



Santa Barbara County
Project Clean Water
Business Inspection Program



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COUNTY OF SANTA BARBARA PROJECT CLEAN WATER BUSINESS INSPECTION PLAN

1.1 Introduction

The County of Santa Barbara Stormwater Management Program is the mechanism used to implement the State of California Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit). This inspection program satisfies the performance measure established in the Stormwater Management Program and forms a basis for the County of Santa Barbara to conduct effective business inspections within its NPDES General Permit area (i.e., the unincorporated urbanized area). The County of Santa Barbara utilizes this inspection program in conjunction with its Discharge Ordinance to minimize and control pollutants associated with certain business activities.

The overall inspection program includes other business inspection programs administered within the County. These are the County Fire Department's programs associated with their designated authority as the Certified Unified Program Agency, or CUPA, and the Public Health Department's liquid waste and food facility inspection programs. These inspection programs address human health and safety issues and have an ongoing inspection schedule with follow-up enforcement authorities and are discussed in Section 3.0 of the County's Storm Water Management Program. Therefore, businesses already enrolled in these inspection programs are not targeted in this business inspection plan. However, the results of those inspections are included in the Annual Report to the Regional Water Quality Control Board.

1.2 Goal of the Inspection Program

The goal of the inspection program is to eliminate polluted storm water and non-storm water discharges to the storm drain system from certain targeted industrial and commercial businesses through facility inspections. To achieve this goal, a multi-faceted approach has been developed to include the following tasks:

1. Identify and prioritize businesses with high potential to generate stormwater pollution.
2. Utilize a systematic inspection program.
3. Provide educational information to businesses about stormwater issues through personal communication during site inspection and through written brochures describing proper BMP implementation.
4. Utilize the County's Discharge Ordinance for follow-up and enforcement as necessary.
5. Establish a training program to create highly skilled inspectors.
6. Document inspection activities and maintain records and GIS database.
7. Analyze trends and evaluate the Inspection Plan at least every year, and make modifications when necessary to improve the inspection program.

IMPLEMENTATION OF THE INSPECTION PLAN

2.1 Targeted Business Identification

A countywide and regional analysis of all businesses with state-issued business licenses was conducted during the Program's first permit period (2006-2007). The resulting list established a base-line of industrial and commercial businesses with potential to cause stormwater pollution based upon the type of business.

Businesses already inspected by Fire Department, Public Health Department, or through individual NPDES Industrial permits were eliminated from the list. The Identified/Targeted Businesses to be inspected through this Business Inspection Plan are presented in Appendix A.

2.2 Identified/Targeted Business Types

Business types identified as having potential to cause stormwater pollution in the County of Santa Barbara's permit area include automotive service facilities, automotive retail sales, retail gas outlets and nurseries. The County uses Pollutants of Concern (POC) to assist in evaluating the types of businesses identified as targeted for inspections under this program. The pollutants of concern include but are not limited to: indicator bacteria and pathogens, nutrients such as nitrates, organic enrichment and resulting low dissolved oxygen, priority organics, sediment, and heavy metals.

2.3 Inspection Frequency and Types

Three types of inspections will be conducted – routine inspections, priority inspections and “complaint and discovery” inspections. “Routine” inspections are conducted at Identified/Targeted Businesses on a regular basis as follows: 50% of all Identified/Targeted Businesses during FY 2007-08 and 100% of all Identified/Targeted Businesses annually thereafter. If a business shows evidence of active non-stormwater pollutant discharges during a routine inspection, it is subject to “priority” inspection at least once the following six months after compliance is achieved. “Complaint and discovery” inspections are conducted as needed following reported or referred non-

stormwater discharge or pollutant exposure.

An inspector will visit three business facilities every Monday, Tuesday, and Wednesday. Monday and Tuesday will be dedicated to routine inspections, with Wednesday reserved for priority and follow-up inspections. Complaint and Discovery inspections will take place no more than 1 working day after complaint or discovery is received.

2.4 Before the Inspection

Each business owner on the list of target businesses will receive a letter letting them know about the county's business inspection program and the reason for inspection. We will let them know they will be visited some time over the next two years.

2.5 Facility Inspections

The inspector will provide identification and review the business operation, maintenance and discharge practices with the on-site facility representative. The inspector will also conduct a visual inspection to evaluate potential pollutant and pollutant exposure impacts on the stormdrain system from the business. Individual inspections are documented using the Stormwater Inspection Report Form, see Appendix C.

It is often the case that practices that may contribute pollutants to the storm drain will not be occurring during inspection. Therefore it is important to interview facility representatives, discuss typical operations and procedures, and look carefully for indications of non-storm water discharges such as pavement staining or wetness near inlets during dry weather conditions.

As soon as potential problems or areas of concern are identified, the inspector will identify the location, notify the facility representative and discuss potential solutions. If an active discharge is observed the inspector may collect and analyze representative samples. The inspector will also take photographs to document site conditions and obtain copies of documents as needed to assure compliance under the County of Santa Barbara's Discharge Ordinance.

If access is denied, follow-up with the business owner through letter stating the date, who we met with, outcome of the inspection, and need for inspections etc. Explain what's in the ordinance authorization to enter private property, and state that we'll be back on certain date within 2 weeks unless we hear otherwise. If continue to refuse and there is complaint and/or indications that discharges may be occurring, then staff state counties authority and conduct visit in accordance with ordinance. If there is no compliant or indication of discharge, site will be reschedule for visit after 12 months.

An exit interview is conducted with the facility representative following each inspection. If a stormwater violation is identified, the inspector will notify the facility representative in writing. This enforcement document will also be used to instruct the representative to take corrective action and to establish a correction schedule to solve the problem or violation.

2.6 Education

Oftentimes business owners or operators are completely unaware of potential water quality impacts of business practices and are quite willing to modify practices immediately. Therefore, inspectors shall provide and discuss appropriate educational

materials with the facility representative during an inspection. These materials educate businesses and provide a narrative standard that may be utilized in cases where enforcement is required. Distribution and discussion of educational materials is documented on the inspection form.

2.7 Enforcement

There are a series of enforcement tools available to achieve and maintain commercial and industrial facility compliance with the Discharge Ordinance and other ordinances and related County regulations protecting water quality (i.e., Solid Waste Ordinance, Liquid Waste program, etc.). The enforcement tools include a Warning Notice, issuance of a Notice of Violation (NOV), and referrals to the District Attorney's office for administrative fines and criminal prosecution. Generally, these enforcement procedures are applied in escalating steps, although the County of Santa Barbara may skip steps, as appropriate in egregious cases. Abatement as is described in the counties stormwater ordinance will be required of all violations. The level of evidence available influences the level of enforcement that can be taken as a result of a particular inspection. Any enforcement action taken shall identify the applicable ordinance section violated and the corrective actions required. When applicable, there should be a requirement for the business to submit a formal response.

Level I Warning Notice

Pollutant exposure, evidence of a historical pollutant discharge, or a stated business practice that has a potential to pollute the stormdrain system will result in issuance of a warning notice. The inspector and the facility representative will discuss the warning

notice, identify appropriate BMPs or facility improvements, and establish a schedule to eliminate the problem. The inspector may conduct one or more follow-up inspections to ensure compliance consistent with the corrective action and timeline to correct.

Following compliance, the business will be scheduled within 6 months for a Priority Inspection. If compliance is not achieved through the warning notice, the enforcement procedure will escalate to a formal notice of violations.

Level II Notice of Violation

An active non-stormwater pollutant discharge that violates the Discharge Ordinance or a significant pollutant exposure that is identified during an inspection will result in issuance of a Notice of Violation (NOV). The inspector and facility representative will discuss the violation and potential solutions. A written notice will be issued requiring the condition to be abated immediately. If required, a remediation schedule will be approved by the inspector who will follow-up to ensure that the discharge has been terminated and the business practices that resulted in the discharge has been corrected. The inspector may also recommend implementation of appropriate best management practices (BMPs).

Businesses that fail to comply with Level I enforcement procedures will also receive an NOV and be subject to timely corrective action and follow-up inspection. The County of Santa Barbara or authorized representative may also employ Cease and Desist Orders, Orders to Clean and Abate, Notice to Clean or any other similar notification that identifies a problem, requires correction or abatement but does not assess fines.

Any business receiving a NOV will be considered a Priority Business. As a Priority Business, the facility will be inspected at least once during the following six months to ensure compliance with the local stormwater ordinance. If the facility is compliant, it will then be rescheduled for a routine inspection.

Level III Formal Enforcement (Administrative Penalties, Cost Recovery)

An egregious violation of the local stormwater ordinance that cannot be resolved through the NOV or warnings notice enforcement actions will initiate formal enforcement Discharge Ordinance. Formal enforcement actions will result in penalties being assessed in the form of citations, agency cost-recovery, and/or formal negotiated settlement. Such actions will be coordinated by the County of Santa Barbara Public Works Director or designated representative.

Business practices constituting gross violation include a pattern of non-compliance after issuance of NOV with repeat violations, failure to adequately address previous violations or notices, and/or directly discharging hazardous materials to the storm drain system. The County of Santa Barbara Public Works Director has the discretion to include any serious violation(s) as warranting this level of enforcement so long as there is documentation and/or evidence available to support this action.

Level IV Legal Action and/or Referral to State and Federal Agencies

Inadequate measures taken by facility manager(s) to satisfy Level III enforcement violations will result in the County of Santa Barbara Public Works Director referring the case to the County District Attorney. If a serious stormwater violation that poses an imminent threat to human health and the environment is identified during an inspection, the County of Santa Barbara will also refer the violation immediately to a qualified emergency response personnel, the District Attorney, the Regional Water Quality Control Board (RWQCB), the California Department of Fish and Game and/or the U.S. Environmental Protection Agency.

2.8 Inspector Training

Training will be offered to ensure effective and consistent inspections throughout the county. Training will occur whenever there is staff inspector turnover or whenever the program is updated whichever is sooner. The training program will be prepared by Project Clean Water staff. Inspectors may also attend in house training, regional conferences, etc., as appropriate to improve their skills. Each inspector will at a minimum attend the US EPA Stormwater Program's Webcast Series "Conducting Illicit Discharge Detection and Elimination Investigations (IDDE 201)."

2.9 Program Evaluation

The Business Inspection Program will be evaluated annually on a fiscal year cycle to analyze trends and assess effectiveness. Depending on the outcome of the evaluation, the plan will be revised annually or more frequently if necessary to assure effectiveness.

Measures of effectiveness include, but are not limited to:

- Reviewing and updating the Targeted/Priority businesses list
- Are we getting additional referrals to inspect businesses from public, other County inspectors, etc.?
- Communication & Discovery: Is the direct communication effective? Is there a sense of open communication or are business representatives feeling threatened and fearful? Are there language barriers preventing effective communication? Do the brochures adequately summarize appropriate business practices?
- Program Goals: Is the inspection program adequately addressing the Storm

Water Management Program goals? Are we meeting the schedule frequency goals? Is follow-up and enforcement occurring in timely manner? Are we successful at abating pollutants

- Feedback: What are we hearing from the business community? What are we hearing from other program stakeholders?

2.9 Documentation and Reporting

All inspection checklists and reporting forms will be entered in the inspection program database. The County of Santa Barbara will report its inspection activities on an annual basis. This report will be included in the County of Santa Barbara's Annual Report, which is submitted to the RWQCB, and will also be used to periodically evaluate the inspection program.