



HOW TO CONDUCT STORMWATER BUSINESS INSPECTIONS

For use by municipal inspectors conducting stormwater business inspections in compliance with MRP Provision C.4 Industrial and Commercial Site Controls

SMCWPPP Commercial, Industrial, Illicit Discharge (CII) Subcommittee

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HOW TO CONDUCT STORMWATER INSPECTIONS

This document provides information for the stormwater inspector on the basic elements of conducting a facility inspection for stormwater pollution prevention. To be an effective inspector you will need a good understanding of:

- 1) Relevant background information
- 2) Procedures and steps of a facility inspection, and
- 3) Methods to reduce, control, or eliminate stormwater pollution.

1.0 BACKGROUND INFORMATION INSPECTORS SHOULD KNOW

A stormwater inspector needs a basic understanding of the background and requirements of municipal and industrial stormwater programs to conduct an effective facility inspection. Municipal stormwater inspectors visit commercial and industrial businesses to assist these businesses in understanding and complying with stormwater pollution control requirements outlined in local ordinances as well as the San Francisco Bay Municipal Regional Stormwater Permit (Municipal Regional Permit or MRP) Order No. R2-2022-0018, which was reissued and became effective on July 1, 2022 (specifically MRP Provision C.4 Industrial and Commercial Site Controls).

Facility owners/operators may question the need for the inspection and may ask about the specific requirements of the stormwater program. It is essential that you be prepared to clearly communicate this information, to develop a rapport with the owner/operator, provide accurate information, and help the facility come into compliance. You may likely be the first person to inform the facility owner/operator about the stormwater program, especially in businesses where there is high employee turnover. Therefore, you play an essential role in promoting the importance of the program.

You should be prepared to answer general stormwater questions as well as questions specific to the municipal program. Common general questions include:

- What is stormwater and non-stormwater?
- What is the difference between storm drains and sanitary sewers?
- Why is stormwater pollution a problem?
- Why do we need a stormwater program?

There are public information pieces that can help answer these questions located on the SMCWPPP website at <https://www.flowstobay.org/stormwater-101/>.

The facility owner/operator will also be interested in how the stormwater program specifically applies to his or her business. Section 1.2 provides an overview of stormwater regulations and contains a list of references for specific information. You should also become familiar with the municipality's inspection program elements particularly the following:

Step 1 – What is your municipality's approach to stormwater education and outreach, incentives, and enforcement? (e.g., will your first stormwater site visit be an informational meeting or a full facility inspection?) What performance standards and baseline practices has your municipality adopted to help ensure businesses are treated consistently?

Step 2 - What are your municipality's priorities for inspection?

Step 3 – What are your municipality’s established enforcement procedures? What is your legal authority to inspect, require a business to implement Best Management Practices (BMPs), and conduct enforcement? What are your municipality’s enforcement protocols? When do other agencies need to be involved in the enforcement activities?

Step 4 – What is your municipality’s educational outreach program? What methods has your municipality selected to implement? What outreach and informational materials are available for you to distribute? Does your municipality have its own outreach materials or do you use the SMCWPPP outreach materials?

It is important that you understand the answers to these questions concerning the municipal specific program prior to the site visit since it is likely they will be asked by the facility owner/operator. Inform the facility owner/operator that the program is being implemented region-wide and nation-wide and that all businesses are, or will be, required to comply with similar stormwater requirements.

Review and be familiar with your municipality’s **Business Inspection Plan (BIP)** and **Enforcement Response Plan (ERP)**. These documents are required by the Municipal Regional Permit and will have the answers to many of the above questions. Review and be familiar with your Municipal Code or Stormwater Ordinance that gives you the legal authority to inspect facilities, require BMPs and issue enforcement actions. Review MRP Provisions C.4 Industrial and Commercial Site Controls and C.5 Illicit Discharge Detection and Elimination to be familiar with regulatory requirements your program must meet.

1.2 Regulatory Background

The MRP¹ is the primary regulatory driver for the activities of your municipal stormwater program.

The permit is based on 1987 amendments to the federal Clean Water Act that requires municipalities to effectively prohibit non-stormwater discharges to municipal storm drain systems and to implement controls to reduce pollutants in stormwater to the maximum extent practicable. These federal Clean Water Act requirements are implemented through NPDES municipal stormwater permits. In 1990 the U.S. Environmental Protection Agency (USEPA) adopted regulations that prescribed the NPDES permit application requirements for municipal stormwater programs.

The San Francisco Bay Regional Water Quality Control Board’s (Regional Water Board) 1986 amendments to its Water Quality Control Plan (Basin Plan) required that all the municipalities in San Mateo County obtain municipal stormwater NPDES permit coverage because of their discharge of pollutants in stormwater. At that time none of the municipalities in San Mateo County fit the standard population criterion (over 100,000 in population) for having to obtain a municipal stormwater NPDES permit during the initial (Phase I) period. All the municipalities, however, would have met the population criterion (urbanized areas with populations exceeding 10,000 and with population densities of 1,000 per square mile) for applying for an NPDES permit by 2001 during the subsequent (Phase II) period.

¹ San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit CAS612008 was first adopted on October 14, 2009. This permit was reissued on November 11, 2005 and again on May 11, 2022 as Order No. R2-2022-0018. This Order became effective on July 2022.

The first NPDES permit for the 21 municipalities (20 cities or towns and the County unincorporated area) in San Mateo County was adopted in 1993. The countywide NPDES permit was reissued in 1999, initially for a five-year period. The permit has been amended four times since its adoption. Two of the amendments were made in 2003 to respond to a court's decision on a lawsuit, another amendment in 2003 addressed additional requirements for new and redevelopment projects, and the last amendment in March 2007 included additional requirements for new development and redevelopment projects to implement controls on the amount and timing of stormwater flows.

In October 2009, the San Francisco Bay Municipal Regional Stormwater Permit (MRP) was adopted and brought all of the NPDES Phase I municipalities in the San Francisco Bay region under one permit. The MRP includes permittees in San Mateo, Santa Clara, Alameda, and Contra Costa Counties, and the cities of Fairfield, Suisun City and Vallejo. Since then, the MRP has been reissued twice. Most recently MRP Order No. R2-2022-0018 became effective July 1, 2022. The MRP is reissued approximately every 5 years.

The NPDES permit prohibits non-stormwater discharges to the municipal storm sewer system (MS4); specifies exempted and conditionally exempted non-stormwater discharges; requires annual monitoring and reporting; requires pollutant specific actions (e.g., trash, copper, pesticides, PCBs, mercury and bacteria); and requires specific activities related to municipal programs (e.g., maintenance, new and redevelopment, illicit discharge detection and elimination program, construction site control program, public outreach, and asset management).

MRP Provision C.4 Industrial and Commercial Site Controls includes the requirements for Permittees to have adequate legal authority, a Business Inspection Plan, an Enforcement Response Plan, inspection procedures, an electronic data management system and staff training.

1.3 San Mateo Countywide Water Pollution Prevention Program (SMCWPPP)

SMCWPPP is a program of the City/County Association of Governments (C/CAG) of San Mateo County, which is comprised of local elected city council representatives from each municipality, one member of the County Board of Supervisors, and representatives from the local transit district and transportation authority. Each of the municipalities is responsible for preventing stormwater pollution and implementing its local stormwater pollution prevention and control activities.

SMCWPPP member agencies are Permittees under the MRP. SMCWPPP helps the municipalities to comply with NPDES permit requirements that can be done more cost-effectively as a group. SMCWPPP has several subcommittees where municipal representatives can share information and request assistance with MRP compliance from SMCWPPP. MRP Provision C.4 requirements are discussed in the Commercial, Industrial and Illicit Discharge (CII) Subcommittee.

Training materials and resources are available on the SMCWPPP website [FlowsToBay.org](https://www.flows-tobay.org) under Data & Resources – Presentations & Workshops webpage. There are recorded training modules and other guidance materials available on the SMCWPPP website on the CII Subcommittee members only webpage.

2.0 STORMWATER INSPECTION PROCEDURES

The role of the stormwater inspector includes both evaluating the facility's activities that impact stormwater quality and requiring the facility to come into compliance with the municipality's stormwater program. The first three sections of this chapter discuss the steps for evaluating the facility. The last section of this chapter describes the inspector's role in requiring BMPs at facilities that impact stormwater quality.

2.1 WHAT to Look for?

2.1.1 Evidence of Past and/or Continuing Non-stormwater Discharges

One of your objectives is to effectively eliminate non-stormwater discharges to storm drains. This includes accidental spills, intentional dumping, and discharges from illegal connections to storm drains. During dry weather, there should generally be no flow in the storm drains (except for certain natural or allowable discharges discussed in the next paragraph). Look for evidence of flows during dry weather. It is more difficult to observe non-stormwater discharges during wet weather since rain is likely to dilute or wash away any evidence of the discharge. However, you should still observe the runoff to look for anything it might have picked up as it flowed through the site. Typical observations for dry and wet weather flows are described in Table 1. Table 2 also includes a section on typical observations for non-stormwater discharges during inspection of facility activities and practices.

Note that a non-stormwater discharge might be exempt from discharge prohibitions if it is regulated under an NPDES permit. In this case, you should document this in your inspection report. If the NPDES Permit is the State General Industrial Activities Stormwater Permit (NPDES No. CAS000001, Order No. 2014-0057-DWQ) you should ask to see the facility's Stormwater Pollution Prevention Plan (SWPPP).

The MRP contains specific discharges that are exempt (i.e., the discharge is allowed to go to the storm drain) or conditionally exempt (i.e., if they are properly managed or when BMPs are effectively applied to minimize or eliminate the pollutants in the discharge). Exempted discharges are:

- Flows from natural springs, riparian habitats, or wetlands;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated and unpolluted groundwater infiltration;
- Single family homes' pumped groundwater, foundation drains, and water from crawl space pumps and footing drains;
- Pumped groundwater from drinking water aquifers; and
- NPDES permitted discharges (individual or general permits)

Conditionally exempted discharges are:

- Pumped groundwater, foundation drains, and water from crawl space pumps and footing drains;
- Pumped groundwater from non-drinking water aquifers;
- Air conditioning condensation;
- Individual residential car washing;
- Dechlorinated swimming pool, hot tub, spa and fountain water discharges;
- Irrigation water, landscape irrigation and lawn or garden watering; and
- Flows from emergency firefighting discharges.

Be aware of the MRP's and your municipality's policy on these discharges and what BMPs are required for each.

2.1.2 Pollutants Exposed to Rain

Another objective is to minimize the amount of pollutants in runoff discharged to storm drains. This means removing pollutants from surfaces so that pollutants are not exposed to rain and picked up by runoff. Table 2 includes a section on typical observations for pollutant exposure to runoff. Note that although exposure of pollutants to rain occurs outdoors, the source of the pollutant may be from indoor activities or areas. For example, an indoor marble cutting operation might allow its slurry to flow outdoors. Another example is when indoor areas are kept clean by sweeping or pressure washing materials outdoors. The following section provides more ideas on looking indoors for impacts to stormwater.

Table 1. Typical Observations During Dry and Wet Weather

| Description | Observations |
|------------------------------------|---|
| <i>Dry Weather</i> | |
| Evidence of Any Flow | When inspecting the storm drain conveyance system: <ul style="list-style-type: none"> • Is there flow in the storm drains? • Are there any wet areas, pools of water/liquid, or sludges? • Are there any stains on the ground, inlets, and/or channels? • Is there an odor coming from the inlet or outfall? • Is there lush vegetation or algal growth in a relatively dry area? When inspecting the facility site: <ul style="list-style-type: none"> • Is the ground (dirt, asphalt or concrete) worn from where a spill or discharge has occurred repeatedly? • Is the pavement surface etched away (possibly from flowing water)? |
| <i>Wet Weather</i> | |
| Evidence of Pollutants in the Flow | When observing runoff discharging from the site: <ul style="list-style-type: none"> • Is there anything (e.g., sediment, particles or litter) being discharged with the runoff? • Does the runoff have a smell? • Is anything floating in the runoff? • Does the runoff have a color? an oily sheen? suds? |

Table 2. Typical Observations for Facility Activities and Practices

| Description | Observations |
|------------------------------|--|
| Non-Stormwater Discharges | Are spills from fueling or vehicle/equipment maintenance areas prevented from entering storm drains? |
| | Are all washwater and/or process wastewater discharged to the sanitary sewer or recycled instead of discharged directly or indirectly to storm drains? |
| Pollutant Exposure to Runoff | Are storage containers including drums, waste and recycling dumpsters, and/or trash compactors: <ul style="list-style-type: none"> • Free from cracks/leaks? • Have lids or covers that are kept closed? • Not exposed to rain water? |
| | Are material and equipment storage areas enclosed or covered from the rain? |
| | Are material processing or handling areas enclosed or covered from the rain? |
| | Are parking areas or access roads free from signs of excessive oil and/or motor fluids, leaks, stains, litter and sediment? |
| | Are vehicle repair and maintenance areas covered or out of the rain? |
| | Are dry cleaning methods used to clean: <ul style="list-style-type: none"> • Shop floors? • Material processing areas? • Material storage areas? • Waste disposal areas? • Access roads? • Parking lots? |
| | Are storm drain inlets and catch basins inspected and mechanically cleaned on a regular schedule? |
| | Are waste products from rooftop equipment exposed to runoff? |

2.2 WHERE to Look for Impacts to Stormwater Quality

2.2.1 Inspect outdoor areas of activity

Walk through all outdoor areas and observe activities, whenever it is safe to do so. Typical areas of activity that might impact stormwater quality include:

- Wash and rinsing areas;
- Process/manufacturing areas;
- Material storage areas;
- Loading, unloading and transfer areas;
- Waste and recycling storage/disposal areas;
- Vehicle and heavy equipment storage and maintenance areas;
- Parking areas and access roads; and
- Rooftop equipment areas.

Inspect all portions of the stormwater conveyance system, where possible and safe. This includes inlets, open channels, ditches and roof leaders.

2.2.2 Inspect indoor areas of activity

Review indoor activities and areas to ensure that pollutants are not spilled, dumped, or allowed to flow outdoors. If it is possible for indoor flows to reach outdoors, (e.g., roll up doors and floors slope towards the exit) walk through the process area, if it is safe to do so, to ensure wastewaters are discharged to the sanitary sewer as appropriate. Inquire where floor, wall or any other suspect drains discharge. Also review the facility's indoor housekeeping procedures. For example, is the workshop area hosed down with water at the end of the day and allowed to drain outdoors? Review material handling areas (loading docks, storage areas, etc.) to identify if there is a pathway to the storm drain. Inquire about a spill prevention plan and the facility's cleanup procedure if a spill does occur. Your objective is to ensure that pollutants are properly disposed of so that they do not end up in the storm drain.

2.3 HOW to Conduct Facility Inspections and Outreach?

This section describes a three-phase approach to inspecting a facility:

- 1) Preparation
- 2) Field inspection and documentation, and
- 3) Follow-up and/or enforcement, as necessary.

The phases and the steps within each phase are summarized in **Figure 1**.

2.3.1 Prepare for the inspection

The objective of this phase is to optimize the use of your time on-site. You can also identify any gaps of information that need to be obtained and filled in at the time of inspection.

2.3.1.1 Review existing information and prepare for the site visit.

Review whatever information is available and note what is missing. Plan ahead of time which facilities you will visit. If you have a scheduled facility inspection, consider what other facilities in the area you might inspect if time allows. Prioritize which facilities to visit first if your time becomes limited. It is recommended to locate and identify the site, adjacent storm drains, and surrounding areas using Google earth, map, or another app prior the field inspection.

2.3.1.2 Notify the facility or conduct an unannounced site visit.

Your municipality should decide whether or not to notify the facility of an upcoming inspection by letter and/or phone, or to conduct an unannounced site visit. Prior notification gives you an opportunity to describe the program requirements and inspection goals to the facility owner/operator. It also allows you to request that background information (site plans, business plan, spill prevention countermeasure plan, etc.) be available for the visit. It is particularly important to schedule an appointment if you plan to conduct a full site inspection at a large facility. Request that a responsible facility official be available to accompany you during the entire inspection.

2.3.1.3 Gather stormwater inspection equipment.

Before you leave the office for the facility, remember to include the following with the rest of your equipment:

Program Literature

- Public information outreach pieces
- Stormwater ordinance
- BMP brochures and flyers

Field Equipment

- Inspection report form
- Previous inspection reports and/or computer to access previous inspection reports
- Area wide storm drain maps
- Camera, flashlight and/or Phone (charged)
- Personal safety equipment (e.g., reflective vest, phone, gloves, safety glasses, etc.)
- Outreach materials ([see](#) Section 2.4.3 *Available BMP Materials*)

Chemical Analysis Equipment (Optional)

- Field test kits
- Equipment for laboratory analysis (sample bottles, large ice chest with ice, container with lid for wastes, etc.)
- Chain of custody forms

2.3.2 Conduct the inspection and collect facility information

This phase is where you perform the evaluation of the facility's impact on stormwater quality. The objective of the following sections is to describe information relevant to conducting a stormwater inspection but is not intended to describe how to be an inspector. Specific inspection protocols or procedures will also vary among municipalities and agencies.

2.3.2.1 Inspection entry procedures.

- Present your credentials to a responsible facility owner/operator, whether or not identification is requested.
- The facility owner/operator must consent to the inspection.
 - If the inspector is allowed to enter, entry is considered voluntary and consensual.
 - The absence of an expressed denial can be considered authorization to continue the inspection.
- Do not sign any type of waiver, visitor release or document with restrictive conditions that would relieve the facility owner/operator of responsibility for injury or limit your rights to use information obtained during the inspection. Explain that you cannot sign the form and request a blank sign-in sheet.

- If the owner/operator denies entry, ask why. Tactfully probe the reason(s) for denial. In some cases, diplomacy and discussion may be sufficient to overcome the owner/operator's reluctance. For example, reiterating the inspection is for outdoor areas only if you do not need to be granted access to indoor areas. If the contact insists the inspection be conducted with a specific person that is currently unavailable, obtain the contact information and schedule an inspection with the contact. Be careful to avoid saying something that can be misconstrued as a threat such as discussing potential penalties. Avoid inflammatory discussions and/or deepening of misunderstandings.

If entry is still denied, withdraw from the premises and contact your supervisor. Confer with your municipality's attorneys if needed. Document all conditions and circumstances surrounding the denial for entry. At a minimum collect:

- facility name and exact address,
- name and title of person(s) you spoke with,
- authority of person(s) who refused entry, and
- date, time and detailed reason for the denial of entry.
- Follow the same procedures if consent is withdrawn during the inspection. Information obtained prior to the withdrawal of consent is valid.
- If access is denied to some parts of the facility, document the portion of the inspection that could not be performed, the reason for the denial of access, and proceed with the inspection of other areas.

2.3.2.2 Inspect the facility's stormwater conveyance system to understand how stormwater runoff discharges from the site.

Gain a clear understanding of how runoff leaves the site by examining the facility's stormwater conveyance system (as much as is safe and possible to inspect) and the site grading. This will help you determine what pollutants might be exposed to runoff. Although you will be limited to plans and diagrams for examining underground piping, visually inspect parts of the conveyance system above ground, such as gutters, ditches, drop inlets, and drains, and look for any signs of past and/or continuing discharges (See **Section 2.1 What To Look For?**). Consider conducting facility inspections during rainy weather; this is a good way to observe runoff patterns on the site.

2.3.2.3 Determine the facility's impact on stormwater quality.

Walk through all outdoor and indoor areas of activity (see **Section 2.2 Where to Look for Impacts to Stormwater Quality**). Determine the facility's impact on stormwater quality at two levels: the facility's potential to discharge and the facility's actual discharge. The difference between potential and actual is determined by whether BMPs are effectively applied. For example, a facility that stores all of its machinery and heavy equipment outdoors has a high potential to impact storm drains from any oil and grease that might be exposed to runoff. However, if the equipment is well maintained and always covered by a tarp when not in use, the level of pollutant exposure is minimized and the actual impact of the facility is small. You should note three things on your inspection report:

1. **What is the facility’s potential to impact stormwater quality from pollutant exposure and non-stormwater discharges?** Identify areas or activities that require BMPs be applied to reduce or eliminate potential pollutant discharges to storm drains. For example, is the answer to any of the question listed in Table 2 “no”?
2. **Are BMPs effectively applied so that pollutant exposure is minimized and non-stormwater discharges are eliminated?** For each of the facility’s areas of activity, observe whether BMPs are in place and effective. You will most likely encounter situations where a BMP is in place but is not effectively applied. For example, an outdoor drum storage area might be bermed but the berm leaks or is already full of rainwater so that a spill would overflow the contained area. The inspector needs to make a professional judgment on the imminent impact of the facility and decide how much time to allow the owner/operator to correct the problem.
3. **What type(s) of impact does or could the facility have on stormwater quality?** Clearly describe on the inspection report whether the impact is: 1) a **potential** discharge from pollutant exposure to runoff because BMPs are not implemented or not effective; and/or 2) an **actual** discharge of non-stormwater intentionally or accidentally discharged to the storm drains (e.g., illicit connections, process wastewater, spills, illegal dumping, etc.).

You should determine the potential impact of activities and BMP effectiveness through observations and by asking the business contact questions about procedures for common activities that are not taking place during the inspection (e.g., cleaning procedures, use of mobile businesses for cleaning or fueling, employee training, etc.). Be sure to distinguish on the inspection form if you observed the practice or were told of the practice.

Table 3 presents an example of how inspectors may record their evaluation of a facility’s potential and actual impact on stormwater quality on the SMCWPPP Facility Stormwater Inspection Form Template. Your municipality inspection form may differ. However, the MRP requires inspectors to record “type of business activity or pollutant source” and the category of violation (i.e., actual or potential). An actual discharge is a non-stormwater discharge or evidence of a non-stormwater discharge. A potential discharge is when BMPs are not implemented or not implemented effectively and there is a potential for a discharge during the next rain event or in the future.

While not typically part of routine inspections, if you decide to collect a sample for laboratory analysis you should consider the following:

- Have a clear idea what purpose or use the analytical results would have if used in enforcement activities
- Take special care to protect the integrity of the sample (including properly completing the chain of custody), and
- Provide the facility operator/owner the option of collecting a split of any physical sample collected for laboratory analysis or a copy of any photograph or video recorded during the inspection

Table 3. Inspector’s Evaluation of a Facility’s Impact on Storm Water Quality

The following is an excerpt from the SMCWPPP Facility Stormwater Inspection Form Template:

| Areas of Activity | N/A | Potential Discharge | Actual Discharge | Comments |
|---|-----|---------------------|------------------|----------|
| | | BMP Effectiveness | NSW | |
| A. Outdoor Process/Manufacturing Areas | | | | |
| B. Outdoor Material Storage Areas | | | | |
| C. Outdoor Waste Storage/Disposal Areas | | | | |
| D. Outdoor Vehicle and Heavy Equipment Storage, Maintenance Areas | | | | |
| E. Outdoor Parking Areas and Access Roads | | | | |
| F. Outdoor Wash Areas | | | | |
| G. Rooftop Equipment | | | | |
| H. Outdoor Drainage from Indoor Areas | | | | |
| I. Other (describe): | | | | |

Direction for completing the table:

N/A = Not Applicable: Check when the facility does not include the activity area.

BMP Effectiveness = For each area of activity, note whether BMPs are in place and how effectively the facility applies BMPs using the following system:

- 0 – BMPs are applied and effective at minimizing pollutant discharge;
- 1 – BMPs are applied and are fairly effective but may need more effort to be completely effective;
- 2 – BMPs are applied but are not effective; or
- 3 – No BMPs are implemented.

NSW or Non-Stormwater Discharge = Indicate a non-stormwater discharge if you observe a non-stormwater discharge or if there is evidence of a non-stormwater discharge

2.3.2.4 Determine what follow-up actions are required of the facility owner/operator and include a time schedule.

Consider your municipal program goals and requirements: minimize the pollutants exposed to runoff and effectively eliminate non-stormwater discharges. Where does the facility fail to meet these requirements and what must facility operators do to come into compliance? You will have to give owner/operators this information, along with a compliance schedule. The MRP requires actual discharges to cease immediately and corrective actions to be implemented before the next rain event and no longer than 10 business days after the issue is discovered. Corrective actions can be temporary, in which case more time can be allowed for permanent corrective actions. If more than 10 business days are required for compliance, the rationale, including the expected time frame for compliance, must be recorded.

Compliance is accomplished through effective application of BMPs but be careful when making specific BMPs a requirement. Make clear to the facility owner/operator that he or she is still responsible for pollutant discharges even if the BMPs you suggest are not effective. Your job is to point out which sources of pollutants or discharges must be eliminated – the manner in which this is accomplished should be left to the facility owner/operator.

Beware of making requirements that could conflict with the Uniform Building, Fire, or Plumbing Codes. For example, before requiring that a drain be plugged, be sure the drain is not required by the Building or Plumbing Code. In such cases, answer questions from the facility owner/operator as best you can but refer difficult questions to the appropriate agency or department.

Making a “professional judgment” is the toughest part of the inspection. Where one inspector might require a corrective action, another inspector might not require anything given the same scenario. This type of inconsistency is inevitable but should be minimized. Inspectors can talk to other inspectors within their own agency. Regional programs can develop guidelines or criteria for certain levels of enforcement actions. Refer to the municipality’s Enforcement Response Plan (ERP) for enforcement actions guidelines.

When follow-up actions are required in shared areas, such as waste storage area or parking lot shared by all businesses in a strip mall, it may be necessary to also engage with a property manager and/or owner in addition to the individual business being inspected.

2.3.2.5 Document the inspection.

Record your observations, evaluation of the facility, and all follow-up requirements on your inspection report. Obtain any background information you are missing (e.g., owner of property if different from occupant, facility contact phone number, Standard Industrial Classification (SIC) number, etc.). Although your initial inspection approach will probably be more outreach than enforcement oriented, remember that your inspection report may be used for future enforcement activities. If needed, contact your local District Attorney’s office for guidance on collecting evidence through documentation in anticipation of future enforcement actions.

The inspection report can also be a useful tool for prioritizing future inspections. At the end of your evaluation, rate the facility as to the need for future, routine inspections. For example, rate facilities with a high potential to impact stormwater as a first priority; a possible goal would be to re-inspect these facilities within the next year or two. Your Business Inspection Plan (BIP) will have the baseline inspection frequency for specific categories of businesses. You might also want to note on the inspection form if future inspections would be more effective when conducted during a certain time of day or year. Some example situations of an inspection being conducted during a certain time:

- restaurant inspections might be more effective when conducted later in the day when mats are being washed;
- sites with diversion facilities where an inspection would be more effective if conducted before the wet season;
- IGP facilities that have valves in their storm drain inlets or systems that are only opened when it rains; or
- when driving earlier in the morning inspectors may see business washing floors or windows to start the day and receive their clients or non-stormwater evidence of what happened the day before at late hours.

It is important to complete the stormwater inspection form to meet the MRP requirements for data tracking. Municipalities must enter specific inspection data in an electronic data table or database.

Inspection data must also be summarized and reported to the Regional Water Board annually. Review these requirements to confirm you are completing all the required fields on the stormwater inspection form.

2.3.2.6 Communicate expectations/requirements to the facility owner/operator.

Clearly explain to the owner/operator the deficiencies you observe, the stormwater regulations or local codes that have been violated, and the requirements for compliance. Make sure the owner/operator understands your expectations. If there are follow-up actions and a compliance schedule, explain what the owner/operator must do to prove that they have corrected the deficiencies. Document in your inspection report that you have notified the owner/operator of the inspection results. (Provide a copy of your report, if possible.)

Conduct a post-inspection conference to allow the owner/operator an opportunity to ask questions and minimize confusion. It is important that you be available to answer the owner/operators' questions to help them achieve compliance. A discussion of appropriate BMPs to recommend is highlighted in the next section.

It is important to differentiate in your documentation between a recommendation and a requirement. Recommendations are suggested actions that cannot be enforced. Requirements must be met within a prescribed time schedule and are subject to enforcement action if not completed. In order to be enforceable, requirements must be documented in the inspection report, warning notice, violation notice, order or other official document.

If corrections are made during the inspection it is important to still note the issues on the inspection form and indicate they were corrected. In some cases follow-up may not be necessary.

2.3.3 Conduct follow-up and/or enforcement, as necessary

2.3.3.1 Conduct a follow-up inspection or receive certification that requirements from the initial inspection were completed.

The MRP requires violations to be corrected in a timely manner with the goal of correcting them before the next rain event or within 10 business days. If more than 10 days are required for compliance you must record the rationale in the electronic data tracking system. Therefore, follow-up inspections for violations should be scheduled within 10 business days or before the next predicted rain event.

In situations where the facility's impact on stormwater quality is minor, consider allowing the facility owner/operator to email you a picture certifying that your requirements have been met in the specified time schedule. This will save you and the owner/operator from having to make time for a second site visit. The municipality's ERP should indicate if this is acceptable.

If certification is received, include it in your facility file to complete your routine inspection. If a follow-up inspection is necessary, document the date of the initial inspection, the date of the follow-up inspection, and the facility's progress in implementing the requirements from your initial inspection. You will need to decide whether the owner/operator has made his or her best effort to complete your requirements. Be

aware of your legal authority to impose and enforce such requirements. If pollutant discharges to storm drains are not abated within a reasonable time, proceed to the next step in your Enforcement Response Plan (ERP).

2.3.3.2 Conduct enforcement, as necessary.

Enforcement might be necessary for continued non-compliance or for discharges that impact water quality significantly. Enforcement activities include verbal warnings, warning notices, administrative actions, citations and other legal actions. Follow your municipality's specific protocols for these activities in the Enforcement Response Plan (ERP). Contact your local District Attorney's office to find out what information they require to conduct legal action.

For cases where your enforcement actions are not resulting in the facility returning to compliance, your ERP may recommend referring the case to the Regional Water Board or other relevant agencies for additional enforcement. You may also coordinate inspections with other related environmental inspection programs in your jurisdiction such as Certified Unified Program Agencies (CUPA), Pretreatment Program, or Fats, Oils and Grease (FOG) program.

2.4 What Can the Facility Owner/Operator Do to Reduce or Eliminate Impacts On Stormwater?

It is the facility owner/operator's responsibility to achieve compliance through the effective implementation of BMPs. Your specific role in educating owners/operators on stormwater BMPs and helping them achieve compliance depends on your municipality's inspection approach, which will include some combination of education, incentives, and enforcement. Although you will want to be helpful, beware of recommending specific BMPs. Stormwater BMPs may not be effective under circumstances at the facility that you have limited knowledge of and no control over. The owner/operator should clearly understand that he or she is responsible for the effectiveness of BMPs and the facility's discharges to the storm drains.

To help ensure BMPs are effective, employees must be trained on a regular basis on how to implement them correctly. Facility owners/operators must also notify contractors and service companies (such as mobile washers) of appropriate BMPs while the contractors are on site.

The following two sections provide a general description of how facilities owners/operators can achieve compliance through the use of BMPs. Sources of information on specific BMPs are provided in the last section.

2.4.1 BMPs for Effectively Eliminating Non-stormwater Discharges

The only non-stormwater discharges allowed to storm drains are permitted discharges and exempt discharges within municipality-specific programs (see discussion in **Section 2.1.1 Evidence of Past and/or Continuing Non-stormwater Discharges**). All BMPs to effectively eliminate non-stormwater discharges include one or more of the following:

Eliminate the Discharge: An example of this BMP is a closed loop system where the discharge is recycled back into the system. However, this BMP may not be possible for certain continuous

discharges depending on the specific business and/or operations of the facility. BMPs to eliminate discharges to the storm drain from spills should include a plan for preventing spills and measures for containing and cleaning up a spill if one occurs. The plan for preventing spills may include implementing preventative BMPs such as secondary containment and better housekeeping. If necessary, you should require the owner/operator to remove illicit discharges from the storm drain system. If this is not done within a reasonable time, the municipality can clean up the discharge and charge the cost to the owner/operator.

Reroute the Discharge (e.g., illicit connections, washwaters and other wastewaters) to the Sanitary Sewer System: Wastewaters, such as washwaters and process waters, should be discharged to the sanitary sewer. Before beginning any inspections, find out the requirements for hooking up to the sanitary sewer system and discharging to the wastewater treatment plant. These can include permit fees, requirements for pretreatment, monitoring and discharge limits on certain parameters. Note that in some cases, the sewer systems and treatment plant are owned and/or operated by different agencies. There are also cases where local ordinances do not allow rain into the sanitary sewer system. This makes plumbing outdoor operations to the sanitary system very difficult and could involve costly modifications. Discharge to the sanitary system might not even be feasible where it is prohibited by zoning, building and fire codes.

Reroute the Discharge to Landscaped Area: If the non-stormwater discharge is a small volume and does not contain any constituents of concern it may be appropriate to reroute the discharge to a landscaped area instead of the storm drain.

Permit the Discharge to Storm Drains: The permitting agency would be the San Francisco Bay Regional Water Board. The Regional Water Board permit may include requirements for reporting, treatment, and monitoring, and discharge limits. In most cases, the facility owner/operator will need time to research alternatives for modifying the facility's systems and/or operations and will need to implement interim measures to minimize the immediate impact on stormwater. To promote the cooperation of businesses in achieving compliance, your municipality's policy should be flexible enough to allow businesses time to make the necessary modifications. However, you should be clear that temporary measures are required to control the discharge in the meantime.

There are non-stormwater discharges authorized in the Statewide Industrial Stormwater General Permit (IGP) if they are documented in the Stormwater Pollution Prevention Plan (SWPPP) and BMPs are implemented.

2.4.2 BMPs for Minimizing Pollutant Exposure and Discharge of Pollutants with Runoff

This group of BMPs focuses on source control. Basic practices include keeping outdoor areas clean, moving materials indoors, or covering and grading an outdoor area to prevent run-on and runoff. Effectively applying these types of BMPs generally means implementing some combination of housekeeping, material management, operational practices, and preventive measures.

There are certain operations for which pollutant exposure cannot be sufficiently minimized and stormwater should be treated prior to discharge to storm drains. Stormwater treatment systems are expensive to install and maintain for effective operation and should be a last resort after all other

options have been attempted. Treatment systems vary in size, cost, and effectiveness depending on the application and treatment requirements. The facility operator/owner should carefully consider all of the options when selecting a treatment system appropriate for the facility's operations; certain treatment controls might not be effective for the specific discharges.

The facility owner/operator should also take into careful consideration the design limitations and operations and maintenance demands of the treatment system. Further discussion of the application of treatment control BMPs is provided in the *CASQA Industrial/Commercial Storm Water BMP Handbook 2019* (CASQA Handbook).

2.4.3 Available BMP Materials

There is a wide variety of BMP material available that addresses source control practices to eliminate pollutant exposure to runoff. BMP flyers for several different types of businesses are available on the SMCWPPP website, www.flowstobay.org, under the "At My Place of Business" heading.

Your municipality may have developed BMP materials for commercial and industrial businesses. As mentioned above, the website flowstobay.org contains BMP materials for different types of residential and commercial activities in the SMCWPPP program area. Some examples include:

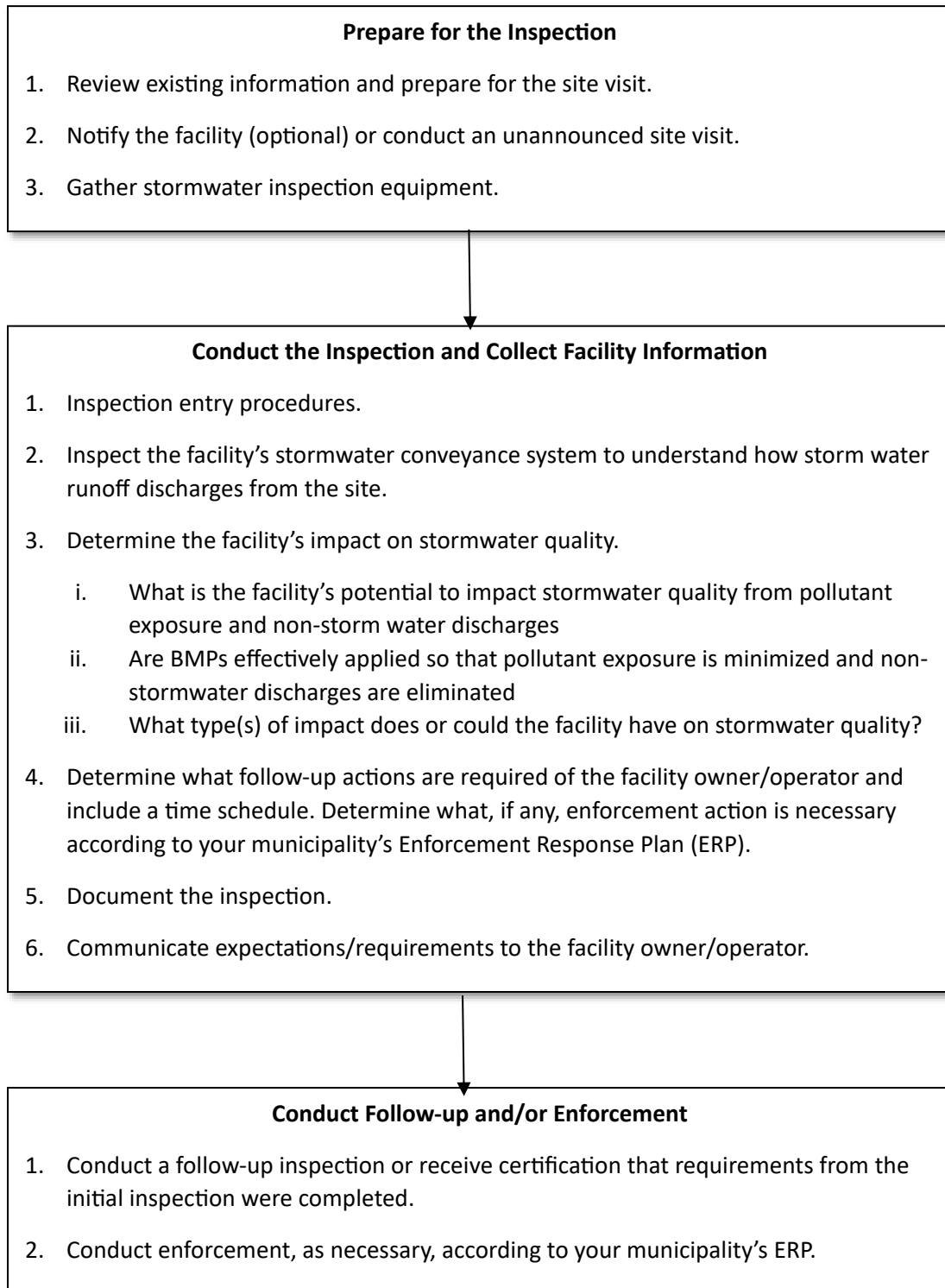
- [How Your Business Can Prevent Stormwater Pollution](#)
- [BMPs for Food Service Facilities](#)
- [BMPs for Vehicle Service Facilities](#)
- [BMPs for Parklets](#)
- [Clean it Right Poster](#)

The CASQA Handbook also includes a discussion on eliminating non-stormwater discharges and provides guidance on disposal alternatives for wastewaters and waste products that are prohibited from discharge to storm drains. Table 4 below has a list of BMP fact sheets available in the CASQA Handbook, which is available by subscription (<https://www.casqa.org/resources/bmp-handbooks/industrial-commercial>). SMCWPPP maintains a group subscription so you should have access to the CASQA Handbook.

Table 4. CASQA Industrial/Commercial Storm Water BMP Handbook BMP Fact Sheets

| Source Control BMPs | Business Categories | Treatment Control BMPs |
|--|---|---|
| <ul style="list-style-type: none"> ✓ Non-stormwater discharges ✓ Spill prevention, control and cleanup ✓ Vehicle and equipment fueling ✓ Vehicle and equipment cleaning ✓ Vehicle and equipment repair ✓ Outdoor loading/unloading ✓ Outdoor liquid container storage ✓ Outdoor equipment operations ✓ Outdoor storage of raw materials ✓ Waste handling and disposal ✓ Safer alternative products ✓ Contaminated or erodible areas ✓ Building and grounds maintenance ✓ Building and repair and construction ✓ Parking/storage area maintenance ✓ Drainage system maintenance | <ul style="list-style-type: none"> ✓ Automotive Service Facilities <ul style="list-style-type: none"> - Body repair - Maintenance - Service stations - Auto recycling ✓ Food Service Facilities ✓ Landscape Maintenance ✓ Marinas, Boat/Shipyards, and Ports ✓ Mobile Cleaning <ul style="list-style-type: none"> - Carpets and upholstery - Food service-related - Surface cleaning - Swimming pools and spas - Water softeners - Vehicle and equipment washing | <ul style="list-style-type: none"> ✓ Infiltration trench ✓ Infiltration basin ✓ Harvest and reuse ✓ Wet pond ✓ Constructed wetland ✓ Extended detention basin ✓ Vegetated swale ✓ Vegetated buffer strip ✓ Bioretention ✓ Media filter ✓ Water quality inlet ✓ Multiple systems |

Figure 1. Phases and Steps of a Facility Inspection



3.0 USING INDUSTRIAL GENERAL PERMIT INFORMATION IN YOUR INSPECTION OF FACILITIES

Your municipality is required to control discharges from commercial and industrial facilities to the municipal storm drain system. This includes industrial facilities that are covered by the State General Industrial Activities Stormwater Permit (Order 2014-0057-DWQ).

It is important for you to know the basics of the Industrial General Permit requirements since it is likely that the industrial facility owner/operator will ask you questions concerning the permit. However, answer only the questions you feel comfortable answering and defer others to Regional Water Board staff. You are inspecting the facility for compliance with your local municipal stormwater ordinance/code, and the Regional Water Board is responsible for inspecting the facility for compliance with the Industrial General Permit requirements. Regardless of the specifics of the underlying legal authority, it is useful for you to be aware of the components of the Industrial General Permit that can help you conduct your facility inspection. In addition, the MRP requires you to verify coverage under the Industrial General Permit during inspections and provide a list of facilities that are required to have coverage under the Industrial General Permit but have not filed for coverage when requested by the Regional Water Board.

This section describes what information is required by the Industrial General Permit and how you can use this information to help you conduct your inspection.

3.1 Stormwater Pollution Prevention Plan (SWPPP)

The facility owner/operator is required to develop and implement a SWPPP that includes the following information:

- Site information, such as types of activities conducted on site, facility layout, locations of the storm drainage system and outfalls, drainage areas, presence of surface water bodies or wells, materials inventory, etc.;
- Description of potential sources of stormwater pollutants;
- Description of BMPs to address pollution sources including 1) a description of what BMPs are being implemented to reduce or eliminate pollutant discharges to storm drains and 2) a description of how the facility is ensuring that these BMPs are effective (i.e., evaluating the BMPs); and
- Evaluation of the facility for all non-stormwater discharges and a description of how all unauthorized non-stormwater discharges have been eliminated.

The Industrial General Permit requires the owner/operator to evaluate the facility's impact on stormwater in a manner similar to how you would evaluate the facility in your inspection. This information should be described in the SWPPP and be used as a tool for your inspection. The SWPPP must be on site and easily accessible to employees at all times.

3.2 Stormwater Monitoring Program

The primary objective of the Industrial General Permit's stormwater monitoring requirements is to evaluate effectiveness of the facility's BMPs described in the SWPPP. The specific components include:

- Monthly visual inspections of all drainage areas and BMPs;

- Stormwater sampling event visual inspections of stormwater runoff sampled;
- Stormwater sampling and analysis; and
- An annual site evaluation.

3.3 Qualified Industrial Storm Water Practitioner

The facility is required to have a Qualified Industrial Storm Water Practitioner (QISP) if they have been escalated to a Level 1 or 2 compliance status.

3.4 SMARTs

Reports (e.g. Annual Reports), sampling data and documents (e.g., SWPPP) required by the Industrial General Permit are submitted through the State Board Stormwater Multi-Application, Reporting, and Tracking System (SMARTs) electronic database. All of the information on SMARTs is available to the general public. Public Access reports are available on the [State Board website](#).

Use SMARTs to ensure the industrial facilities in your municipality that have filed for coverage under the Industrial General Permit are in your municipal inspection program.

4.0 GLOSSARY OF TERMS

Actual discharge: Observed or documented flow of unauthorized, illicit, or pollutant-containing stormwater discharges to the MS4.

Conditionally Exempted Non-Stormwater Discharge: Non-stormwater discharges that are prohibited by A.1. of the MRP, unless such discharges are authorized by a separate NPDES permit or are not in violation of WQS because appropriate BMPs have been implemented to reduce pollutants to the maximum extent practicable, consistent with Provision C.15.

General Permits: Waste Discharge Requirements or NPDES Permits containing requirements that are applicable to a class or category of dischargers. The State has general stormwater permits for construction sites that disturb soil of 1 acre or more; industrial facilities; Phase II smaller municipalities (including nontraditional Small MS4s, which are governmental facilities, such as military bases, public campuses, and prison and hospital complexes); and small linear underground/overhead projects disturbing at least 1 acre, but less than 5 acres (including trenching and staging areas); discharges from utility vaults and underground structures (e.g., utility companies supplying natural gas, electricity, internet, cable televisions and telephone services); and drinking water system discharges from potable water providers.

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

Municipal Separate Stormwater Sewer System: A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), as defined in 40 CFR 122.26(b)(8): (1) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law...including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under section 208 of the CWA) that discharges into waters of the United States; (2) Designed or used for collecting or conveying stormwater; (3) Which is not a combined sewer; and (4) Which is not part of a Publicly Owned Treatment Works (POTW), as defined in 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES): A national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA sections 307, 402, 318, and 405.

Notice of Intent (NOI): The application form by which dischargers seek coverage under General Permits, unless the General Permit requires otherwise.

Pollutants of Concern: Pollutants that impair waterbodies listed under CWA section 303(d), pollutants associated with the land use type of a development, including pollutants commonly associated with urban runoff. Pollutants commonly associated with stormwater runoff include, but are not limited to, total suspended solids; sediment; pathogens (e.g., bacteria, viruses, protozoa); heavy

metals (e.g., copper, lead, zinc, and cadmium); petroleum products and PAHs; synthetic organics (e.g., pesticides, herbicides, and PCBs); nutrients (e.g., nitrogen and phosphorus fertilizers); oxygen-demanding substances (e.g., decaying vegetation and animal waste); and trash.

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

Source control BMPs: Land use or site planning practices, or structural or nonstructural measures, that aim to prevent runoff pollution by reducing the potential for contact with rainfall runoff at the source of pollution. Source control BMPs minimize the contact between pollutants and urban runoff.