

# City of Lemon Grove

## Stormwater Best Management Practices Manual



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# 1 Introduction

## 1.1 Stormwater Best Management Practices (BMPs) Manual

This Stormwater BMP Manual (Manual) is to be used in conjunction with the City of Lemon Grove (City) Stormwater Management and Discharge Control Ordinance (Stormwater Ordinance), codified as Lemon Grove Municipal Code (LGMC) Chapter 8.48, and the water quality protection provisions of the Excavation and Grading Ordinance, codified as LGMC Chapter 18.08. This Manual is not a stand-alone document, but must be read in conjunction with other parts of the Stormwater Ordinance and the Grading and Excavation Ordinance (collectively, “Ordinances”). In general, this Manual sets out in more detail, by project category, what Dischargers must do to comply with the Ordinances and to receive permits for projects and activities that are subject to the Ordinances. The Manual and the Ordinances have been prepared to provide the City with the legal authority necessary to comply with the requirements of San Diego Regional Water Quality Control Board (RWQCB) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 (Municipal Permit).

## 1.2 Purposes

The purposes of this Manual are to establish clear minimum stormwater management requirements and controls, and to support the following objectives stated in Section 8.48.010 of the Stormwater Ordinance:

- To establish requirements for discharges into the MS4, receiving waters, and the environment;
- To protect, to the maximum extent practicable (MEP), life, property, receiving waters, aquatic life, and the environment from loss, injury, degradation, or damage by discharges from within the City’s jurisdiction;
- To protect the MS4 from damage; and
- To meet the requirements of state and federal law and the MS4 Permit.

## 1.3 BMP Manual Document Outline

**Section 1, Introduction**, provides a brief discussion of the intended use and purpose of the Manual, and includes the document outline.

**Section 2, BMP Requirements**, presents the minimum BMP requirements for construction sites; post-construction sites; industrial, commercial and municipal sites/sources; and residential sites/sources.

**Section 3, Enforcement Response Plan**, presents enforcement actions performed by the City that address Stormwater Ordinance violations by different types of entities.

## 2 Minimum BMP Requirements

The City’s minimum BMP requirements for construction sites; post-construction sites; industrial, commercial and municipal facilities; and residential properties are described in this section. Wherever BMP requirements reference “where applicable,” “where feasible,” or similar terms that involve discretion, the final determination shall be made by the Authorized Enforcement Official. Lemon Grove Municipal Code Chapter 8.48 defines “Authorized Enforcement Official” as follows: “the City Manager of the City of Lemon Grove or any designee of the City Manager of the City of Lemon Grove who is responsible for enforcing the provisions of this chapter, including but not limited to, the directors, their management staff and designees.” References to “CASQA Factsheets” refer to factsheets in manuals prepared by the California Stormwater Quality Association (CASQA). CASQA materials can be accessed at [www.casqa.org](http://www.casqa.org). Some materials are available for free, and others require paying for access.

### 2.1 Construction

Table 1 below presents the minimum BMPs required for construction sites within the City’s jurisdiction. Types of BMPs include project planning, erosion control, sediment control, good site management (“housekeeping”), and non-stormwater management. Following Table 1 are additional BMP requirements for sediment and erosion control, maximum disturbed area and advanced treatment methods.

**Table 1. Minimum BMPs for Construction Sites<sup>1</sup>**

BMP Type	Minimum Required BMPs <sup>2</sup>	CASQA Factsheet
Project Planning	Preservation of existing vegetation	EC-2
	Minimization of areas that are cleared and graded to only the portion of the site that is necessary for construction	-
	Minimization of exposure time of disturbed soil areas (with a maximum area of 17 acres or to the alternate maximum area approved by the City in writing)	EC-1
	Minimization of grading during the wet season and correlation of grading with seasonal dry weather periods to the extent feasible	EC-1

<sup>1</sup> Construction sites that are subject to the State Water Resources Control Board’s (SWRCB) Construction General Permit (Order No. 2012-0006-DWQ) (CGP) must also adhere to the BMP requirements of the CGP. The minimum BMPs listed within this section are required for all construction sites within the City’s jurisdiction, unless otherwise stated. Some requirements may only apply to sites required to obtain a City grading permit.

<sup>2</sup> All BMPs in this table must be implemented, where applicable. For categories of BMPs marked as “(select at least one),” the responsible party is not required to implement all BMPs in the category but must implement at least one of the BMPs in the category.

**Table 1. Minimum BMPs for Construction Sites (Continued)**

BMP Type	Minimum Required BMPs <sup>2</sup>	CASQA Factsheet
<b>Erosion Control</b>	Temporary stabilization and permanent re-vegetation or landscaping as early as feasible	EC-1
	Preservation of existing vegetation	EC-2
	Physical Stabilization (select at least one) <ul style="list-style-type: none"> <li>• Hydraulic Mulch</li> <li>• Hydroseeding</li> <li>• Soil Binders</li> <li>• Straw Mulch</li> <li>• Geotextiles, Plastic Covers, and Erosion Control Blankets/Mats</li> </ul>	EC-3 EC-4 EC-5 EC-6 EC-7 EC-8
	Site Drainage (select at least one) <ul style="list-style-type: none"> <li>• Earth Dikes/Drainage Swales</li> <li>• Energy Dissipater/Outlet Protection</li> <li>• Slope Drains</li> </ul>	EC-9 EC-10 EC-11
<b>Sediment Control</b>	Perimeter Protection (select at least one) <ul style="list-style-type: none"> <li>• Silt Fence</li> <li>• Gravel Bag Berm</li> <li>• Fiber Rolls</li> </ul>	SE-1 SE-6 SE-5
	Sediment Capture (select at least one) <ul style="list-style-type: none"> <li>• Sediment/Desilting Basin<sup>3</sup></li> <li>• Storm Drain Inlet Protection</li> <li>• Sediment Trap</li> <li>• Gravel Bag Barrier</li> <li>• Straw Barrier</li> </ul>	SE-2 SE-10 SE-3 SE-8 SE-9
	Sediment Tracking <ul style="list-style-type: none"> <li>• Stabilized Construction Entrance/Exit</li> <li>• Construction Road Stabilization</li> <li>• Entrance/Exit Tire Wash</li> <li>• Street Sweeping</li> </ul>	TC-1 TC-2 TC-3 SC-7
<b>Good Site Management, "Housekeeping"</b>	Vehicle and Equipment Management <ul style="list-style-type: none"> <li>• Cleaning</li> <li>• Fueling</li> <li>• Maintenance</li> </ul>	NS-8 NS-9 NS-10
	Materials Management <ul style="list-style-type: none"> <li>• Material Delivery and Storage</li> <li>• Material Use</li> <li>• Stockpile Management</li> <li>• Spill Prevention and Control</li> </ul>	WM-1 WM-2 WM-3 WM-4

<sup>3</sup> Desilting basins must be designed in accordance with CASQA standards, or other recognized standard approved by the City Engineer. If the project is one acre or greater, the de-silting basin must be designed in accordance with the current CGP.

**Table 1. Minimum BMPs for Construction Sites (Continued)**

BMP Type	Minimum Required BMPs <sup>2</sup>	CASQA Factsheet
	Waste Management <ul style="list-style-type: none"> <li>• Solid Waste</li> <li>• Hazardous Waste</li> <li>• Contaminated Soil</li> <li>• Concrete Waste</li> <li>• Sanitary Waste</li> <li>• Liquid Waste</li> </ul>	WM-5 WM-6 WM-7 WM-8 WM-9 WM-10
<b>Non-Stormwater Management</b>	<ul style="list-style-type: none"> <li>• Water Conservation Practices</li> <li>• Dewatering Operations</li> <li>• Paving and Grinding</li> <li>• Potable Water/Irrigation and Flushing</li> </ul>	NS-1 NS-2 NS-3 NS-7

### 2.1.1 Additional Erosion and Sediment Control Requirements

In addition to the minimum BMPs listed in Table 1, construction projects are also required to comply with the following requirements:

1. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the City Engineer.
2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the City Engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.
3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field-testing performed, location and results of testing shall be submitted to the City Engineer for approval upon completion of the desilting basins.
4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.
5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.
7. An approved “weather triggered” response plan is mandated for implementation in the event that a predicted storm event has a fifty percent chance of rain. The proponent must have the capacity to deploy the standby BMPs within forty-eight hours of the predicted storm event;
8. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the City Engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.
9. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered inactive if construction activities have ceased for a period of 14 or more consecutive days.

### 2.1.2 Maximum Disturbed Area for Erosion Controls

Cleared or graded areas left exposed at any given time are limited to the amount of acreage that the discharger can adequately protect prior to a predicted storm event or 17 acres, whichever is smaller, unless the disturbance of a larger area is approved in writing by the City Engineer. In the event that a discharger requests approval to disturb an area greater than 17 acres, the discharger shall first submit to the City Engineer written documentation describing how it ensures that it reduces discharges of pollutants to the maximum extent practicable and prevents discharges of pollutants that would cause or contribute to violations of water quality standards despite the larger disturbed area.

### 2.1.3 Advanced Treatment Methods

For the majority of the construction sites within the City’s jurisdiction, the minimum required BMPs, if correctly installed and maintained, should adequately control sediment discharges from the site. However, if it is determined that a site possesses characteristics that could result in standard construction BMPs being ineffective in the treatment of sediment, thus resulting in an exceptional threat to water quality (TTWQ), advanced treatment will be required. A site is considered to be an exceptional TTWQ if it meets ALL of the following criteria:

- The site, or a portion of the site, is located within or adjacent to (within 200 feet) a receiving water body listed on the Clean Water Act Section 303(d) List of Water Quality Limited Segments as impaired for sedimentation or turbidity;
- Disturbance is greater than five acres, including all phases of the development;
- Disturbed slopes are steeper than 4:1 (horizontal: vertical) and higher than 10 feet that drain toward the 303(d) listed receiving water body;
- Contains a predominance of soils with U.S. Department of Agriculture – Natural Resources Conservation Service Erosion factors  $K$  greater than or equal to 0.4.

Alternatively, applicants may perform a Revised Universal Soil Loss Equation or Modified Universal Soil Loss Equation analysis to prove to the City Engineer’s satisfaction that advanced treatment is not required.

Treatment effluent water quality shall meet or exceed the water quality objectives for turbidity and any other parameter deemed necessary by the City as listed in the *Water Quality Control Plan for the San Diego Basin for Inland Surface Water and Lagoons and Estuaries (2007)* for the appropriate hydrologic unit.

Additionally, the City may require advanced treatment for sites that have a record of noncompliance with the City’s construction BMP requirements, regardless of if they meet the above criteria. For projects where advance treatment is required, the applicant must submit the design, operations and maintenance schedule, monitoring plan, and certification of training of staff to the satisfaction of the City.

## 2.2 Post-Construction

This section includes post-construction minimum BMP requirements. These BMPs include, but are not limited to, site design, source control, and treatment control BMPs.

### 2.2.1 Notice Regarding Upcoming Changes to Requirements

The City will be adopting updated post-construction BMP requirements for development projects to meet the requirements of the Municipal Permit. Those new requirements are anticipated to go into effect in December 2015. All projects that do not have prior lawful approval at the time the new requirements become effective must be designed to meet the new requirements. Portions of a plan that, at the time a complete application is submitted, is subject to further environmental review pursuant to Section 15162 of the California Environmental Quality Act, are considered not to have prior lawful approval. Please consult with City Engineering staff if you believe your project may be subject to the new requirements.

### 2.2.2 Current Requirements

The following post-construction minimum BMPs are required for all land development and redevelopment projects. For projects that are Priority Development Projects (PDPs), as defined in LGMC Chapter 8.52, the requirements of Chapter 8.52 must also be met.

Whether a permit or approval is required or not, and whether a post-construction stormwater management plan is required to be submitted or not, all dischargers engaged in land development or significant redevelopment activities in the City shall implement post-construction BMPs in the following areas if applicable to the project:

1. BMPs for permanent control of erosion from slopes. These BMPs can include structures to convey runoff safely from the tops of slopes, vegetation or alternative stabilization of all disturbed slopes, the use of natural drainage systems to the MEP, flow and velocity controls upstream of sites; and stabilization or permanent channel crossings, unless the crossing is not publicly accessible and is not frequently used.
2. BMPs to control flows, velocity and erosion. These BMPs can include but are not limited to the use of energy dissipaters, such as riprap, at the outlets of storm drains, culverts, conduits or lined channels that enter unlined channels to minimize erosion; installation of retention or equalization basins, or other measures. Flow control and downstream erosion protection measures shall prevent any significant increase in downstream erosion as a result of the new development, but shall not prevent flows needed to sustain downstream riparian habitats or wetlands.
3. Pollution prevention and source control BMPs, to minimize the release of pollutants into stormwater.
4. Site design BMPs, such as impervious surface minimization; and appropriate use of buffer areas to protect natural water bodies.
5. Site planning BMPs, such as siting and clustering of development to conserve natural areas to the extent practicable.
6. The installation of storm drain tiles or concrete stamping, and appropriate signage to discourage illegal discharges.
7. BMPs for trash storage and disposal and materials storage areas.
8. Structural BMPs to treat and/or to infiltrate stormwater where a development project would otherwise cause or contribute to a violation of water quality standards in receiving waters. Offsite structural BMPs may be used for treatment and infiltration necessary to meet water quality standards only if the conveyance of runoff to those facilities prior to treatment will not cause or contribute to an exceedance of water quality standards, or deprive wetlands or riparian habitats of needed flows. Offsite facilities shall not substitute for the use of any onsite source control BMPs required by this BMP Manual.
9. When an infiltration BMP is used, related BMPs set out in this BMP Manual (including but not limited to siting constraints), to protect present uses of groundwater, and future uses of that groundwater as currently designated in the applicable RWQCB basin plan.

(Discharges to infiltration BMPs may also require an RWQCB permit, and additional State requirements may also be applicable to these discharges).

10. Other applicable BMPs required by the manual.
11. Natural BMPs, such as constructed wetlands, grassed swales, biofilters, wet ponds, and vegetated filter strips, shall be utilized whenever practicable for post-construction BMPs that are proposed by a discharger.

## 2.3 Industrial, Commercial and Municipal

Table 2 below presents the minimum required BMPs for industrial, commercial and municipal sites and sources. BMP categories include Discharge Control, Erosion and Sediment Control, Good Housekeeping, Material Storage and Handling, Pesticide and Fertilizer Management, Outdoor Work Areas, Spill Prevention and Response, and Waste Management.

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
<b>Discharge Control</b>			
1	Eliminate illegal connections to the storm drain system.	Illegal connections are man-made physical connections to the storm drain system that convey an illegal discharge. Find and abate all illegal connections to the storm drain system through properly approved procedures, permits, and protocols.	SC-10, SC-44
2	Eliminate illegal non-stormwater discharges.	Non-stormwater (water other than rain) shall not be discharged to the City of Lemon Grove's (City) storm drain system. To eliminate illegal discharges, do not allow any solid or liquid material except uncontaminated stormwater to enter City storm drains, curb gutters along City streets, or any other part of the City's storm drain system. Non-stormwater discharged to the storm drain system as a result of emergency or non-emergency <sup>4</sup> firefighting activities, both emergency and non-emergency activities, is considered an illegal discharge if the City or the Regional Water Quality Control Board, San Diego region (RWQCB) identifies the discharge as a significant source of pollutants to receiving waters. Other limited exceptions may apply.	SC-10, SC-11, SC-44

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<sup>4</sup> During emergency situations, priority of fire fighting efforts is directed toward life, property, and the environment (in descending order). The City's minimum BMPs should be implemented when feasible, but should not interfere with immediate emergency response operations or impact public health and safety.

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
3	Properly dispose of process and wash water.	All process water and wash water shall be contained, captured, and reused, or properly disposed of to the sanitary sewer, an appropriate waste hauler, or to landscaping or other pervious surfaces.	SC-10, SC-41 <sup>5</sup>
4	Eliminate the discharge of vehicle and equipment wash water.	<p>This BMP is applicable to all industrial, commercial, and municipal facilities and activities, regardless of whether the activity is conducted by the facility owner/operator, lessee, contractor, or other persons. Water associated with washing activities shall not be allowed to enter City storm drains, curbs and gutters, or any other part of the City's storm drain system. When washing is conducted outside permanent designated wash areas, all wash water must be contained, captured, and disposed of appropriately.</p> <p>Designated washing areas may consist of a container, a berm, or a liner to collect and contain liquids and prevent runoff. Use of a control nozzle or similar mechanism is required to maximize control over the quantity of water used. Allowing contained water to evaporate is an acceptable method of disposal only if any remaining residue is removed to prevent future pollutant discharges. Captured wash water may be disposed through the sanitary sewer system with the approval of the Lemon Grove Sanitation District. Contact the Lemon Grove Sanitation District at (619) 825-3810 for approval of any discharges to the sanitary sewer system; businesses are responsible for obtaining necessary permits. Wash water containing oil, paint, or other hazardous waste should be disposed of properly in accordance with applicable regulations.</p> <p>If only biodegradable soaps and uncontaminated water are used, wash water may be directed to onsite landscaped or pervious area(s) to infiltrate or evaporate, without resulting in erosion or runoff to the storm drain system or any adjacent property. This can be accomplished by washing the vehicle on a landscaped area or using a berm to direct wash water to a landscaped area.</p>	SC-10, SC-21

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<sup>5</sup> Factsheet SC-41 - Building & Grounds Maintenance, states (in regards to pressure washing), "If soaps or detergents are not used, and the surrounding area is paved, wash runoff does not have to be collected but must be screened. Pressure washers must use filter fabric or some other type of screen on the ground and/or in the catch basin to trap the particles in wash water runoff." Non-stormwater discharges of this nature, even if filtered, are not allowed to enter the storm drain system. Wash water must be contained, collected, and disposed of properly.

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
5	Properly dispose of water from fire sprinkler maintenance activities.	Fire sprinkler system discharges containing corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer system, not the storm drain system. Fire sprinkler system discharges without corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer, if practicable. When not practicable to discharge to the sanitary sewer system due to the presence of prohibited contaminants, the water shall be collected and disposed of by an appropriately certified party. When not practicable to discharge to the sanitary sewer system for reasons other than the presence of prohibited contaminants, the water shall not be discharged unless adequate precautions have been taken to prevent the transport of pollutants to the storm drain system.	SC-10, SC-41
6	Eliminate irrigation runoff.	Irrigation runoff to the storm drain system shall be eliminated through proper landscape maintenance and watering practices. All irrigation water and associated pollutants from nurseries, garden centers, and similar facilities shall be prevented from reaching City storm drains, curb gutters along City streets, or any other part of the City's storm drain system.	SC-10 <sup>6</sup> , SC-41
7	Properly dispose of discharges from swimming pools, spas, fountains, reflective pools, ponds, and filter backwash.	Swimming pool, spa, fountain, reflective pool, pond, and filter backwash water shall be properly disposed of to prevent pollutants from entering the storm drain system. Discharges from swimming pools and spas to the storm drain system are allowed only if the water is dechlorinated, has a pH level in the 7-8 range, is within ambient temperature, has no algae or suspended solids, and is not saline. Other discharges, such as from filter backwash, fountains, reflective pools, ponds, saline swimming pools, or other sources, are prohibited from entering the storm drain system.	SC-10, BG-63 <sup>7</sup>

<sup>6</sup> Factsheet SC-10 – Non-Stormwater Discharges states that “landscape irrigation drainage and landscape watering” may be discharged to the storm drain with conditions; however, in accordance with the Municipal Permit and the City’s Stormwater Ordinance, no irrigation runoff may be discharged to the City’s storm drain system.

<sup>7</sup> Factsheet BG-63 – Mobile Cleaning – Swimming Pools & Spas states that discharges from swimming pools and spas to the storm drain system are not permitted; however, discharges of this nature are permitted if the conditions described in BMP 7 are met.

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
8	Control air conditioning condensation discharges.	<p>Air conditioning condensation discharges shall be controlled from reaching City storm drains, curb gutters along City streets, or any other part of the City's storm drain system and are prohibited from entering the City's storm drain system unless the following BMPs are followed in order.</p> <ol style="list-style-type: none"> <li>1. Air conditioning condensation should be directed to the sanitary sewer if allowed. Contact the Development Services' Building Division at (619) 825-3847 to obtain a building permit to direct the condensation to the sanitary sewer system.</li> <li>2. Air conditioning condensation discharges should be directed to onsite landscaped or pervious area to infiltrate or evaporate, without resulting in erosion or runoff to the storm drain system or any adjacent property. Directing discharges to landscaping close to a building foundation is not recommended.</li> <li>3. If the above BMP options are not feasible AND the discharge does not contain pollutants exceeding the California Toxics Rule (CTR), air conditioning condensation may enter the City storm drain system.</li> </ol>	SC-10, SC-42
9	Eliminate floor mat cleaning discharges.	Floor mats shall be cleaned in a manner such that there is no discharge to City storm drains, curb gutters along City streets, or any other part of the City's storm drain system. Indoor wash areas, mop sinks, or indoor floor drains may be designated as wash areas for floor mats if these areas drain to the sanitary sewer system.	SC-10, SC-21
10	Eliminate pumped groundwater, foundation, and footing drain discharges.	Pumped groundwater, including water from crawl space pumps is prohibited unless a separate National Pollutant Discharge Elimination System (NPDES) permit has been obtained to cover the discharge, or the RWQCB has determined in writing that no permit is needed. Discharges from foundation and footing drains that are at or below the groundwater table are also prohibited, unless covered by an NPDES permit, or the RWQCB has determined in writing that no permit is needed.	SC-10
11	Regularly clean and maintain structural BMPs, including LID installations, to ensure proper performance.	BMPs implemented, including Low Impact Development (LID) and other structural BMPs, must be inspected as often as necessary to ensure they perform as intended and properly operated and maintained. All installed LID or structural BMPs shall be inspected at a minimum of once annually for proper function and maintained to confirm the BMP is serving the purpose for which it was intended. BMPs must also be maintained in accordance with recorded maintenance agreements where applicable.	SC-44

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
<b>Erosion and Sediment Control</b>			
12	Protect unpaved areas, including landscaping, from erosion using vegetative or physical stabilization.	Exposed soils that are actively eroding or prone to erosion due to disturbance shall be protected from erosion. Significant accumulations of eroded soil shall be removed or contained to prevent sediment transport in runoff to the storm drain system.	SC-40, SC-42
<b>Good Housekeeping</b>			
13	Regularly clean parking areas.	Paved parking lots, roads, and driveways located on the property shall be cleaned as needed to prevent pollutants from entering the City's storm drain system, including the curb and gutter. Sweeping is the preferred method of cleaning. Wet cleaning methods, such as mopping or power washing, may be substituted for sweeping if all wash water is contained, captured, and disposed of appropriately.	SC-41, SC-43, BG-62 <sup>8</sup>
14	Implement good housekeeping to keep site free of trash and debris.	Outdoor areas shall be cleaned as needed to keep them free of accumulations of trash, sediment, litter, and other debris.	SC-41
15	Keep storm drain inlets free of sediment, trash, and debris.	Accumulated materials shall be removed from on-site storm drains at least once per year.	SC-44

<sup>8</sup> Factsheet BG-62 – Mobile Cleaning – Surface Cleaning, states (in regards to pressure washing) that screened, or filtered, wash water can be discharged to a gutter, street, or storm drain. Non-stormwater discharges of this nature, even if filtered, are not allowed to enter the storm drain system, which includes the streets and gutters. Wash water must be contained, collected, and disposed of properly.

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
<b>Material Storage and Handling</b>			
16	Provide and maintain secondary containment to catch spills if storing potential liquid pollutants in outdoor areas.	Drums and other containers shall be kept in good condition and securely closed when not in use. Effective secondary containment shall be provided and maintained for all containers of liquid with the potential to leak or to spill onto outdoor areas to prevent leaks or spills from discharging pollutants to the storm drain system. Secondary containment shall also be provided for all liquids during transport to prevent spills due to leaks or punctures. A variety of methods are available, including but not limited to: containers, curbs, and vendor products. To maintain the effectiveness of secondary containment, regularly remove and appropriately dispose of spills, precipitation, or other liquids that accumulate in the secondary containment. Provide liquid storage containers with covers to prevent precipitation from accumulating in or causing overflows from the secondary containment. If evidence of spills due to inadequate containment is observed, the City enforcement official may specify a minimum required containment capacity. Other applicable regulations may apply to the use of secondary containment, especially for hazardous materials, which are regulated by the County of San Diego Department of Environmental Health.	SC-20, SC-31
17	Cover, contain, and/or elevate materials stored outside that may become a source of pollutants in stormwater or non-stormwater.	Materials stored outdoors shall be covered, contained, and/or elevated to prevent stormwater and non-stormwater from contacting and/or transporting materials and pollutants to the storm drain system. Some examples of cover are roofs, awnings, and tarps. Where coverage is not feasible or is cost prohibitive, alternative approaches such as installing berms around the stored materials, directing runoff to pervious areas, or installing treatment devices may be allowed. Note that installing structural coverage will usually require obtaining permits from the City prior to installation. To determine applicable regulations and whether a permit would be required, contact the Development Services' Building Division at (619) 825-3847.	SC-20, SC-33
18	Properly store and dispose of hazardous materials.	Hazardous materials and wastes shall be stored, managed, and disposed in accordance with federal, state, and local laws and regulations. Hazardous materials and wastes and their primary storage containers shall also be stored such that they will not come into contact with stormwater, even if leaks or spills occur. Hazardous materials and wastes generated by business activities are additionally regulated by the County of San Diego Department of Environmental Health. Disposal of hazardous wastes using an authorized hazardous waste collection service is required. Store hazardous materials and wastes, and their primary storage containers, with sufficient cover and/or containment to prevent contact with stormwater. See BMPs 18 and 19 for additional details regarding storage.	SC-20, SC-31, SC-33

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
<b>Pesticide and Fertilizer Management</b>			
19	Properly manage pesticides and fertilizers.	Pesticides and fertilizers shall be applied in strict accordance with manufacturer's label, as authorized by U.S. Environmental Protection Agency. Chemicals shall be stored safely in covered and contained areas. See BMPs 18 and 19 for additional details regarding storage. Waste products shall be disposed of in accordance with the manufacturer's label and applicable hazardous waste regulations. The use of integrated pest management (IPM) principles is encouraged to reduce or eliminate use of chemicals. For more information about integrated pest management, see the University of California Statewide IPM Program at <a href="http://www.ipm.ucdavis.edu">http://www.ipm.ucdavis.edu</a> .	SC-35, SC-41, BG-40
<b>Outdoor Work Areas</b>			
20	Implement controls to minimize pollution from exposed outdoor work areas.	Activities that may generate pollutants shall be conducted in covered, contained areas, or equivalent measures taken to prevent the discharge of associated pollutants. In order to avoid contaminating stormwater runoff, the following precautions shall be taken as appropriate: (1) move activities indoors;(2) cover areas where outdoor activities are performed, including building canopies; (3) protect areas where outdoor activities are performed from runoff from upstream areas, including building berms; (4) prevent spills or by-products from escaping contained areas; (5) do not conduct outdoor activities that may generate pollutants when it is raining; (6) protect storm drain inlets and ensure adequate spill response materials are readily available; and, (7) thoroughly clean outdoor work areas at least daily to remove accumulated sediment, debris, oil and grease, particulate matter, and other pollutants. Structural treatment devices shall also be installed to remove pollutants from contaminated runoff if source control BMPs are not effective.	SC-20, SC-30, SC-32, SC-34, SC-42
<b>Spill Prevention and Response</b>			
21	Prevent or capture liquid leaks from vehicles or equipment.	Leaking vehicles or equipment shall be repaired promptly. Drip pans or other equivalent means shall be used to capture spills or leaks of oil and other fluids from vehicles awaiting maintenance and during maintenance activities. Captured fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-11, SC-22
22	Immediately clean up spills.	Spills shall be cleaned up immediately and prevented from entering the storm drain system. Dry cleaning methods such as the use of rags and absorbents are preferred cleaning methods. Spills that enter a storm drain and cannot be fully recovered shall be reported promptly to the City's Stormdrain Hotline at (619) 825-3827.	SC-11

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
23	Maintain a readily accessible spill cleanup kit that is appropriate for the type of materials stored onsite.	Materials and equipment appropriate for the type and quantity of potential spills shall be kept onsite and with any mobile activities as a spill cleanup kit. Keep cleanup materials in close proximity to locations where spills may occur, with instructions for use clearly displayed.	SC-11, SC-22
24	Drain fluids from inoperable vehicles and store or dispose of appropriately.	Oil, antifreeze, and other fluids shall be drained from inoperable vehicles intended for recycling or long-term storage that are stored outside. Drained fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-22
25	Temporarily protect storm drains from non-stormwater discharges while conducting activities that have the potential to result in a discharge.	If activities conducted cannot be fully contained or minor failures in containment would potentially result in discharges of non-stormwater to the storm drain system, temporary measures shall be used to protect storm drains. Any activity-related materials that enter the storm drain system shall be removed promptly and disposed of appropriately (in accordance with other minimum BMPs).	SC-10, SC-44
<b>Waste Management</b>			
26	Keep trash/waste storage areas free of exposed trash, sediment, and debris.	Stored waste shall be protected from contact with stormwater and non-stormwater. Disposal areas for trash and other wastes shall be cleaned as frequently as necessary to keep these areas free of loose trash, litter, debris, liquids, powders, and sediment. Liquid waste, hazardous waste, medical waste, universal waste, and other items prohibited by current regulations shall not be placed in solid waste dumpsters. Dry cleaning methods such as sweeping are preferred. If wet cleaning methods are used, all wash water must be contained, captured, and disposed of appropriately. See BMP 3 for information on appropriate wet cleaning practices.	SC-34, SC-41
27	Protect waste storage areas from contact with stormwater and non-stormwater flows onto the property.	Stored trash and other wastes shall be protected from contact with stormwater and non-stormwater flows. Trash and other wastes shall be contained to prevent transport of trash off site, and to keep surrounding areas and on site storm drains free of trash and other wastes.	SC-34

**Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
28	Cooking oil waste shall be managed to prevent illegal discharges.	Waste containers for oils, grease, fats, or tallow shall be kept indoors where feasible. Where not feasible, the waste containers shall be kept in a covered, contained area to prevent waste transport in runoff.	SC-34, BG-30
29	Properly store and dispose of green waste.	Green waste shall be properly stored and disposed of such that it will not be transported to the storm drain system by stormwater or non-stormwater runoff.	SC-34, BG-40
30	Manage animal waste and animal washing in a manner that prevents transport of wastes and wash water off-site.	Animals and animal waste shall be managed and stored in a manner that prevents animal waste and wash water from entering the storm drain system. Collect and dispose of animal waste to the trash or the sanitary sewer, as appropriate.	SC-34, BG-10

## 2.4 Residential

Table 3 below presents the minimum required BMPs for residential sites and sources. BMP categories include Discharge Control, Erosion and Sediment Control, Good Housekeeping, Material Storage and Handling, Pesticide and Fertilizer Management, Spill Prevention and Response, and Waste Management.

**Table 3. Minimum BMPs for Residential Sites/Sources<sup>9</sup>**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference <sup>10</sup>
<b>Discharge Control</b>			
1	Eliminate illegal connections to the storm drain system.	Illegal connections are man-made physical connections to the storm drain system that convey an illegal discharge. Find and abate all illegal connections to the storm drain system through properly approved procedures, permits, and protocols.	SC-10, SC-44
2	Eliminate illegal non-stormwater discharges.	Non-stormwater (water other than rain) shall not be discharged to the City's storm drain system. To eliminate illegal discharges, do not allow any solid or liquid material except uncontaminated stormwater to enter City storm drains, curb gutters along city streets, or any other part of the City of Lemon Grove's (City) storm drain system.	SC-10, SC-11, SC-44
3	Properly dispose of wash water.	All process water and wash water shall be contained, captured, and reused, or properly disposed of to the sanitary sewer, an appropriate waste hauler, or to landscaping or other pervious surfaces.	SC-10, SC-41 <sup>11</sup>

<sup>9</sup> To the extent practicable, the City's established minimum BMPs for industrial, commercial, municipal sites/sources shall also be implemented for any industrial/commercial type of activities conducted at a residence where appropriate.

<sup>10</sup> BMP factsheet references are for the CASQA industrial and commercial handbook, which is the newest CASQA handbook covering these types of BMPs as of this writing.

<sup>11</sup> Factsheet SC-41 - Building & Grounds Maintenance, states (in regards to pressure washing), "If soaps or detergents are not used, and the surrounding area is paved, wash runoff does not have to be collected but must be screened. Pressure washers must use filter fabric or some other type of screen on the ground and/or in the catch basin to trap the particles in wash water runoff." Non-stormwater discharges of this nature, even if filtered, are not allowed to enter the storm drain system. Wash water must be contained, collected, and disposed of properly.

**Table 3. Minimum BMPs for Residential Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference <sup>10</sup>
4	Properly dispose of vehicle and equipment wash water.	Wash water from individual residential vehicle washing shall be directed to landscaped areas or other pervious surfaces, where feasible. Minimizing use of water, detergents, and other vehicle wash products is encouraged. Non-commercial car washes, such as fundraisers and other similar activities, are not considered individual residential vehicle washing. Discharges to the storm drain system from these activities are prohibited.	SC-10, SC-21
5	Properly dispose of water from fire sprinkler maintenance activities.	Fire sprinkler system discharges containing corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer system, not the storm drain system. Fire sprinkler system discharges without corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer, if practicable. When not practicable to discharge to the sanitary sewer system due to the presence of prohibited contaminants, the water shall be collected and disposed of by an appropriately certified party. When not practicable to discharge to the sanitary sewer system for reasons other than the presence of prohibited contaminants, the water shall not be discharged unless adequate precautions have been taken to prevent the transport of pollutants to the storm drain system.	SC-10, SC-41
6	Eliminate irrigation runoff.	Irrigation runoff to the storm drain system shall be eliminated through proper landscape maintenance and watering practices. All irrigation water and associated pollutants from nurseries, garden centers, and similar facilities shall be prevented from reaching City storm drains, curb gutters along City streets, or any other part of the City's storm drain system.	SC-10 <sup>12</sup> , SC-41
7	Properly dispose of discharges from swimming pools, spas, fountains, reflective pools, and filter backwash.	Swimming pool, spa, fountain, reflective pool, pond, and filter backwash water shall be properly disposed of to prevent pollutants from entering the storm drain system. Discharges from swimming pools and spas to the storm drain system are allowed only if the water is dechlorinated, has a pH level in the 7-8 range, is within ambient temperature, has no algae or suspended solids, and is not saline. Other discharges, such as from filter backwash, fountains, reflective pools, ponds, saline swimming pools, or other sources, are prohibited from entering the storm drain system.	SC-10
8	Control air conditioning condensation discharges.	Air conditioning condensation shall be directed to landscaped areas or other pervious surfaces, or to the sanitary sewer, where feasible.	SC-10, SC-42

<sup>12</sup> Factsheet SC-10 – Non-Stormwater Discharges states that “landscape irrigation drainage and landscape watering” may be discharged to the storm drain with conditions; however, in accordance with the Municipal Permit and the City’s Stormwater Ordinance, no irrigation runoff may be discharged to the City’s storm drain system.

**Table 3. Minimum BMPs for Residential Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference <sup>10</sup>
9	Eliminate pumped groundwater, foundation, and footing drain discharges.	Pumped groundwater, including water from crawl space pumps is prohibited unless a separate National Pollutant Discharge Elimination System (NPDES) permit has been obtained to cover the discharge, or the Regional Water Quality Control Board, San Diego region (RWQCB) has determined in writing that no permit is needed. Discharges from foundation and footing drains that are at or below the groundwater table are also prohibited, unless covered by an NPDES permit, or the RWQCB has determined in writing that no permit is needed.	SC-10
10	Regularly clean and maintain structural BMPs, including LID installations, to ensure proper performance.	BMPs implemented, including Low Impact Development (LID) and other structural BMPs, must be inspected as often as necessary to ensure they perform as intended and properly operated and maintained. All installed LID or structural BMPs shall be inspected at a minimum of once annually for proper function and maintained to confirm the BMP is serving the purpose for which it was intended. BMPs must also be maintained in accordance with recorded maintenance agreements where applicable.	SC-44
<b>Erosion and Sediment Control</b>			
11	Protect unpaved areas, including landscaping, from erosion using vegetative or physical stabilization.	Exposed soils that are actively eroding or prone to erosion due to disturbance shall be protected from erosion. Significant accumulations of eroded soil shall be removed or contained to prevent sediment transport in runoff to the storm drain system.	SC-40, SC-42
<b>Good Housekeeping</b>			
12	Regularly clean parking areas.	Paved parking lots, private roads, and driveways located on the property shall be cleaned as needed to prevent pollutants from entering the City's storm drain system, including the curb and gutter. Sweeping is the preferred method of cleaning. Wet cleaning methods, such as mopping or power washing, may be substituted for sweeping if all wash water is contained, captured, and disposed of appropriately.	SC-41, SC-43
13	Implement good housekeeping to keep site free of trash and debris.	Outdoor areas shall be cleaned as needed to keep them free of accumulations of trash, sediment, litter, and other debris.	SC-41

**Table 3. Minimum BMPs for Residential Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference <sup>10</sup>
14	Keep storm drain inlets free of sediment, trash, and debris.	Accumulated materials shall be removed from on-site storm drains as needed to keep them free of trash, sediment, litter, and other debris.	SC-44
<b>Material Storage and Handling</b>			
<b>Pesticide and Fertilizer Management</b>			
15	Properly manage pesticides and fertilizers.	Pesticides and fertilizers shall be applied in strict accordance with manufacturer's label, as authorized by U.S. Environmental Protection Agency. Chemicals shall be stored safely in covered and contained areas. Waste products shall be disposed of in accordance with the manufacturer's label and applicable hazardous waste regulations. The use of integrated pest management (IPM) principles is encouraged to reduce or eliminate use of chemicals. For more information about integrated pest management, see the University of California Statewide IPM Program at <a href="http://www.ipm.ucdavis.edu">http://www.ipm.ucdavis.edu</a> .	SC-35, SC-41
<b>Spill Prevention and Response</b>			
16	Prevent or capture liquid leaks from vehicles or equipment.	Leaking vehicles or equipment shall be repaired promptly. Drip pans or other equivalent means shall be used to capture spills or leaks of oil and other fluids from vehicles awaiting maintenance and during maintenance activities. Captured fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-11, SC-22
17	Immediately clean up spills.	Spills shall be cleaned up immediately and prevented from entering the storm drain system. Dry cleaning methods such as the use of rags and absorbents are preferred cleaning methods. Spills that enter a storm drain and cannot be fully recovered shall be reported promptly to the City's Stormwater Hotline at (619) 825-3827.	SC-11
18	Drain fluids from inoperable vehicles and store or dispose of appropriately.	Oil, antifreeze, and other fluids shall be drained from inoperable vehicles intended for recycling or long-term storage that are stored outside. Drained fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-22

**Table 3. Minimum BMPs for Residential Sites/Sources (Continued)**

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference <sup>10</sup>
<b>Waste Management</b>			
19	Keep trash/waste storage areas free of exposed trash, sediment, and debris.	Stored waste shall be protected from contact with stormwater and non-stormwater. Disposal areas for trash and other wastes shall be cleaned as frequently as necessary to keep these areas free of loose trash, litter, debris, liquids, powders, and sediment. Liquid waste, hazardous waste, medical waste, universal waste, and other items prohibited by current regulations shall not be placed in solid waste dumpsters. Dry cleaning methods such as sweeping are preferred. If wet cleaning methods are used, all wash water must be contained, captured, and disposed of appropriately. See BMP 3 for information on appropriate wet cleaning practices.	SC-34, SC-41
20	Protect waste storage areas from contact with stormwater and non-stormwater flows on to the property.	Stored trash and other wastes shall be protected from contact with stormwater and non-stormwater flows. Trash and other wastes shall be contained to prevent transport of trash off site, and to keep surrounding areas and on site storm drains free of trash and other wastes.	SC-34
21	Properly store and dispose of green waste.	Green waste shall be properly stored and disposed of such that it will not be transported to the storm drain system by stormwater or non-stormwater runoff.	SC-34
22	Manage animal waste and animal washing in a manner that prevents transport of wastes and wash water off-site.	Animals and animal waste shall be managed and stored in a manner that prevents animal waste and wash water from entering the storm drain system. Collect and dispose of animal waste to the trash or the sanitary sewer, as appropriate.	SC-34

### 3 Enforcement Response Plan

The City of Lemon Grove (City) enforces compliance with the requirements of its Stormwater Ordinance (LGMC Chapter 8.48) and the requirements of its Excavation and Grading Ordinance (LGMC Chapter 18.08), including the BMP requirements in Section 2 of this document. In accordance with Section E.6 of the Municipal Permit, compliance with the City's stormwater requirements will be assessed through a variety of means, including, but not limited to, inspections, responses to hotline calls, and the routine municipal separate storm sewer system (MS4) outfall monitoring. Where violations are observed, the enforcement actions and procedures described in this section will be employed to enforce the requirements.

The City typically employs a tiered, escalating enforcement system. However, the City reserves the right to use whatever tools the enforcement official deems most appropriate for a given situation, as dictated by the specifics of each case.

Enforcement actions, including escalated enforcement actions, are described in the following sections. It should be noted that experience and professional judgment of City staff are important in guiding the appropriate response to a violation. Escalated enforcement actions will continue to increase in severity, as necessary, to compel compliance as soon as possible.

#### 3.1 Administrative Enforcement Actions

The various administrative enforcement measures employed by the City are discussed below.

##### 3.1.1 Written and Verbal Warnings (LGMC §§ 8.48.110.A.2-3)

A written or verbal warning is typically the City's first level of enforcement action when a violation of the City's Stormwater Ordinance is observed. Written warnings can be given using a variety of methods including cease and desist orders, notices of correction, inspection reports, notices of violation (NOV), and orders to clean, test, or abate.

Notice and orders to clean, test, or abate may be issued to perform any act required by the City's Municipal Code. When written warnings are issued, the violation is noted, a time frame to correct the violation is given, and a follow-up date is scheduled. City inspectors follow-up with violations as necessary to determine whether or not compliance has been achieved.

##### 3.1.2 Administrative Citations and Fines (LGMC Chapter 1.24)

The City's authorized enforcement staff may issue administrative citations for violations of the City's Municipal Code. Maximum citation amounts are defined in LMGC § 1.24.030.D and depend on the number of previous violations by the same responsible party that have taken place within the last 18 months, as follows:

- First violation: \$100
- Second violation: \$200
- Third violation: \$500
- Additional violations: \$1,000

Per LMGC § 1.24.030.B, every day that a violation of the Municipal Code exists is considered a separate, distinct violation. Therefore, "a separate citation may be issued for each day that a

violation occurs” (LMGC § 1.24.030.B). This means that, for example, a violation left unresolved for three days may be considered three separate, distinct violations, and citation amounts may be escalated accordingly.

To be considered an additional violation beyond the first violation, the infraction needs to relate to the same ordinance, term, or condition and result in citing the same responsible party. Subsequent violations do not, however, have to occur at the same physical location, involve the same personnel, or be for exactly the same reason to be considered additional violations beyond the first violation(LMGC § 1.24.030.E). For example, if a contractor violates erosion control BMP requirements, and then later on violates sediment control BMP requirements, the sediment control BMP requirements violation may be considered a second violation as long as it is within 18 months of the first (erosion control) violation.

When an administrative citation is issued, the responsible party may request a hearing to contest the enforcement official’s determination that a violation of the City’s stormwater requirements has occurred. Details on the City’s hearing and appeals process can be found in LGMC Chapter 1.24.

### 3.1.3 Public Nuisance Abatement (LGMC § 8.48.110.A.4)

Violations of LGMC Chapter 8.48 are considered a public nuisance. If actions required to resolve noncompliance with LGMC Chapter 8.48 are not taken, the authorized enforcement official may abate the nuisance pursuant to LGMC Chapter 1.14. City costs for pollution detection and abatement, such as BMP implementation, may be recovered from the discharger in addition to any other penalties. City costs for pollution detection and abatement, if not paid in full by the discharger in addition to any other penalties, may be made a lien against the property in accordance with the abatement procedure (LGMC § 8.48.A.4). Costs for pollution detection and abatement may be recovered from the discharger in addition to any other penalties.

### 3.1.4 Stop Work Order (LGMC § 8.48.110.A.5, LGMC § 18.08.820)

Whenever any work is being done contrary to the City’s Municipal Code, or other laws or ordinances, an authorized enforcement official, as defined in LGMC § 8.48.020, may order the work stopped by notice in writing to any person engaged in doing or causing such work to be done. Any person receiving a Stop Work Order is required to immediately stop such work until approved by the authorized enforcement official or authorized enforcement staff to proceed with the work.

For enforcement of required BMPs at construction or industrial/commercial sites, the City can issue a Stop Work Order. Stop Work Orders are typically given if written warnings have been issued and the violation has not been corrected, or if an observed violation poses a significant threat to water quality. Stop Work Orders prohibit further activity until the problem is resolved. The Stop Work Order will describe the infraction and specify what corrective action must be taken. A copy of the Stop Work Order will be given to the owner or contractor and placed in the site’s active inspection file. To restart work once a Stop Work Order has been issued, the responsible party must request that a City inspector re-inspect the site to verify that

the deficiencies have been satisfactorily corrected. Once the inspector verifies that the appropriate corrections have been implemented, activities may resume.

### 3.1.5 Required Bonds or Securities

The authorized enforcement official may require a bond or other security to be posted in the following circumstances:

- When necessary to assure a violation is corrected (LGMC § 8.48.110.A.2)
- When necessary to assure the maintenance of a BMP (LGMC § 8.48.090.I)

The authorized enforcement official determines the amount of the bond or security required.

### 3.1.6 Permit Suspension or Revocation

Where compliance with the City's stormwater requirements is a condition of a City-issued permit or other license, violations of the stormwater requirements may be grounds for permit and/or other city license suspension or revocation. For instance, in severe cases of noncompliance, or significant discharges relating to development and/or construction activities, the City may revoke the building or grading permits that a contractor is working under for the project or deny future permits on the project. The responsible party will then need to re-apply for permits and meet the requirements the City may have placed on the project before resuming the project.

### 3.1.7 Enforcement of Contracts

If a contractor is performing work for the City, then the City may use the provisions within the contract for enforcement of noncompliance. Such contract provisions may allow the City to refuse payment, stop work (without time penalties), and/or revoke contracts if contractors performing activities do not comply with all appropriate permits, laws, regulations, and ordinances.

## 3.2 Judicial Enforcement Actions

In addition to administrative enforcement procedures, the City also may take the judicial enforcement actions described below.

### 3.2.1 Civil or Criminal Penalties and Remedies (LGMC § 8.48.110.B.1)

The City Attorney is authorized to file criminal and civil actions and to seek civil penalties and/or other remedies to enforce LGMC Chapter 8.48. There is no requirement that administrative enforcement procedures be pursued before such actions are filed.

### 3.2.2 Injunctive Relief (LGMC § 8.48.110.B.2)

The City may pursue enforcement by judicial action for preliminary or permanent injunctive relief for any violation of LGMC Chapter 8.48.

### 3.2.3 Arrest or Issue Citations (LGMC § 8.48.110.B.3)

Violators may be arrested, with the assistance of a peace officer, pursuant to the provisions of the California Penal Code. Violators may also be issued a citation and notice to appear as prescribed in the California Penal Code. The City is not required to take administrative enforcement actions before taking either of these steps.

### 3.3 Enforcement Documentation

During each investigation, all observed noncompliance activity is documented. The following information, is recorded for use in administrative and judicial enforcement actions, where applicable:

- Chronology of events
- Case summary
- Time and expense log
- Inspection reports
- Complaints
- Phone conversation records
- Correspondence
- Maps and diagrams
- Photographs
- Witness list
- Explanation of the violations
- Request-to-file form
- Field notes
- Emergency incident reports
- Lab results
- Chain-of-custody for samples
- Permit applications
- Sampling plans
- Other supporting documents
- Reports from regulatory agencies

### 3.4 Municipal Enforcement

During routine municipal facility inspections, City or contract staff will assess facility areas and activities to ensure all are maintained in accordance with City regulations, ordinances, and BMP requirements. If BMPs are found to be deficient or otherwise ineffective, the responsible party or department will be provided with required corrective actions. If the responsible City staff member or department/division does not perform the necessary corrective actions in response to the inspection findings, escalated enforcement action will be taken by involving higher ranking representatives within the responsible department or division, who may enact internal disciplinary procedures, until the deficiencies are resolved.

If the inspector notes that specific areas of a leased facility require additional BMPs, the City can require the implementation of BMPs in addition to the required minimum for the specific area/activity. If a leased facility continues to be out of compliance, the City may choose to discontinue the lease, which would remove the tenant from that particular site. Discontinuing a lease is considered an escalated enforcement action.

As required by the Municipal Permit, City staff will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

### 3.5 Industrial and Commercial Enforcement

The City ensures that pollution prevention methods and BMPs are implemented by enforcing its ordinance. City inspectors and staff members properly document each observed violation at facilities failing to comply with stormwater requirements, and enforcement action is taken where necessary to bring about compliance.

Depending on the nature and severity of the violation, enforcement may consist of any of the actions listed in Sections 3.1 or 3.2. Typical enforcement actions are listed below; escalated enforcement actions are marked with an asterisk (\*):

- Verbal warnings
- Written warnings
- Administrative citations\*
- Public nuisance abatement\*
- Revocation of permits or licenses\*

Inspectors seek to resolve noncompliance promptly and establish appropriate compliance time frames on a case-by-case basis. Escalated enforcement measures are used as needed to ensure compliance. Note that the City maintains the authority to require facilities to prepare Storm Water Pollution Prevention Plans or to conduct sampling and analysis where deemed necessary by the City.

If the City inspector observes a significant and/or immediate threat to water quality, action will be taken to require the facility owner and/or operator to immediately cease and correct the discharge or activity. Conditions that would warrant such action may include observations of runoff from the industrial site that are not reasonably controlled by the protective measures or observation of a failure in BMPs resulting in or potentially resulting in a release of pollutants to a degree that may substantially degrade water quality. Discharges related to noncompliance deemed to pose a threat to health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Section 3.4.5 of the City's JRMP document provides more information on reporting requirements.

Events of noncompliance are evaluated according to the following criteria to determine whether the events pose a threat to human or environmental health:

- The event of noncompliance resulted in a spill or discharge of hazardous materials, pollutants, or runoff containing pollutants that had an effect on a receiving water body.

- The quantity and/or concentration of the pollutants in the spill or discharge affecting the receiving water was such that it may cause or contribute to an exceedance in water quality objectives as specified in the San Diego Basin Plan.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

### 3.5.1 Mobile Business Enforcement

Most violations associated with mobile businesses are anticipated to be related to illegal discharges. The City's enforcement approach to such discharges will require the discharge to be stopped and the area cleaned of discharged materials when applicable and feasible. Education may also be provided to operators who are not aware of the City's stormwater requirements. Businesses that do not possess the materials necessary to implement the required BMPs will likely be required to demonstrate to the City that they have obtained such materials and can properly use them before the City allows such businesses to resume operations in the City. Mobile businesses that do not have City business licenses will be required to obtain them. Discharges related to noncompliance deemed to pose a threat to health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Section 3.4.5 of the City's JRMP document provides more information on reporting requirements.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

### 3.6 Residential Enforcement

The following mechanisms will be used by the City to determine areas where enforcement actions may be necessary, where appropriate:

- Public reporting hotline
- Analysis of field screening and analytical monitoring results
- Observations from City personnel

During investigations of incidents reported to the hotline, or discovered during routine MS4 outfall monitoring, that are associated with a residential source, City staff will address issues of stormwater concern where feasible, and provide education where appropriate. Voluntary compliance and escalating enforcement mechanisms are implemented to immediately eliminate an illegal connection and illegal discharge IC/ID once the source has been identified. Violations to the City's Municipal Code will be investigated by City personnel with enforcement authority. Violations are documented and depending on the nature and severity of the violation, enforcement may consist of any of the enforcement measures described in sections 3.1 and 3.2.

There are two methods of discovering residential activities contributing to urban runoff. One is through complaint/referral process. Complaints may be received through direct contact with City or contract staff or through calls to the City's Stormwater hotline. The other route is through observations made by City staff during residential area inspections, during scheduled MS4 outfall monitoring, and during routine City activities such as MS4 maintenance. Additional, focused investigations of areas upstream of outfalls with obvious pollutants present during the Dry Weather MS4 Outfall Monitoring Program and complaint response investigations provide further information about potential problem areas. The City believes that the combination of monitoring, public reporting, direct observations by City staff that are routinely in the field, and targeted additional investigations where necessary provide sufficient oversight of residential areas and activities.

During investigations of incidents reported to the hotline or discovered during monitoring, the City will continue to use the opportunity to address any other issues of concern, and provides educational materials where appropriate. Voluntary compliance and escalating enforcement mechanisms are implemented to immediately eliminate an IC/ID once the source has been identified. Further details of enforcement mechanisms pertaining to IC/IDs can be found in Section 3.9 of this document.

Follow-up inspections conducted as a result of residential BMP deficiencies will be performed. Violations will continue to be investigated by City personnel with enforcement authority within a reasonable timeframe. Depending on the nature and severity of the violation, enforcement may consist of any of the actions listed in Sections 3.1 or 3.2. Typical enforcement actions are listed below; escalated enforcement actions are marked with an asterisk (\*):

- Verbal warnings
- Written warnings
- Administrative citations\*
- Public nuisance abatement\*

Discharges related to noncompliance deemed to pose a threat to health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Section 3.4.5 of the City's JRMP document provides more information on reporting requirements.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

### **3.7 Development Planning Enforcement**

The City will use a variety of enforcement methods to ensure stormwater requirements for all development projects within the City's jurisdiction are implemented. Enforcement measures will escalate with continued violations as necessary. The City's current plan check process includes steps to enforce the implementation of development requirements during construction.

Since all structural BMPs are required to be shown on the project's plans, inspectors check to make sure these BMPs have been correctly installed during their routine inspections. If any mistakes in BMP installation are noted during plan checks, the City requires the project to promptly correct these errors until BMP installation is consistent with the specification on the project's approved plans.

Once a project has been completed, ongoing operation and maintenance is verified through inspections or through review of submitted maintenance verification certifications. If a project is found not to be maintaining BMPs as required, depending on the nature and severity of the violation, enforcement may consist of any of the actions listed in Sections 3.1 or 3.2. Typical enforcement actions are listed below; escalated enforcement actions are marked with an asterisk (\*):

- Verbal warnings
- Written warnings
- Administrative citations\*
- Public nuisance abatement, which may include placing a lien against the property\*

If an inspector finds maintenance deficiencies with any structural BMPs at a completed project, he or she first attempts to explain the deficiencies and necessary corrective actions to the responsible party, if the responsible party is present. If the responsible party performs all necessary corrective actions promptly in response to the verbal explanation from the inspector, the case is closed, and the resolution is documented. Otherwise, a written notice is issued to the responsible party. The notice indicates the type and location of each BMP and describes the deficiencies observed by the inspector as well as the required corrective actions. Responsible parties are required to perform the corrective actions and demonstrate that all necessary maintenance activities were completed through a re-inspection with the City inspector or through providing photographs of corrections. The inspector may also request additional documentation or perform a re-inspection at their discretion.

The maintenance condition of structural BMPs are determined through an annual self-certification program where the City requires reports from authorized parties demonstrating proper maintenance and operation of BMPs. If the responsible party fails to provide the annual report, the City will issue a written notice requiring the responsible party to provide the report within a given timeframe.

If a responsible party fails to sufficiently respond to a notice from the City by the response deadline, the inspector may issue a written warning. If the responsible party still fails to perform the necessary corrective actions, the inspector may issue an administrative citation.

Follow-up inspections conducted as a result of structural or treatment control BMP deficiencies will be performed. All enforcement actions will be documented appropriately in the development project's database file. If a development site receives frequent citations or is not responsive to previously issued enforcement actions, more severe actions, such as court actions, will be used as necessary.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept in the project's file.

### 3.8 Construction Management Enforcement

The City is responsible for enforcement of applicable local ordinances and permits at all construction sites in its jurisdiction. When violations are observed and documented during a site inspection, the City will implement appropriate enforcement measures based on the severity of the violation. Enforcement can range from written warnings to more severe enforcement such as Stop Work Orders. Stronger enforcement measures will be used as necessary if proper corrective actions are not implemented during the allotted time frame or if the severity of the violation warrants stricter enforcement.

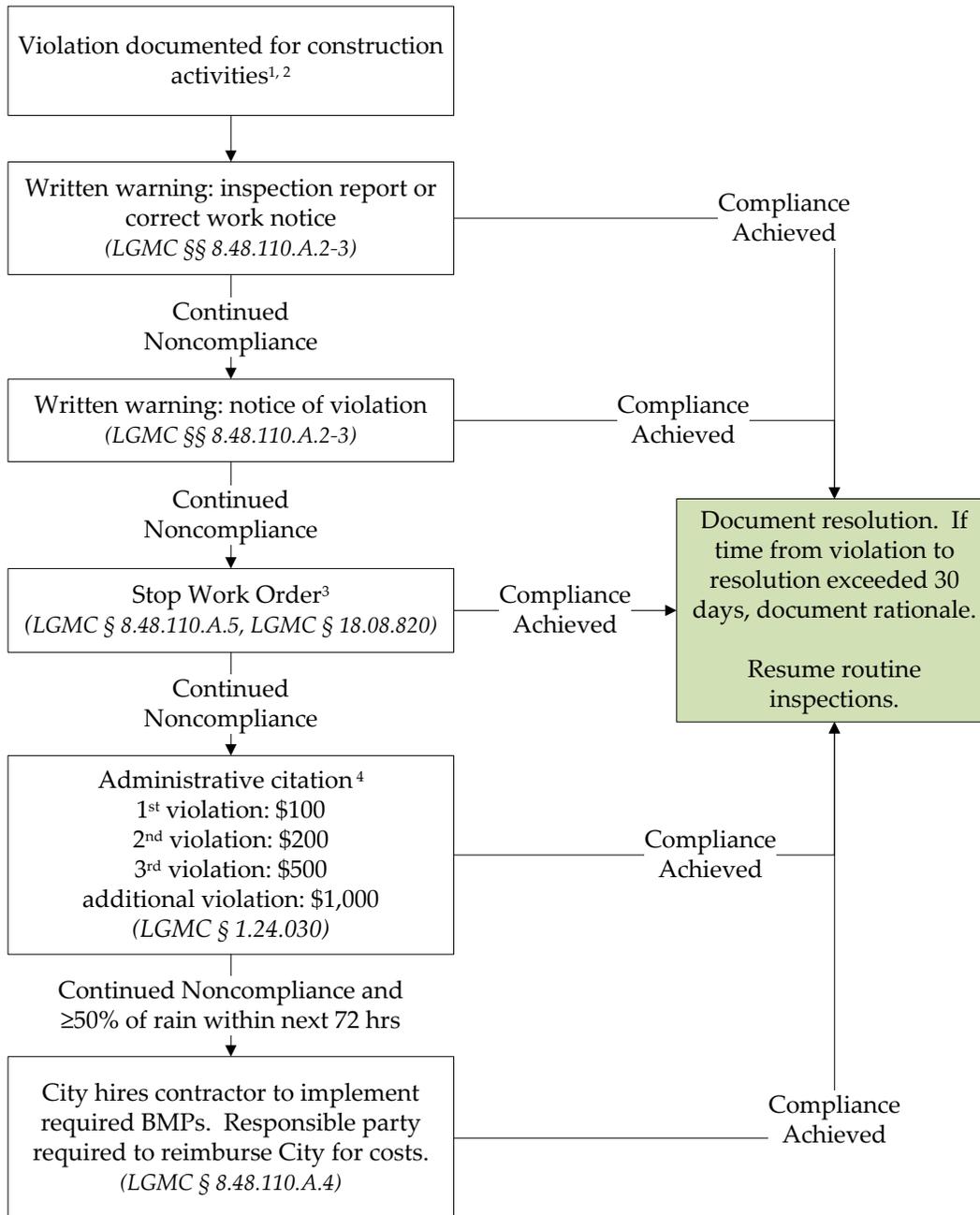
The typical progressive enforcement steps that the City will implement include the following; actions considered escalated enforcement are marked with an asterisk (\*):

- Written warnings, including inspection reports, correct work notices, and NOVs
- Stop Work Orders
- Enforcement of contracts (City projects)
- First administrative citation (\$100)
- Additional administrative citations (\$200 to \$1000)\*
- BMP implementation by City-hired contractor, with cost reimbursement to the City\*
- Revocation of permits\*
- Civil and/or criminal court action\*

Escalated enforcement actions will be reported to the RWQCB within five (5) days, as required by the Municipal Permit.

The City works closely with development projects prior to the commencement of construction activities. All construction sites are expected to be aware of the City's BMP requirements. Accordingly, a written warning will typically be the first enforcement step, and additional enforcement actions will be taken if that is not sufficient to achieve compliance. Figure 1 illustrates the typical enforcement process for a private project. The City seeks to resolve violations as quickly as possible, including prior to rain events where feasible. In cases of significant or repeated noncompliance, the City may hire an outside contractor to implement required BMPs at a construction site when there is at least a 50% chance of rain within the next 72 hours. The City will require cost recovery from the responsible party (private projects) or contractor (City projects) for the costs of BMP implementation in this scenario. In cases where a violation cannot be resolved within 30 days, the reason additional time was needed for case resolution will be documented and kept in the project's file, as required by the Municipal Permit.

**Figure 1. Typical Enforcement Process for Private Construction Projects**



Notes

1. An administrative citation may be issued directly, without taking other enforcement actions shown in this figure first, for illicit discharges or illicit connections.
2. The City reserves the right to issue higher level enforcement actions without first taking lower level enforcement actions where necessary to reduce the discharge of pollutants to its storm drain system to the maximum extent practicable.
3. An administrative citation may be issued concurrently with a stop work order if deemed necessary by the City.
4. All violations within the last 18 months may be considered in determining the applicable citation amount. Each day that a violation exists may be considered a separate and distinct violation. (LGMC § 1.24.030).

Revocation of permits and civil or criminal court actions are rarely used tools and therefore are not shown in Figure 1, but the City does reserve the right to use those enforcement tools where necessary. The enforcement process for a City project is similar to the private project enforcement process, except that, in addition to the enforcement measures shown in Figure 1, the City may also use enforcement of for its own projects.

When a site is subject to the Construction General Permit (CGP), City staff may also collaborate with RWQCB staff on enforcement actions. The City will notify the RWQCB in writing within five calendar days of issuing escalated enforcement to a construction site that poses a significant threat to water quality as a result of violations of other noncompliance. Written notification may be provided to the appropriate RWQCB staff member by email. The City will also notify the RWQCB of any construction sites required to obtain coverage under the CGP that, to the City's knowledge, have not filed NOIs, within five calendar days from the time the City became aware of the circumstances. At minimum, the construction project location and name of owner or operator will be provided to the RWQCB. Written notification may be provided electronically by email to [Nonfilers\\_R9@waterboards.ca.gov](mailto:Nonfilers_R9@waterboards.ca.gov).

Any noncompliance that may endanger health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Criteria listed below will be used in addition to the criteria listed in Section 3.4.5 of the City's JRMP to determine the threats to health or the environment associated with a noncompliance event, whether from stormwater or non-stormwater discharges, where applicable:

- Estimated area of erosion caused by discharge
- Total suspended solids concentration and turbidity of discharge
- Other materials discharged that pose a threat (concrete washout, sanitary washes, etc.)

### **3.9 Illicit Discharge Detection and Elimination Enforcement**

The City implements and enforces its ordinances, orders, or other legal authority to prevent illicit discharges and connections to its MS4. If the City identifies the source as a controllable source of non-stormwater or as an IC/ID, the administrative and judicial enforcement measures previously listed will be used, as necessary, to eliminate IC/IDs.

If a complaint is received that indicates an IC/ID, City staff will conduct a field investigation for complaints with details suggesting an actual or potential discharge to the MS4 or receiving water body. If investigators find evidence of a violation with the potential to release pollutants or an actual IC/ID, every effort is made to find the responsible party and inform them of the complaint or issue a written warning. Parties found to be responsible for a violation or IC/ID are required to clean up or remove pollutants to the maximum extent practicable (MEP). Any refusal by the responsible party to perform clean up of a violation or discharge will be handled by Code Enforcement staff and appropriate enforcement actions will be taken.

The nature of the City's enforcement approach is determined on a case-by-case basis and is based on factors such as the severity of the violation, the threat to human or environmental

health, site-specific circumstances, and past compliance history. If the situation is determined to pose an immediate risk to public health or the environment, the City may coordinate with other agencies or teams that are specially trained to assess and mitigate emergency situations as necessary (e.g., those involving hazardous wastes/materials, etc.). The discharge is also reported to the RWQCB as required by the Municipal Permit.

Any noncompliance that may endanger health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Criteria listed below will be used to determine the threats to health or the environment associated with a noncompliance event, whether from stormwater or non-stormwater discharges, where applicable:

- Estimated pollutant load discharged from site
- Estimated volume of discharge
- Types of pollutants discharged, including if toxic materials were discharged
- Sensitivity of the receiving water body, including if it is 303(d) listed for any of the pollutants in the discharge
- Proximity of site to sensitive habitat/endangered species
- Proximity of site to public water supply (well head, monitoring wells)
- Quantity, if any of the discharge reached the receiving water body
- Beneficial uses for affected water bodies

Additionally, water observed at major MS4 outfalls and traced to an anthropogenic source(s) is considered an illegal discharge. If the anthropogenic source(s) is/are found to be from a(n) industrial/commercial site, an inspection of the industrial/commercial facility will be performed in a timely manner to investigate the discharge. The inspection report will include a note describing that the inspection was prompted due to recent IC/ID discovery associated with MS4 outfall monitoring.

If the anthropogenic source is found to be from a residential area, the City's field crew will leave educational materials and/or a written notification informing the responsible party of the illegal discharge and their responsibility to eliminate it. Follow-up inspections will be conducted as necessary to ensure the discharge has been eliminated.

If the anthropogenic source is traced a municipal source, further investigation will be completed to identify actions needed to eliminate the source.

Any IC/ID observed to have potential to immediately impact human health or the environment will be immediately reported to Code Enforcement staff and the Fire Department, if necessary, and all associated enforcement action(s) will be handled by Code Enforcement staff.

As required by the Municipal Permit, City staff will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.