expressly prohibited by federal, state, or local regulations, laws, codes, or ordinances, NPDES Permit No. CAS 0109266, or degrades the quality of receiving waters in violation of any plan water quality objective. Discharges of irrigation runoff to the storm water conveyance system are considered illegal discharges.

O. "Land development permit" shall mean a permit issued by the Director of Public Works pursuant to Chapter 15.04 CVMC.

P. "Maximum extent practicable (MEP)" shall mean the technology-based standard established by Congress in Clean Water Act Section 402(p)(3)(B)(iii) that municipal dischargers of storm water discharges must meet. MEP generally emphasizes pollution prevention and source control BMPs primarily in combination with treatment methods serving as a backup.

Q. "National Pollutant Discharge Elimination System Permit (NPDES permit" shall mean a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board, pursuant to Chapter 5.5, Division 7 of the California Water Code, to control discharges from point sources to waters of the United States, including, but not limited to:

1. California Regional Water Quality Control Board, San Diego Region, (NPDES No. CAS 0109266), NPDES municipal permit – Waste discharge requirements for discharges from the municipal separate storm sewer systems (MS4s) draining the watersheds within the San Diego Region;
2. NPDES general permit for storm water discharges associated with industrial activities;
3. NPDES general permit for storm water discharges associated with construction activity;
4. California Regional Water Quality Control Board, San Diego Region, general permit for discharges of groundwater extraction waste to San Diego Bay tributaries thereto under tidal influence, and storm drains or other conveyance systems tributary thereto;
5. California Regional Water Quality Control Board, San Diego Region, general permit for discharges of groundwater extraction waste to water bodies except for San Diego Bay; and
6. NPDES general permit for discharges from utility vaults and underground structures to surface waters.

R. "Non-storm water discharge" shall mean any discharges to or from the Storm Water Conveyance System that is not entirely composed of storm water, including illegal discharges and discharges allowed under an NPDES permit, (also see definition of "storm water").

S. "Parking lot" shall mean an open area, other than a street or other public way, used for the parking of motorized vehicles, whether for a fee or free, to accommodate clients or customers, or to accommodate residents of multifamily dwellings (i.e., apartments, condominiums, townhomes, mobilehomes, dormitories, group quarters, etc.).

T. "Person" shall mean any individual, organization, business trust, company, partnership, entity, firm, association, corporation, or public agency, including the state of California and the United States of America.

U. "Plan water quality objective" shall mean any or all applicable requirements of the basin plan, the enclosed bays and estuaries plan and the California ocean plan.

V. “Pollutant” shall mean any agent introduced to the Storm Water Conveyance System that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated

As used in this definition, “pollution” means, as defined in the Porter-Cologne Water Quality Control Act, “the alteration of the quality of the waters of the State by waste, to a degree which unreasonably affects either of the following: 1) The waters for beneficial uses; or 2) Facilities that serve these beneficial uses.” Pollution may include contamination.

As used in this definition, “contamination” means, as defined in the Porter-Cologne Water Quality Control Act, “an impairment of the quality of waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. ‘Contamination’ includes any equivalent effect resulting from the disposal of waste whether or not waters of the State are affected.”

W. “Premises” shall mean any building, lot, parcel, real estate, land, or portion of land, whether improved or unimproved.

X. “Receiving waters” shall mean waters of the United States, as defined under the Clean Water Act. Receiving waters include surface bodies of water that serve as discharge points for the Storm Water Conveyance System, such as creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays, and the Pacific Ocean.

Y. “Significant quantities” shall mean the volume, concentrations, or mass of a pollutant in a discharge that can cause or threaten to cause pollution, contamination, or nuisance; or adversely impact human health or the environment; or cause or contribute to a violation of any water quality standards applicable to the receiving water.

Z. “Storm water” shall mean storm water runoff, snow melt runoff, and surface runoff and drainage resulting from precipitation events.

For the purposes of this chapter, storm water runoff and drainage from areas that are in a natural state, have not been significantly disturbed or altered, either directly or indirectly, as a result of human activity, and the character and type of pollutants naturally appearing in the runoff that have not been significantly altered, either directly or indirectly, as a result of human activity, shall be considered “unpolluted” and shall satisfy the definition of “storm water” in this chapter.

AA. “Storm water conveyance system” shall mean “a Municipal Separate Storm Sewer System” or “MS4,” which is a conveyance or system of conveyances (including roads or drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by the City; and (ii) designated or used for collecting or conveying storm water;

BB. “Storm water pollution prevention plan” shall mean a document which describes the on-site program activities to utilize BMPs to eliminate or reduce pollutant discharges to the storm water conveyance system to the maximum extent practicable.

A storm water pollution prevention plan prepared and implemented pursuant to any NPDES permit shall meet the definition of a “storm water pollution prevention plan” for the purposes of this chapter.

CC. “Watercourse” shall mean any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel and a bed or banks. A “channel” is not limited to land covered by minimal or ordinary flow but also includes land covered during times of high water. “Watercourse” does not include

any surface drainage prior to its collection in a stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash.

DD. “Watercourse permit” shall mean a permit issued by the Director of Public Works pursuant to Chapter 14.08 CVMC.

EE. “Wetlands” shall mean areas that are inundated or saturated by surface or ground waters at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “Wetlands” generally includes swamps, marshes, bogs, and similar areas. (Ord. 3245, 2012; Ord. 2854 § 3, 2002; Ord. 2790, 1999; Ord. 2597 § 11, 1994).

### 14.20.040 Administration.

The enforcement official shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon, the enforcement official may be delegated by the enforcement official to persons in the employ of the city, or pursuant to contract.

When deemed necessary by the enforcement official, the enforcement official shall prepare and present to the City Council for approval regulations and programs consistent with the general policies established herein by the City Council. The enforcement official shall enforce Council-approved regulations necessary to the administration of this chapter, and may recommend that the Council amend such regulations and programs from time to time, as conditions require. (Ord. 2854 § 4, 2002; Ord. 2597 § 11, 1994).

### 14.20.100 Discharge of non-storm water prohibited.

A. It is unlawful for any person to discharge non-storm water into the storm water conveyance system, except as provided in Chula Vista Municipal Code Section 14.20.110.

B. It is unlawful for any person to cause either individually or jointly any discharge into or from the storm water conveyance system that results in or contributes to a violation of any NPDES permit.

Liability for any damage, abatement costs, or fines against the permit holder caused by such discharge shall be the responsibility of the person(s) causing or responsible for the discharge. (Ord. 2854 § 5, 2002; Ord. 2597 § 11, 1994).

### 14.20.110 Exemptions to discharge prohibition.

The following discharges are exempt from the prohibition set forth in CVMC 14.20.100; provided, that they do not: (1) cause or significantly contribute to violations of the water quality standards set forth in any plan water quality objective, (2) convey significant quantities of pollutants to receiving waters, or (3) cause a danger to public health and safety:

A. Any discharge or connection to the Storm Water Conveyance System that is regulated under an NPDES permit issued to the discharger and administered by the State of California pursuant to Chapter 5.5, Division 7 of the California Water Code is allowed; provided that the discharger is in compliance with all requirements of the NPDES permit and other applicable laws and regulations.

B. Non-storm water discharges to the Storm Water Conveyance System from the following categories are allowed if the discharger obtains coverage under NPDES Permit No, CAG919001, NPDES Permit No. CAG919002 or any successor permits for discharges of groundwater. Otherwise, it will be considered illegal discharges:

1. discharges from uncontaminated pumped groundwater;
2. discharges from foundation drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year;
3. discharges from crawl space pumps; and
4. discharges from footing drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year.

C. Non-storm water discharges to the Storm Water Conveyance System from water line flushing and water main breaks are allowed if the dischargers have coverage under NPDES Permit No. CAG679001 or any successor permits, and the discharger is in compliance with all requirements of that NPDES permit and other applicable laws and regulations. Discharges to the Storm Water Conveyance System from recycled or reclaimed water lines are allowed if the discharger have coverage under an NPDES permit, and the discharger is in compliance with all requirements of that NPDES permit and other applicable laws and regulations. Otherwise, discharges from water lines are illegal discharges,

D. Non-storm water discharges to the Storm Water Conveyance System from the following categories are allowed, unless the City identifies the discharge as a source of pollutants to receiving waters, in which case the discharge is considered an illegal discharge:

1. discharges from diverted stream flows;
2. discharges from rising groundwater;
3. discharges from uncontaminated groundwater infiltration to the Storm Water Conveyance System;
4. discharges from springs;
5. discharges from riparian habitats and wetlands;
6. discharges from potable water sources, except that irrigation runoff discharges are considered illegal discharges and are prohibited;
7. discharges from foundation drains when the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to discharge non-storm water under unusual circumstances; and
8. discharges from footing drains when the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to discharge non-storm water under unusual circumstances.

E. Non-storm water discharges to the Storm Water Conveyance System from the following categories are allowed if they are addressed with BMPs as set forth in the Jurisdictional Runoff Management Program. Otherwise, said discharges are illicit discharges:

1. Air conditioning condensation
2. Individual residential vehicle washing, except that non-commercial car washes, such as fundraisers and other similar activities, are prohibited; and
3. Water from swimming pools

F. Non-storm water discharges from firefighting activities are allowed if they are addressed as follows:

1. Non-emergency firefighting discharges, including building fire suppression system maintenance discharges such as sprinkler line flushing, controlled or practice blazes, training, and other maintenance activities shall be addressed by BMPs as set forth in the Jurisdictional Runoff Management Program to prevent the discharge of pollutants to the Storm Water Conveyance System.

2. BMPs are encouraged to prevent pollutants from entering the Storm Water Conveyance System during emergency firefighting discharges. During emergencies, priority of efforts should be directed toward life, property, and the environment (in descending order). BMPs shall not interfere with emergency response operations or impact public health and safety.

G. Any discharge which the enforcement agency, the County Health Officer, the Regional Water Quality Control Board and/or the U.S. Environmental Protection Agency determines in writing is necessary for the protection of the public health and safety. (Ord. 3245, 2012; Ord. 3103 § 1, 2008; Ord. 2854 § 6, 2002; Ord. 2597 § 11, 1994).

### 14.20.120 Reduction of pollutants contacting or entering storm water required.

Any person engaged in activities which may result in pollutants entering the storm water conveyance system shall, to the maximum extent practical, undertake all measures to reduce the risk of illegal discharges. The following requirements shall apply:

A. Best Management Practices Implementation. It is unlawful for any person not to comply with BMPs and pollution control requirements established by the city or other responsible agency to eliminate or reduce pollutants entering the city's storm water conveyance system. BMPs shall be complied with throughout the life of the activity.

B. Storm Water Pollution Prevention Plan. When the enforcement official determines that a business or business-related activity causes or may cause an illegal discharge to the storm water conveyance system, then the enforcement official may require the business to develop and implement a storm water pollution prevention plan (SWPPP). Businesses which may be required to prepare and implement a SWPPP include, but are not limited to, those which perform maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading, and/or cleanup activities partially or wholly out of doors.

C. Coordination with Hazardous Materials Response Plans and Inventory. Any activity subject to the hazardous materials inventory and response program, pursuant to Chapter 6.95 of the California Health and Safety Code, shall include provisions for compliance with this chapter in its hazardous materials response plan, including prohibitions of unlawful non-storm water discharges and illegal discharges, and provisions requiring the use of BMPs to reduce the discharge of pollutants in storm water.

D. Impervious Surfaces. Persons owning or operating a parking lot or an impervious surface (including, but not limited to, service station pavements or paved private streets and roads) used for automobile-related or similar purposes shall clean those surfaces as frequently and as thoroughly as is necessary, in accordance with BMPs, to prevent the discharge of pollutants to the city's storm water conveyance system. Sweepings or cleaning residue from parking lots or impervious surfaces shall not be swept or otherwise made or allowed to go into any storm water conveyance, gutter, or roadway, but must be disposed of in accordance with regional solid waste procedures and practices.

E. Compliance with NPDES Permit for Storm Water Discharges. Each discharger subject to any NPDES permit for storm water discharges shall comply with all requirements of such permit. (Ord. 2854 § 7, 2002; Ord. 2597 § 11, 1994).

### 14.20.125 Additional planning, design, construction, and post-construction requirements for all land development and redevelopment projects.

The City of Chula Vista Best Management Practices Design Manual (BMP Design Manual) is a part of this chapter and is incorporated by reference as though set forth in full in this

chapter. No land owner or development project proponent in the City of Chula Vista shall receive any city permit or approval for land development activity or significant redevelopment activity unless the project meets or will meet the requirements of this chapter and the BMP Design Manual.

### 14.20.130 Containment, cleanup, and notification of spills.

It is unlawful for any person owning or occupying any premises who has knowledge of any release of significant quantities of materials, pollutants, or waste which may result in pollutants or non-storm water discharges entering the City's storm water conveyance system to not immediately take all reasonable action to contain, minimize, and clean up such release. Such person shall notify the City of Chula Vista of the occurrence and/or the County of San Diego Department of Health Services/Environmental Health Services Hazardous Materials Management Division, and any other appropriate agency of the occurrence as soon as possible, but no later than 24 hours from the time of the incident's occurrence. (Ord. 2597 § 11, 1994).

### 14.20.140 Watercourse protection.

In addition to the prohibitions relating to watercourses and the requirements for watercourse permits set forth in Chapter 14.08 CVMC, it is unlawful for any person owning and/or occupying property through which a watercourse passes to fail or refuse to:

A. Keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse.

B. Maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

C. Keep and maintain healthy bank vegetation in such a manner as to minimize the vulnerability of the watercourse to erosion. (Ord. 2597 § 11, 1994).

### 14.20.150 Development in or adjacent to watercourse restricted – Land development, building, or watercourse permit required.

No person shall carry out development within 30 feet of the centerline of any watercourse or within 20 feet of the edge of any watercourse, whichever is the greater distance from the top of the creek bank, unless a land development, building, or watercourse permit has first been obtained. The City officer issuing said permit is hereby granted the authority to establish controls on the volume and rate of storm water runoff from such new development as may be reasonable and appropriate to minimize the discharge and transport of pollutants to the maximum extent practicable in the granting or conditioning the granting of such permit. (Ord. 2597 § 11, 1994).

### 14.20.160 Illegal connection prohibited.

It is unlawful for any person to establish, use, or maintain any illegal connection to the storm water conveyance system, regardless of whether such connection was made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection, except as authorized in CVMC 14.20.110(A). (Ord. 2854 § 8, 2002).

### 14.20.170 Proof of compliance required.

Proof of compliance with this chapter may be required in a form acceptable to the city prior to or as a condition of a subdivision map, site plan, development improvement plan, building permit, grading permit or any other permit or activity which may affect the storm water conveyance system and/or the waters entering it. Proof of compliance shall be furnished upon request of the enforcement official. (Ord. 2854 § 9, 2002).

### 14.20.200 Inspection and sampling – General.

A. After obtaining legal entry to any premises in accordance with CVMC 1.16.010 or by consent, the representative of the enforcement agency shall have the right to:

1. Carry out any inspection and sampling activities on the premises as may be necessary to enforce the provisions and requirements of this chapter. Upon request, split samples shall be given to the owner and/or occupant of the premises.
2. Inspect any vehicle on the premises reasonably suspected of causing, contributing to, or being used to transport an illegal discharge to the storm water conveyance system.
3. Conduct tests, analyses and evaluations to determine if a discharge of storm water is an illegal discharge or to determine if the requirements of this chapter have been met.
4. Photograph any effluent stream, material or waste, material or waste container, container label, vehicle, waste treatment process, waste disposal site, or condition contributing to storm water pollution and constituting a violation of this chapter found during an inspection.
5. Inspect and copy pertinent records relating to the facility's operations, including inventories, chemical usage, materials, sources, hazardous materials manifests and disposal records, treatment and operations log books, and materials invoices.
6. Review and obtain a copy of the storm water pollution prevention plan prepared by the owner and/or occupant or facility operator, if such a plan is required.
7. Require the owner and/or occupant or facility operator to retain evidence, as instructed by the inspector, for a period not to exceed 30 days.
8. Review and obtain copies of all storm water monitoring data compiled by the owner and/or occupant or facility operator, if such monitoring is required.
9. Review and obtain copies of all records related to handling of pollutants and hazardous materials.

B. The enforcement official may conduct routine or area inspections, which shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including, but not limited to, random sampling or sampling in areas with evidence of storm water contamination, illegal discharges, discharge of non-storm water to the storm water conveyance system, or similar factors.

C. All enforcement officials shall have adequate identification. Enforcement officials and other authorized personnel shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor. (Ord. 2854 § 10, 2002; Ord. 2597 § 11, 1994).

### 14.20.210 Inspection procedures – Additional requirements.

During the inspection, the enforcement official shall comply with all reasonable security, safety, and sanitation measures. In addition, the enforcement official shall comply with reasonable precautionary measures specified by the owner and/or occupant or facility operator.

At the conclusion of the inspection, and prior to leaving the site, the enforcement official shall make every reasonable effort to review with the owner and/or occupant or the facility operator each of the violations noted by the enforcement official and any corrective actions that may be necessary. A report listing any violation found by the enforcement official during the inspection shall be kept on file by the enforcement agency. A copy of the report shall be provided to the owner and/or occupant or facility operator, or left at the premises if no person is available. If corrective action is required, then the occupant, facility owner, and/or facility operator shall implement a plan of corrective action based upon a written plan of correction, submitted to the enforcement agency, which states the corrective actions to be taken and the expected dates of completion. Failure to implement a plan of correction constitutes a violation of this chapter. (Ord. 2597 § 11, 1994).

### 14.20.220 Authority to sample and establish sampling devices.

With the consent of the property owner or occupant or pursuant to an inspection warrant, the enforcement official is authorized to establish on any property that discharges directly or indirectly to the municipal storm water conveyance system such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take samples of materials, wastes, and/or effluent as deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site. (Ord. 2854 § 11, 2002; Ord. 2597 § 11, 1994).

### 14.20.230 Testing, monitoring or mitigation required – When.

A. The enforcement official may require that any person engaged in any activity and/or owning or operating any facility which causes or may contribute to storm water pollution or contamination, illegal discharges, and/or discharge of non-storm water to the storm water conveyance system perform monitoring, including physical and chemical monitoring and/or analyses, and furnish reports as the enforcement official may specify, if:

1. The person, or facility owner or operator, fails to eliminate illegal discharges within a specified time after receiving a written notice to do so by the enforcement official; or
2. The enforcement official has documented repeated violations of this chapter by the person or facility owner, or operator, which have caused or contributed to storm water pollution.

It is unlawful for such person or facility owner or operator to fail or refuse to undertake and provide the monitoring, analyses, and/or reports specified. Specific monitoring criteria shall bear a relationship to the types of pollutants which may be generated by the person's activities or the facility's operations. If the enforcement agency has evidence that a pollutant is originating from a specific premises, then the enforcement agency may require monitoring for that pollutant regardless of whether said pollutant may be generated by routine activities or operations. The person or facility owner or operator shall be responsible for all costs of these activities, analyses and reports.

B. Any persons required to monitor, pursuant to subsection (A) of this section, shall implement a storm water monitoring program including, but not limited to, the following:

1. Routine visual monitoring for dry weather flows;
2. Routine visual monitoring for spills which may pollute storm water runoff;
3. A monitoring log including monitoring date, potential pollution sources, as noted in subsections (B)(1) and (2) of this section, and a description of the mitigation measures taken to eliminate any potential pollution sources.

C. If testing, monitoring or mitigation required pursuant to this chapter is deemed no longer necessary by the enforcement official, then any or all of the requirements contained in subsections (A) and (B) of this section may be discontinued.

D. A storm water monitoring program prepared and implemented pursuant to any NPDES permit shall be deemed to meet the requirements of a monitoring program for the purposes of this chapter. All monitoring data and analytical evaluation/assessment reports required by such a permit shall be submitted to the city at the same time the data and reports are submitted to the Regional Water Quality Control Board. (Ord. 2854 § 12, 2002; Ord. 2597 § 11, 1994).

### 14.20.300 Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter is unlawful and shall constitute a separate violation of this chapter. (Ord. 2597 § 11, 1994).

### 14.20.310 Administrative enforcement powers.

The enforcement agency and enforcement official can exercise any enforcement powers as provided in CVMC Title 1. In addition to the general enforcement powers provided in CVMC Title 1, the enforcement agency and enforcement official have the authority to utilize the following administrative remedies as may be necessary to enforce this chapter:

A. Cease and Desist Orders. When the enforcement official finds that an illegal discharge has or is likely to occur or an illegal connection is in place, the enforcement official may issue an order to cease and desist such discharge, practice, or operation likely to cause such discharge and direct that those persons not complying shall:

1. Comply with the applicable provisions and policies of this chapter;
2. Comply with a time schedule for compliance, which may consist of a duty to cease and desist immediately; and
3. Take appropriate remedial or preventive action to prevent the violation from recurring.

B. Notice to Clean and Abate. Whenever the enforcement official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in pollutants entering the city's storm water conveyance system or a non-storm water discharge to the city's storm water conveyance system, the enforcement official may issue orders and give written notice to remove same in any reasonable manner. The recipient of such notice shall undertake the activities as described in the notice.

C. Storm Water Pollution Prevention Plan. The enforcement official shall have the authority to establish elements of a storm water pollution prevention plan, and to require any owner or occupier of any premises to adopt and implement such a plan, pursuant to CVMC 14.20.120(B), as may be reasonably necessary to fulfill the purposes of this chapter.

D. Employee Training Program. The enforcement official shall have the authority to establish elements of an employee training program, as may be necessary to fulfill the purposes of this chapter, where such a program has been required as an element of a storm water pollution prevention plan.

E. Best Management Practices. The enforcement official may establish the requirements of BMPs for any premises pursuant to CVMC 14.20. 120(A).

F. Civil Penalties. Notwithstanding any other provisions of the municipal code, a person who violates any of the provisions of this chapter or who fails to implement a storm water monitoring plan, violates any cease and desist order or notice to clean and abate, or fails to adopt or implement a storm water pollution prevention plan as directed by the enforcement official shall be liable for a civil penalty not to exceed $10,000 for each day such a violation exists. The violator shall also be charged for the full costs of any investigation, inspection, or monitoring survey which led to the detection of any such violation; for abatement costs; and for the reasonable costs of preparing and bringing legal action under this subsection. In addition to any other applicable procedures, the enforcement agency may utilize the lien procedures of Chapter 1.30 CVMC to enforce the violator's liability. The violator may also be liable for compensatory damages for impairment, loss or destruction to water quality, wildlife, fish and aquatic life.

G. Administrative Citations. Notwithstanding any other provision of the municipal code, a person who violates any provision of this chapter or disobeys an enforcement order may be issued an administrative citation by the enforcement official requiring immediate corrective action and imposing an administrative fine in an amount as set forth in CVMC 1.41.100(D)(1). (Ord. 2854 § 13, 2002; Ord. 2597 § 11, 1994).

### 14.20.320 Administrative notice, hearing, and appeal procedures.

A. Service. Unless otherwise provided herein, any order, notice of violation, or other notice required to be given by the enforcement official under this chapter shall be in writing and served in accordance with CVMC 1.40.030.

B. Notice Contents. Notwithstanding any other provision of the municipal code, when the enforcement official determines that a violation of one or more provisions of this chapter exists or has occurred, any violator(s) may be served with a written notice of violation and order. The notice and order shall state the municipal code section violated, describe how violated, the location, date(s) and time(s) of the violation(s), and describe the corrective action required. The notice and order may require immediate corrective action by the violator(s) and explain which method(s) of enforcement the city is utilizing. The notice and order shall explain the consequences of failing to comply. Finally, the notice and order shall identify all hearing/appeal rights and specify the issuing officer.

C. Hearings and Appeals. Notwithstanding any other provision of the municipal code, a violator may request a hearing to contest the enforcement official's determination that a violation has occurred. Such request must be in writing and received by the city within 10 calendar days of service of the notice of violation (or 30 calendar days for out-of-state residents) in a form approved by the enforcement official. If the city does not receive such a written request within 10 calendar days (or 30 calendar days for out-of-state residents), it shall constitute a waiver of the right to a hearing and adjudication of all or any portion of the notice and order. Once a request for hearing is received, the hearing shall be conducted pursuant to CVMC 1.40.020(B) through (I) and 1.40.070. If the violator(s) fails to attend the hearing, it shall constitute a waiver of the right to a hearing and adjudication of all or any portion of the notice and order. (Ord. 2854 § 14, 2002; Ord. 2597 § 11, 1994).

### 14.20.330 Judicial enforcement.

A. Criminal Penalties. Notwithstanding CVMC 1.20.010, any person who violates any provision of this chapter or who fails to implement a storm water monitoring plan, violates any cease and desist order or notice to clean and abate, or fails to adopt or implement a storm water pollution prevention plan as directed by the enforcement official shall be punished, upon

conviction, by a fine not to exceed $10,000 for each day in which such violation occurs, or imprisonment in the San Diego County jail for a period not to exceed one year, or both.

B. Injunction/Abatement of Public Nuisance. Whenever a discharge into the storm water conveyance system is in violation of the provisions of this chapter or otherwise threatens to cause a condition of contamination, pollution, or nuisance, the enforcement official may also cause the city to seek a petition to the superior court for the issuance of a preliminary or permanent injunction, or both, or an action to abate a public nuisance, as may be appropriate in restraining the continuance of such discharge.

C. Other Civil Action. Whenever a notice and order or hearing officer's decision is not complied with, the city attorney may, at the request of the enforcement official, initiate any appropriate civil action in a court of competent jurisdiction to enforce such notice and order and decision, including the recovery of any unpaid storm drain fees and/or civil penalties provided herein. (Ord. 2597 § 11, 1994).

### 14.20.340 Violations deemed a public nuisance.

In addition to the other civil and criminal penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety, and welfare and is declared and deemed a public nuisance, which may be summarily abated and/or restored as directed by the enforcement official in accordance with the procedures identified in this chapter or Chapter 1.30 CVMC. A civil action to abate, enjoin or otherwise compel the cessation of such nuisance may also be taken by the city, if necessary.

The full cost of such abatement and restoration shall be borne by the owner of the property, and the cost thereof shall be a lien upon and against the property in accordance with the procedures set forth in Chapter 1.30 CVMC. (Ord. 2854 § 15, 2002; Ord. 2597 § 11, 1994).

### 14.20.350 Remedies not exclusive.

Remedies set forth in this chapter are not exclusive but are cumulative to all other civil and criminal penalties provided by law, including, but not limited to, penalty provisions of the federal Clean Water Act and/or the State Porter-Cologne Water Quality Control Act. The seeking of such federal and/or state remedies shall not preclude the simultaneous commencement of proceedings pursuant to this chapter. (Ord. 2597 § 11, 1994).

### 14.20.360 Civil penalties to be deposited in the storm drain revenue fund.

Any civil penalties collected by the city as a result of violations of this chapter shall be deposited in the storm drain revenue fund. (Ord. 2597 § 11, 1994).

# Spill Prevention, Control & Cleanup SC-11

Photo Credit: Geoff Brosseau

## Objectives

- Cover
- Contain
- Educate
- Reduce/Minimize
- Product Substitution

## Targeted Constituents

| | |
|---|---|
| Sediment | |
| Nutrients | |
| Trash | |
| Metals | ☑ |
| Bacteria | |
| Oil and Grease | ☑ |
| Organics | ☑ |

## Description

Many activities that occur at an industrial or commercial site have the potential to cause accidental or illegal spills. Preparation for accidental or illegal spills, with proper training and reporting systems implemented, can minimize the discharge of pollutants to the environment.

Spills and leaks are one of the largest contributors of stormwater pollutants. Spill prevention and control plans are applicable to any site at which hazardous materials are stored or used. An effective plan should have spill prevention and response procedures that identify potential spill areas, specify material handling procedures, describe spill response procedures, and provide spill clean-up equipment. The plan should take steps to identify and characterize potential spills, eliminate and reduce spill potential, respond to spills when they occur in an effort to prevent pollutants from entering the stormwater drainage system, and train personnel to prevent and control future spills.

## Approach

### *Pollution Prevention*

- Develop procedures to prevent/mitigate spills to storm drain systems. Develop and standardize reporting procedures, containment, storage, and disposal activities, documentation, and follow-up procedures.

- Develop a Spill Prevention Control and Countermeasure (SPCC) Plan. The plan should include:

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- Description of the facility, owner and address, activities and chemicals present
- Facility map
- Notification and evacuation procedures
- Cleanup instructions
- Identification of responsible departments
- Identify key spill response personnel

■ Recycle, reclaim, or reuse materials whenever possible. This will reduce the amount of process materials that are brought into the facility.

***Suggested Protocols (including equipment needs)***

*Spill Prevention*

■ Develop procedures to prevent/mitigate spills to storm drain systems. Develop and standardize reporting procedures, containment, storage, and disposal activities, documentation, and follow-up procedures.

■ If consistent illegal dumping is observed at the facility:

- Post "No Dumping" signs with a phone number for reporting illegal dumping and disposal. Signs should also indicate fines and penalties applicable for illegal dumping.
- Landscaping and beautification efforts may also discourage illegal dumping.
- Bright lighting and/or entrance barriers may also be needed to discourage illegal dumping.

■ Store and contain liquid materials in such a manner that if the tank is ruptured, the contents will not discharge, flow, or be washed into the storm drainage system, surface waters, or groundwater.

■ If the liquid is oil, gas, or other material that separates from and floats on water, install a spill control device (such as a tee section) in the catch basins that collects runoff from the storage tank area.

■ Routine maintenance:

- Place drip pans or absorbent materials beneath all mounted taps, and at all potential drip and spill locations during filling and unloading of tanks. Any collected liquids or soiled absorbent materials must be reused/recycled or properly disposed.
- Store and maintain appropriate spill cleanup materials in a location known to all near the tank storage area; and ensure that employees are familiar with the site's spill control plan and/or proper spill cleanup procedures.
- Sweep and clean the storage area monthly if it is paved, *do not hose down the area to a storm drain*.

- Check tanks (and any containment sumps) daily for leaks and spills. Replace tanks that are leaking, corroded, or otherwise deteriorating with tanks in good condition. Collect all spilled liquids and properly dispose of them.

- Label all containers according to their contents (e.g., solvent, gasoline).
- Label hazardous substances regarding the potential hazard (corrosive, radioactive, flammable, explosive, poisonous).
- Prominently display required labels on transported hazardous and toxic materials (per US DOT regulations).
- Identify key spill response personnel.

*Spill Control and Cleanup Activities*

- Follow the Spill Prevention Control and Countermeasure Plan.
- Clean up leaks and spills immediately.
- Place a stockpile of spill cleanup materials where it will be readily accessible (e.g., near storage and maintenance areas).
- On paved surfaces, clean up spills with as little water as possible. Use a rag for small spills, a damp mop for general cleanup, and absorbent material for larger spills. If the spilled material is hazardous, then the used cleanup materials are also hazardous and must be sent to a certified laundry (rags) or disposed of as hazardous waste. Physical methods for the cleanup of dry chemicals include the use of brooms, shovels, sweepers, or plows.
- Never hose down or bury dry material spills. Sweep up the material and dispose of properly.
- Chemical cleanups of material can be achieved with the use of adsorbents, gels, and foams. Use adsorbent materials on small spills rather than hosing down the spill. Remove the adsorbent materials promptly and dispose of properly.
- For larger spills, a private spill cleanup company or Hazmat team may be necessary.

*Reporting*

- Report spills that pose an immediate threat to human health or the environment to the Regional Water Quality Control Board.
- Federal regulations require that any oil spill into a water body or onto an adjoining shoreline be reported to the National Response Center (NRC) at 800-424-8802 (24 hour).
- Report spills to local agencies, such as the fire department; they can assist in cleanup.
- Establish a system for tracking incidents. The system should be designed to identify the following:

  - Types and quantities (in some cases) of wastes

  - Patterns in time of occurrence (time of day/night, month, or year)

- Mode of dumping (abandoned containers, "midnight dumping" from moving vehicles, direct dumping of materials, accidents/spills)
- Responsible parties

***Training***

- Educate employees about spill prevention and cleanup.
- Well-trained employees can reduce human errors that lead to accidental releases or spills:
  - The employee should have the tools and knowledge to immediately begin cleaning up a spill should one occur.
  - Employees should be familiar with the Spill Prevention Control and Countermeasure Plan.
- Employees should be educated about aboveground storage tank requirements. Employees responsible for aboveground storage tanks and liquid transfers should be thoroughly familiar with the Spill Prevention Control and Countermeasure Plan and the plan should be readily available.
- Train employees to recognize and report illegal dumping incidents.

***Other Considerations (Limitations and Regulations)***

- A Spill Prevention Control and Countermeasure Plan (SPCC) is required for facilities that are subject to the oil pollution regulations specified in Part 112 of Title 40 of the Code of Federal Regulations or if they have a storage capacity of 10,000 gallons or more of petroleum. (Health and Safety Code 6.67)
- State regulations also exist for storage of hazardous materials (Health & Safety Code Chapter 6.95), including the preparation of area and business plans for emergency response to the releases or threatened releases.
- Consider requiring smaller secondary containment areas (less than 200 sq. ft.) to be connected to the sanitary sewer, prohibiting any hard connections to the storm drain.

## Requirements

***Costs (including capital and operation & maintenance)***

- Will vary depending on the size of the facility and the necessary controls.
- Prevention of leaks and spills is inexpensive. Treatment and/or disposal of contaminated soil or water can be quite expensive.

***Maintenance (including administrative and staffing)***

- This BMP has no major administrative or staffing requirements. However, extra time is needed to properly handle and dispose of spills, which results in increased labor costs.

## Supplemental Information

### *Further Detail of the BMP*

*Reporting*

Record keeping and internal reporting represent good operating practices because they can increase the efficiency of the facility and the effectiveness of BMPs. A good record keeping system helps the facility minimize incident recurrence, correctly respond with appropriate cleanup activities, and comply with legal requirements. A record keeping and reporting system should be set up for documenting spills, leaks, and other discharges, including discharges of hazardous substances in reportable quantities. Incident records describe the quality and quantity of non-stormwater discharges to the storm sewer. These records should contain the following information:

- Date and time of the incident
- Weather conditions
- Duration of the spill/leak/discharge
- Cause of the spill/leak/discharge
- Response procedures implemented
- Persons notified
- Environmental problems associated with the spill/leak/discharge

Separate record keeping systems should be established to document housekeeping and preventive maintenance inspections, and training activities. All housekeeping and preventive maintenance inspections should be documented. Inspection documentation should contain the following information:

- The date and time the inspection was performed
- Name of the inspector
- Items inspected
- Problems noted
- Corrective action required
- Date corrective action was taken

Other means to document and record inspection results are field notes, timed and dated photographs, videotapes, and drawings and maps.

*Aboveground Tank Leak and Spill Control*

Accidental releases of materials from aboveground liquid storage tanks present the potential for contaminating stormwater with many different pollutants. Materials spilled, leaked, or lost from

tanks may accumulate in soils or on impervious surfaces and be carried away by stormwater runoff.

The most common causes of unintentional releases are:

- Installation problems
- Failure of piping systems (pipes, pumps, flanges, couplings, hoses, and valves)
- External corrosion and structural failure
- Spills and overfills due to operator error
- Leaks during pumping of liquids or gases from truck or rail car to a storage tank or vice versa

Storage of reactive, ignitable, or flammable liquids should comply with the Uniform Fire Code and the National Electric Code. Practices listed below should be employed to enhance the code requirements:

- Tanks should be placed in a designated area.
- Tanks located in areas where firearms are discharged should be encapsulated in concrete or the equivalent.
- Designated areas should be impervious and paved with Portland cement concrete, free of cracks and gaps, in order to contain leaks and spills.
- Liquid materials should be stored in UL approved double walled tanks or surrounded by a curb or dike to provide the volume to contain 10 percent of the volume of all of the containers or 110 percent of the volume of the largest container, whichever is greater. The area inside the curb should slope to a drain.
- For used oil or dangerous waste, a dead-end sump should be installed in the drain.
- All other liquids should be drained to the sanitary sewer if available. The drain must have a positive control such as a lock, valve, or plug to prevent release of contaminated liquids.
- Accumulated stormwater in petroleum storage areas should be passed through an oil/water separator.

Maintenance is critical to preventing leaks and spills. Conduct routine inspections and:

- Check for external corrosion and structural failure.
- Check for spills and overfills due to operator error.
- Check for failure of piping system (pipes, pumps, flanger, coupling, hoses, and valves).
- Check for leaks or spills during pumping of liquids or gases from truck or rail car to a storage facility or vice versa.

- Visually inspect new tank or container installation for loose fittings, poor welding, and improper or poorly fitted gaskets.
- Inspect tank foundations, connections, coatings, and tank walls and piping system. Look for corrosion, leaks, cracks, scratches, and other physical damage that may weaken the tank or container system.
- Frequently relocate accumulated stormwater during the wet season.
- Periodically conduct integrity testing by a qualified professional.

*Vehicle Leak and Spill Control*

Major spills on roadways and other public areas are generally handled by highly trained Hazmat teams from local fire departments or environmental health departments. The measures listed below pertain to leaks and smaller spills at vehicle maintenance shops.

In addition to implementing the spill prevention, control, and clean up practices above, use the following measures related to specific activities:

*Vehicle and Equipment Maintenance*

- Perform all vehicle fluid removal or changing inside or under cover to prevent the run-on of stormwater and the runoff of spills.
- Regularly inspect vehicles and equipment for leaks, and repair immediately.
- Check incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) for leaking oil and fluids. Do not allow leaking vehicles or equipment onsite.
- Always use secondary containment, such as a drain pan or drop cloth, to catch spills or leaks when removing or changing fluids.
- Immediately drain all fluids from wrecked vehicles.
- Store wrecked vehicles or damaged equipment under cover.
- Place drip pans or absorbent materials under heavy equipment when not in use.
- Use adsorbent materials on small spills rather than hosing down the spill.
- Remove the adsorbent materials promptly and dispose of properly.
- Promptly transfer used fluids to the proper waste or recycling drums. Don't leave full drip pans or other open containers lying around.
- Oil filters disposed of in trashcans or dumpsters can leak oil and contaminate stormwater. Place the oil filter in a funnel over a waste oil recycling drum to drain excess oil before disposal. Oil filters can also be recycled. Ask your oil supplier or recycler about recycling oil filters.

- Store cracked batteries in a non-leaking secondary container. Do this with all cracked batteries, even if you think all the acid has drained out. If you drop a battery, treat it as if it is cracked. Put it into the containment area until you are sure it is not leaking.

*Vehicle and Equipment Fueling*

- Design the fueling area to prevent the run-on of stormwater and the runoff of spills:
  - Cover fueling area if possible.
  - Use a perimeter drain or slope pavement inward with drainage to a sump.
  - Pave fueling area with concrete rather than asphalt.
- If dead-end sump is not used to collect spills, install an oil/water separator.
- Install vapor recovery nozzles to help control drips as well as air pollution.
- Discourage "topping-off' of fuel tanks.
- Use secondary containment when transferring fuel from the tank truck to the fuel tank.
- Use adsorbent materials on small spills and general cleaning rather than hosing down the area. Remove the adsorbent materials promptly.
- Carry out all Federal and State requirements regarding underground storage tanks, or install above ground tanks.
- Do not use mobile fueling of mobile industrial equipment around the facility; rather, transport the equipment to designated fueling areas.
- Keep your Spill Prevention Control and Countermeasure (SPCC) Plan up-to-date.
- Train employees in proper fueling and cleanup procedures.

*Industrial Spill Prevention Response*

For the purposes of developing a spill prevention and response program to meet the stormwater regulations, facility managers should use information provided in this fact sheet and the spill prevention/response portions of the fact sheets in this handbook, for specific activities. The program should:

- Integrate with existing emergency response/hazardous materials programs (e.g., Fire Department)
- Develop procedures to prevent/mitigate spills to storm drain systems
- Identify responsible departments
- Develop and standardize reporting procedures, containment, storage, and disposal activities, documentation, and follow-up procedures
- Address spills at municipal facilities, as well as public areas

- Provide training concerning spill prevention, response and cleanup to all appropriate personnel

## References and Resources

California's Nonpoint Source Program Plan http://www.swrcb.ca.gov/nps/index.html

Clark County Storm Water Pollution Control Manual
http://www.co.clark.wa.us/pubworks/bmpman.pdf

King County Storm Water Pollution Control Manual http://dnr.metrokc.gov/wlr/dss/spcm.htm

Santa Clara Valley Urban Runoff Pollution Prevention Program http://www.scvurppp.org

The Stormwater Managers Resource Center http://www.stormwatercenter.net/

# Mobile Cleaning – Carpets & Upholstery

Photo Credit: Geoff Brosseau

## Description

This category includes businesses that both conduct their own mobile cleaning activities and those that are hired as contractors to conduct these activities. Mobile cleaning differs from other cleaning activities in that the cleaning is not conducted in a dedicated, fixed location with a wastewater capture and treatment system connected to the sanitary sewer system. This category includes cleaning of carpets and upholstery. Information specific to: other amenities, transportation-related cleaning, food service business-related cleaning, or surface cleaning is provided in other guide sheets.

## Pollutant Sources

The following are sources of pollutants:

- Cleaning chemicals
- Carpet fibers

Pollutants can include:

- Toxic organic compounds

## Approach

Never discharge wash water or wastewater from these activities to the street, gutter, or near a storm drain.

## Source Control BMPs

The best management practices are listed by activity or area.

- Cleaning waste must be discharged to a sink, toilet, or other drain connected to the sanitary sewer system – never to a street, gutter, parking lot, or storm drain. Either:
- Empty the spent cleaning fluid tank into a utility sink or other indoor sewer connection at the service provider's home base

**or**

CASQA California Stormwater Quality Association

- Arrange with the customer to discharge into a toilet or utility sink on their premises.
- Check the local wastewater authority's requirements for discharge.

These guidelines apply even to cleaning products labeled "nontoxic" and "biodegradable." "Nontoxic" means the product is not toxic to the user. "Biodegradable" means the product will eventually break down. Such products can harm wildlife if they enter a storm drain.

## Treatment Control BMPs

The use of self-contained, mobile wastewater collection/treatment units may be appropriate and cost-effective for some mobile cleaning activities.

## More Information

### Booklets, Checklists, Fact Sheets, and Pamphlets

Fairfield-Suisun Urban Runoff Management Program, 1999. Stormwater Pollution Prevention Practices for Mobile Cleaning Activities, Guidance for Mobile Washers Who Clean Buildings Exteriors, Flat Work, Sidewalks, Drive-Throughs, Plazas, Parking Areas or Who Perform Fleet Washing, Auto Detailing, Carpet Cleaning, or Food-Related Cleaning Activities.

## References

Bay Area Pollution Prevention Group, 1995. Pollution Prevention Tips for Carpet Cleaners.

City of Santa Rosa, 2001. A Clean Water Guide for the Cleaning Industry – Carpet Cleaner Guidelines.

City of Vacaville, 1993. Small Quantity Generator Program Mobile Sources – Carpet Cleaners.

Fairfield-Suisun Urban Runoff Management Program, 1999. Stormwater Pollution Prevention Practices for Mobile Cleaning Activities, Guidance for Mobile Washers Who Clean Buildings Exteriors, Flat Work, Sidewalks, Drive-Thrus, Plazas, Parking Areas or Who Perform Fleet Washing, Auto Detailing, Carpet Cleaning, or Food-Related Cleaning Activities.

King County Surface Water Management Division, 1995. Stormwater Pollution Control Manual. Best Management Practices for Businesses. (http://dnr.metrokc.gov/wlr/dss/spcm.htm)

Sacramento Stormwater Program, 2000. Clean Water Business Partner Program.