

Minimum Best Management Practices for All Discharges City of Solana Beach

This document is a modified excerpt of the City's Municipal Code Chapter 13.10. The document is a combination of all of the minimum BMPs that are required to be implemented in the City. Please refer to Chapter 13.10 of the Solana Beach Municipal Code or the City's Jurisdictional Urban Runoff Management Program for more information.

Best Management Practice Requirements and General Requirements Applicable to All Dischargers.

A. Applicable Requirements. All dischargers in the City must comply with the generally applicable prohibitions and requirements in this document that are applicable to the type of facility or activity owned or operated by that discharger.

B. Minimum Best Management Practices for All Dischargers. All dischargers in the City must install, implement and maintain at least the following minimum BMPs:

1. Eroded Soils. Prior to the rainy season, dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the Storm Water Conveyance System or receiving waters during the rainy season.
2. Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those storm water pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.
3. Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.
4. Slopes. Completed slopes that are more than five feet in height, more than 250 square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.
5. Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and storm water, or contains contaminated runoff for treatment and disposal.
6. Use of Materials. All materials with the potential to pollute urban runoff (including, but not limited to, cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the Storm Water Conveyance System.

C. Inspection, Maintenance, Repair and Upgrading of BMPs. BMPs at manned facilities must be inspected by the discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

D. Storm Water Pollution Prevention Plan. An authorized enforcement official may require a commercial, industrial or land disturbance activity discharger to prepare and submit an SWPPP for approval by that official if (1) the discharger does not come into compliance with this document after one or more warnings (or other enforcement action) that BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to receiving waters despite compliance with this document. Any discharger required to submit and to obtain approval of an SWPPP shall install, implement, and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the discharger to prevent or control pollution of storm water to the MEP. If the facility is an industrial facility, the SWPPP submitted to the City shall at a minimum meet the requirements of the State NPDES General Industrial Storm Water Permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the City shall at a minimum meet the requirements of the State NPDES General Construction Storm Water Permit. If a facility required to submit an SWPPP to the City discharges non-storm water to groundwater, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.

Whenever submission of an SWPPP is required pursuant to this document, an authorized enforcement official may take existing City BMPs into account when determining whether the practices proposed in the SWPPP are BMPs that will prevent or control pollution to the required level of MEP.

E. Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of pollutants to receiving waters or to the Storm Water Conveyance System shall be reported by the discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the Directors within 24-hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

F. Sampling, Testing, Monitoring, and Reporting. Commercial, industrial or land disturbance activity dischargers shall perform the sampling, testing, monitoring and

reporting required by this document. In addition, an authorized enforcement official may order a discharger to conduct testing or monitoring and to report the results to the City if (1) the authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in storm water to the MEP, or to determine whether the facility is a significant source of contaminants to receiving waters; or (2) the authorized enforcement official determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an illegal discharge has not been eliminated after written notice by an authorized enforcement official; or (4) repeated violations have been documented by written notices from authorized enforcement officials; or (5) the RWQCB requires the City to provide any information related to the discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

1. Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;
2. Visual monitoring of premises for spills or discharges;
3. Laboratory analyses of storm water or non-storm water discharges for pollutants;
4. Background or baseline monitoring or analysis; and
5. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger (or by a group of dischargers including the discharger).

The authorized enforcement official may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

G. Mitigation. All illegal discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The authorized enforcement official shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The authorized enforcement official shall require the discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date. Notwithstanding the granting of any period of time to the discharger to correct the damage, the discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this document, or by the RWQCB.

Additional Minimum Best Management Practice Requirements for Residential Activities and Facilities.

A. Applicable Requirements. The requirements in this section apply to all residential dischargers within the City. All residential dischargers must install, implement and maintain the BMPs identified in this section for all dischargers, and at least the additional minimum BMPs specified below for the category of activities conducted by that discharger.

B. Motor Vehicle or Boat Repair and Maintenance.

1. Motor vehicle and boat repair and maintenance activity shall be performed under a permanent roof or other permanent cover, if such space is available. Maintenance and repair activities that are conducted without cover or without BMPs to prevent pollutant discharges are prohibited during times of precipitation.
2. Any release of fluids during repair or maintenance shall be promptly contained and cleaned up. Any absorbent materials used must be disposed of properly.
3. Automotive and boat materials and wastes must be stored indoors, or under cover, or in secure and watertight containers.

C. Motor Vehicle Washing.

1. Vehicles shall be washed over porous surfaces such as lawns and gravel areas where feasible.
2. Remaining detergent solutions prepared for use in vehicle washing, but not used up in that process, may not be disposed by emptying buckets or other containers directly or indirectly to the storm water conveyance system or receiving waters. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or to a porous surface is required.
3. The use of "hose off" or single use engine degreasing chemicals is prohibited, unless captured and disposed of properly.
4. Motor vehicle washing other than individual residential motor vehicle washing is prohibited, unless all wash and rinse water is diverted to or contained and disposed to a porous area or the sanitary sewer.

D. Motor Vehicle Parking.

1. Residents shall remove excessive accumulations of oil and grease deposited by vehicles they own from parking areas, using dry cleaning methods (e.g., absorbents, scraping, vacuuming, or sweeping).
2. Residents shall move vehicles from streets when notified to do so to allow street cleaning.

E. Home and Garden Care Activities and Product Use.

1. Irrigation systems should be adjusted to avoid excessive runoff.
2. Spills of gardening chemicals, fertilizers or soils to non-porous surfaces must be cleaned up, and properly disposed.
3. Lawn and garden care products must be stored in closed labeled containers; or in covered areas; or off the ground under protective tarps.
4. Household hazardous waste may not be disposed directly or indirectly to the trash or to the street, gutter or storm drain.

F. Home Care and Maintenance.

1. Painting equipment may not be cleaned out in or over streets, sidewalks or gutters.
2. Action shall be taken to minimize and contain all spills of hazardous materials, if it is safe to do so.
3. Household hazardous materials must be stored indoors or under cover, and in closed and labeled containers.
4. Household wash waters (carpet cleaning, mop water, washing machine effluent, other gray water, paint wash-up water, etc.) may not be disposed of to the street, gutter or storm drain or to receiving waters. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or to a porous surface is required.

G. Manure and Pet Waste Management.

1. Manure deposited by confined livestock, horses or other large animals on uncovered areas, from which runoff could enter receiving waters or the storm water conveyance systems, must be cleaned up at least twice weekly and either be composted, or be stored prior to disposal in a manner that prevents contact with runoff to receiving waters or the storm water conveyance system.
2. Areas used for composting such manure must be located, configured or managed to prevent runoff to receiving waters or the storm water conveyance system.
3. Pet waste shall not be disposed to the storm water conveyance system or receiving waters.

H. Private Sewer Laterals and On-Site Wastewater Systems.

1. Private sewer laterals shall be cleaned, maintained and when necessary replaced to prevent seepage and spills. On-site wastewater systems shall be pumped, maintained and when necessary modified or replaced to prevent spills.
2. Spills from private sewer laterals and on-site wastewater systems shall be contained and cleaned-up in a manner that minimizes any release of pollutants to the storm water conveyance system or receiving waters.
3. Any release from a private sewer lateral that enters the storm water conveyance system or receiving waters shall be immediately reported to the City.
4. Failed on-site wastewater systems shall be repaired or replaced, after issuance of all required permits and approvals.

Additional Minimum Best Management Practice Requirements for Commercial Activities and Facilities.

A. Priorities and Requirements. All commercial dischargers must install, implement and maintain at least the additional minimum BMPs, if any, specified in this section or in the Manual, for the category of activity or facility owned or operated by that discharger. All regulated commercial facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.

B. Regulated Commercial Facilities Identified. As required by NPDES Permit No. CAS 0108758, facilities in the City having one or more of the following characteristics are regulated commercial facilities:

1. The facility is a regulated commercial facility primarily engaged in one of the following commercial activities. Regulated commercial facilities, including but not limited to the types of facilities and activities listed below, shall install, implement and maintain the BMPs specified in the Manual for each such type of facility or activity.
 - Automobile repair, maintenance, fueling, or cleaning;
 - Airplane mechanical repair, maintenance, fueling, or cleaning;
 - Boat repair, maintenance, fueling, or cleaning;
 - Equipment repair, maintenance, fueling, or cleaning;
 - Automobile and other vehicle body repair or painting;
 - Mobile automobile or other vehicle washing;
 - Automobile (or other vehicle) parking lots and storage facilities;
 - Retail or wholesale fueling;
 - Pest control services;
 - Eating or drinking establishments including food markets;
 - Mobile carpet, drape or furniture cleaning;
 - Cement mixing or cutting;
 - Masonry;
 - Painting and coating;
 - Botanical and zoological gardens and exhibits;
 - Landscaping;
 - Nurseries and greenhouses;
 - Golf courses, parks and other recreational areas/facilities;
 - Cemeteries;
 - Pool and fountain cleaning;
 - Marinas;
 - Portable sanitary services;
 - Building material retailers and storage;
 - Animal facilities; and
 - Power washing services.

2. The facility is a regulated commercial facility that has outdoor industrial areas totaling two acres or more or an outdoor parking lot for 100 or more vehicles; and storm water or runoff from the facility may adversely affect impaired waters or waters within an ESA.
3. The facility is a regulated commercial facility and has been notified in writing by an authorized enforcement official that it is a regulated commercial facility. Such designations shall take effect 90 days after mailing or service of this notice. These designations shall be made where the facility discharges a pollutant load in storm water or runoff that causes or contributes to the violation of water quality standards.

C. Additional Minimum Best Management Practices for All Regulated Commercial Facilities. All regulated commercial facilities shall install, implement and maintain the BMPs specified in the Manual in the following areas:

- Employee training;
- Storm water pollution prevention plans;
- Storm drain signage and stenciling;
- Annual review of facilities and activities;
- Pollution prevention;
- Materials and waste management;
- Vehicles and equipment; and
- Outdoor areas.

D. Additional Minimum Best Management Practices for Specific Activities at Regulated Commercial Facilities. Regulated commercial facilities shall install, implement, and maintain the BMPs specified in the Manual for specific areas at the facility, if any, where any of the following activities are conducted:

- Vehicle and equipment operations;
- Materials and waste management (including tanks); and
- Outdoor work and storage functions.

Additional Minimum Best Management Practice Requirements for Industrial Activities and Facilities.

A. Priorities and Requirements. All industrial dischargers must install, implement and maintain at least the additional minimum BMPs, if any, specified in this section or in the Manual for the category of activity or facility owned or operated by that discharger. All regulated industrial facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.

B. Regulated Industrial Facilities. Industrial facilities that have one or more of the characteristics listed below are regulated industrial facilities:

1. Industrial Facilities, as defined at 40 CFR 1222.26(b)(14), including those subject to the General Industrial Permit or other individual NPDES permit.

2. Operating and closed landfill.
3. Facilities subject to SARA Title III.
4. Hazardous waste treatment, disposal, storage and recovery facilities.
5. The facility is a regulated industrial facility and storm water or runoff from the facility is tributary to an impaired water body, and the facility generates a pollutant for which that water body is impaired.
6. The facility is a regulated industrial facility and is located within or adjacent to (i.e., within 200 ft. of), or discharges directly to, a coastal lagoon or a receiving water body within an ESA.
7. The facility was notified in writing by an authorized enforcement official that it has been designated a regulated industrial facility. Such designations shall take effect 90 days after mailing or service of notice. These designations shall be made where the facility discharges a pollutant load in storm water or runoff that causes or contributes to the violation of water quality standards.

C. Additional Minimum BMPs and Other Additional Requirements for Industrial Facilities Subject to the General Industrial Permit.

1. Notice of Intent. Industrial dischargers required to comply with the State Industrial General Storm Water Permit shall maintain on site and make available for inspection on request by the City the state-issued Waste Discharge Identification Number (WDID) for the facility, and a copy of the Notice of Intent (NOI) filed with the SWRCB pursuant to that permit. The discharger shall submit the WDID and a copy of that NOI to the City by mail if directed to do so by an authorized enforcement official.
2. Storm Water Pollution Prevention Plan. Dischargers required to prepare a SWPPP under the State General Industrial Storm Water Permit must prepare the plan, implement the plan and maintain it at the site readily available for review. If an industrial facility is not required to prepare a state SWPPP, the facility shall prepare a SWPPP, submit that SWPPP for City approval or modification and approval, implement the SWPPP, and maintain it on site. Failure to comply with an applicable state-required or City-required Plan is a violation of this document.
3. Pollution Prevention Practices. Industrial facilities shall consider and, where determined to be appropriate by the facility, shall implement the following measures to prevent the pollution of storm water and runoff:
 - The use of smaller quantities of toxic materials or substitution of less toxic materials;
 - Changes to production processes to reduce waste;
 - Decreases in waste water flows;
 - Recycling of wastes as part of the production process;
 - Segregation of wastes; and
 - Treatment of wastes on site to decrease volume and/or toxicity.
4. Non-Structural BMPs. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain, the following non-structural

BMPs. The implementation of these practices shall be consistent with City requirements.

- BMPs for material handling and storage of significant materials;
 - BMPs for non-hazardous waste handling and recycling;
 - Employee training programs;
 - Good housekeeping practices;
 - Preventive maintenance practices;
 - Self inspection and quality assurance practices; and
 - Spill response planning.
5. BMPs for Specific Activities. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain, BMPs as specified in the Manual for any commercial activities conducted at the facility (as identified in section 13.10.090), and for areas at the facility where industrial activities are conducted. Industrial activities include but are not limited to the following:
- Raw or processed materials bulk storage;
 - Mixing, where there is the potential for release of a pollutant;
 - Cutting, trimming or grinding in connection with a production process;
 - Casting, forging, or forming;
 - Hazardous materials storage (including tanks);
 - Construction, painting and coating;
 - Pesticide or other chemical products formulation or packaging;
 - Process water pre-treatment;
 - Solid waste storage;
 - Waste water treatment;
 - Welding;
 - Blasting;
 - Chemical treatment; and
 - Power washing.
6. Additional Structural BMPs. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain one or more of the additional structural BMPs listed below where practicable, if use of such BMPs would significantly reduce pollution in run-off from the facility. The discharger shall determine in the first instance which of these BMPs to implement. However, an authorized enforcement official can order that additional BMPs be used at a particular facility.
- Overhead coverage of outdoor work areas or chemical storage;
 - Retention ponds, basins, or surface impoundments that confine storm water to the site;
 - Berms and concrete swales or channels that divert run-on and runoff away from contact with pollutant sources;
 - Secondary containment structures; and
 - Treatment controls, e.g., infiltration devices and oil/water separators, to reduce pollutants in storm water or authorized non-storm water discharges.

D. Monitoring at Industrial Facilities Subject to the General Industrial Permit. Dischargers owning or operating industrial facilities subject to the General Industrial Permit are required to conduct monitoring under the State Industrial General Storm Water Permit and shall make records of such monitoring available for inspection, and submit a copy of such records to the City if directed to do so by an authorized enforcement official. State exceptions from monitoring requirements are also applicable to this requirement, and group monitoring approved by the State is also acceptable to the City. The City may direct that any required records be submitted in a specified electronic format.

Additional Minimum Best Management Practice Requirements for Agricultural Operations.

A. Nursery and Greenhouse Operations. Pursuant to NPDES Permit No. CAS 0108758, nursery and greenhouse operations are classified as commercial operations for purposes of this document, and are subject to all requirements for regulated commercial facilities set out in this document.

B. Agricultural Grading and Clearing. The BMP requirements imposed by this document for land disturbance activity apply to agricultural grading and clearing, whether or not a City-issued grading and clearing permit is required for that activity. Tilling or cultivating land exclusively for the purpose of growing plants or animals is not considered to be grading or clearing, provided all disturbed material remains on the same site, the tilling or cultivating will not block or divert any natural drainage way, and the land to be tilled or cultivated has been in agricultural production for at least one (1) of the preceding five (5) years.

C. Land Development Associated with Agricultural Operations. The requirements imposed by this document for land development activity apply to such activities when they are associated with agricultural operations.

D. Manure Management.

1. Where practicable, all runoff from areas where livestock, horses or other large animals are confined must be collected and managed in a manner that avoids a discharge to the storm water conveyance system or receiving waters. Where this is not practicable, manure must be cleaned up at least twice weekly; and must either be composted, or stored prior to disposal.
2. Areas used for storing or composting manure must be located, configured or managed to prevent runoff to receiving waters or the storm water conveyance system.
3. Animal wastes shall not be disposed to the storm water conveyance system or receiving waters.

E. Other Agricultural Operations. Other agricultural operations are subject to the discharge prohibitions and other requirements set out in this document. Agricultural operations located within or adjacent to (i.e., within 200 ft. of), or which discharge directly to an impaired water body or a coastal lagoon or a receiving water body within an ESA, are also subject to the requirements set out in this document.

Additional Minimum Best Management Practice Requirements for Municipal Activities and Facilities

Municipal facilities must meet the requirements set out in this document. In addition, these facilities and activities must install, implement and maintain at least the additional minimum BMPs, if any, specified in this document, for industrial areas and activities at the municipal facility.

Additional Requirements for Land Disturbance Activity.

A. Permit Issuance. No land owner or development project proponent shall receive any City grading, clearing, building or other land development permit required for land disturbance activity without first meeting the requirements of this document with respect to the portion of the development project and the land disturbance activity to which the permit at issue would apply.

B. Owners and Operators Both Responsible and Liable. Persons or entities performing land disturbance activity (including but not limited to construction activities) in the City, and the owners of land on which land disturbance activity is performed, are dischargers for purposes of this document; provided, however, that a local government or public authority is not a discharger as to activities conducted by others in public rights of way.

C. Storm Water Management Plan. All applications to the City for a permit or approval associated with a land disturbance activity must be accompanied by a Storm Water Management Plan, on a form or in a format specified by the City. The Storm Water Management Plan shall specify the manner in which the discharger/applicant will implement the BMPs required by this document for the activity at issue, including but not limited to the applicable BMPs required by subsection D below.

D. Additional Minimum BMPs for Land Disturbance Activity. Whether a City permit or approval is required or not, and whether a Storm Water Management Plan is required to be submitted or not, all dischargers engaged in land disturbance activity shall implement BMPs as detailed in the Manual in the following additional areas if applicable to the project:

1. Erosion control on slopes;
2. Erosion control on flat areas; or BMPs to desilt runoff from flat areas;
3. Runoff velocity reduction;
4. Sediment control;
5. Offsite sediment tracking control;
6. Materials management;

7. Waste management;
8. Vehicle and equipment management;
9. Water conservation;
10. Structure construction and painting;
11. Paving operations;
12. Dewatering operations;
13. Planned construction operations;
14. Downstream erosion control;
15. Prevention of non-storm water discharges;
16. Protection of ground water.

E. Control to the Maximum Extent Practicable. All dischargers engaged in land disturbance activity must install, implement and maintain those additional BMPs, if any, that are needed to prevent or reduce pollutant discharges in storm water from land disturbance to the MEP.

F. Notice of Intent. Dischargers required to comply with the State Construction General Storm Water Permit shall maintain on site and make available for inspection on request by the City any state-issued Waste Discharge Identification Number ("WDID") for the site, and a copy of the Notice of Intent ("NOI") filed with the SWRCB pursuant to that permit.

G. Storm Water Pollution Prevention Plan. Dischargers required to prepare an SWPPP under the State General Construction Storm Water Permit must prepare the plan, implement the plan and maintain it at the site, readily available for review. Failure to comply with an applicable state-required SWPPP is a violation of this document.

H. Facility Monitoring. Dischargers required to conduct monitoring under the State Construction General Storm Water Permit must conduct such monitoring in conformance with requirements specified by the State, retain records of such monitoring on site, and make such records available for inspection by an authorized enforcement official.

I. Advance Treatment. Dischargers shall implement advanced treatment for sediment at construction sites that are determined by the City to be an exceptional threat to water quality. In evaluating the threat to water quality, the following factors shall be considered:

1. Soil erosion potential or soil type;
2. The site's slopes;
3. Project size and type;
4. Sensitivity of receiving water bodies;
5. Proximity to receiving water bodies;
6. Non-storm water discharges;
7. Ineffectiveness of other BMPs; and
8. Any other relevant factors.