



## SECTION A-9, EXISTING DEVELOPMENT

### **A-9.0 EXISTING DEVELOPMENT**

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The existing development component of this plan is composed of the following elements:

1. **Section A-9.1**, Industrial Program
2. **Section A-9.2**, Commercial Program
3. **Section A-9.3**, Residential Program
4. **Section A-9.4**, Common Interest Area/Homeowners Association Activities

Note: The Residential Program (A-9.3) and the CIA/HOA Program (A-9.4) will be re-evaluated and may be implemented at a later date.

#### **A-9.1 Industrial Program**

The program described in this section was developed pursuant to Sections IX of the Santa Ana Order and **Section 9.0** of the DAMP

##### A-9.1.1 Pollution Prevention and Program Administration

The City of Newport Beach's Industrial Component includes specifications for pollution-prevention methods for industrial areas and activities located within the City. Specific pollution prevention practices that are generally recognized in each Discharger's industry or business, or for that Discharger's activity, as being effective and economically advantageous, were certified by the City (see **Section A-9.1.5**). The City through an inspection program summarized in **Section A-9.1.6** will verify implementation of pollution-prevention methods by industries. Inspectors will use a checklist for their inspections, which will also include appropriate pollution-prevention methods.

The City of Newport Beach will implement the industrial program through various City departments as illustrated in **Figure A-9.1** below.

**Figure A-9.1  
Industrial Program Organization Chart**



A-9.1.2 Implementation

The following outlines and describes City departments and staff that are responsible for implementation of the industrial program.

*Public Works Department*

Contact Name: Steve Badum  
 Title: Public Works Director  
 Telephone: 949.644.3344  
 Address: 3300 Newport Blvd., Newport Beach, CA 92658

The Public Works Department develops, and builds the City's infrastructure; including, streetscapes, open space, parks, athletic fields, bike trails, roadways, and traffic signals.

*Administrative Services Department (Revenue Division)*

Contact Name: Glen Everroad  
 Title: Revenue Manager  
 Telephone: 949.644.3144  
 Address 3300 Newport Blvd., Newport Beach, CA 92658

Staff oversees business development within the City and assist businesses in complying with the industrial program.

*Division of Code & Water Quality Enforcement*

Contact Name: Jim Sinasek

Title: Division Manager  
Telephone: 949.644.3215  
Address: 3300 Newport Blvd., Newport Beach, CA 92658

Code & water quality enforcement authorized inspectors are responsible for inspecting industrial facilities for compliance with the industrial program and City codes.

*General Services Department*

Contact Name: David E. Niederhaus  
Title: General Services Director  
Telephone: 949.644.3055  
Address: 592 Superior Ave., Newport Beach, CA 92663

Responsible for the City's Field Maintenance, Operations Support, Refuse, Park Maintenance, and Equipment Maintenance

*Utilities Department, Wastewater Division*

Contact Name: Jim Delicce  
Title: Utilities Supervisor  
Telephone: 949.718.3415  
Address: 949 West 16<sup>th</sup> Street, Newport Beach, CA 92663

Wastewater inspectors are trained to inspect, monitor, and evaluate commercial/industrial facilities and activities.

*Fire Department*

Contact Name: Tim Riley  
Title: Fire Chief  
Telephone: 949.644.3101  
Address: 3300 Newport Blvd., Newport Beach, CA 92658

Inspects businesses within City for compliance with Uniform Fire Code and responds to 911 emergencies involving industrial discharges, spills, accidents, etc.

*Police Department*

Contact Name: Bob McDonell  
Title: Police Chief  
Telephone: 949.644.3701  
Address: 870 Santa Barbara Drive, Newport Beach, CA 92660

Responds to 911 emergencies involving industrial discharges, spills, accidents, etc.

*Public Agencies*

In addition to the City Departments described, the City relies on certain public agencies for successful implementation of the industrial program.

*Orange County Health Care Agency*

City of Newport Beach  
Local Implementation Plan (LIP)  
Industrial Program

July 1, 2003

*Environmental Health Division  
Certified Unified Program Agency (CUPA)*

The Environmental Health Division of the Orange County Health Care Agency inspects businesses within the City that generate hazardous waste for compliance with State and Federal regulations. Proper storage and care of hazardous waste is an important component of pollutant source control.

A-9.1.3 Source Identification

The City of Newport Beach is required to develop, and update annually, a watershed-based inventory of all industrial sites within its jurisdiction, regardless of site ownership. The process for conducting the inventory was explained in the **Section 9.4.3** of the **DAMP**. The components that comprise the inventory include:

- All industrial facilities located within the City's jurisdiction
- Watersheds where each industrial facility is located
- Identified potential pollutants and activities with the potential to discharge pollutants
- Identified industrial discharges into, or adjacent to, an Area of Special Biological Significance (ASBS)

The City's inventory database includes the following information about each identified industry within the City's jurisdiction:

- Business Name;
- Physical Address Information;
- Mailing Address Information;
- SIC Code;
- Commercial-Specific Information
- Watershed;
- Proximity to ESA;/ ASBS
- Comments/Notes.

The current watershed-based inventory of industrial facilities within the city's jurisdiction is provided in **Exhibit A-9.I**

A-9.1.4 Prioritization for Inspection

To comply with these permit requirements, the City of Newport Beach prioritized industrial sites and sources as high, medium, and low, based on their respective threat to water quality and the procedures set forth in **DAMP Section 9.4.3.2**. A classification of High Priority indicates that the facility contains a site or sources with a high potential threat to the water quality. Permit requirements classify some industries as mandatory High Priority facilities. For industries that are not pre-classified, the prioritization process, which is consistent with permit requirements as outlined in **Section 9.4.3.2 of the DAMP**, consisted of assigning a score to each facility based on the following factors:

- Type of Activity
- Material Used
- Waste Generated
- Pollutant Discharge Potential
- Non-Stormwater Discharges
- Size of Facility
- Proximity to an Environmentally Sensitive Water Body

Industries that received a score of greater than or equal to 25 were ranked as High Priority, those with a score below 25 and greater than 15 were ranked as Medium Priority, and those with a score less than or equal to 15 were ranked as low priority.

#### A-9.1.5 BMP Implementation

The City of Newport Beach has designated a minimum set of activity-specific BMPs for industrial facilities, as set forth in **Section 9.4 of the DAMP** and modified according to City requirements. The City has designated the BMPs shown in **Table A-9.2** below that are appropriate to prevent or mitigate pollution generated from the specific activities at each site. The corresponding fact sheets are presented in **Exhibit A-9.II**.

**Table A-9.2  
Industrial Activity BMPs**

<b>BMP Fact Sheet</b>	<b>Activity</b>
IC2.	ANIMAL HANDLING AREAS
IC3.	BUILDING MAINTENANCE
IC4.	CARPET CLEANING
IC5.	CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING
IC6.	CONTAMINATED OR ERODIBLE SURFACES AREAS
IC7.	LANDSCAPE MAINTENANCE
IC8.	NURSERIES AND GREENHOUSES
IC9.	OUTDOOR DRAINAGE FROM INDOOR AREAS
IC10.	OUTDOOR LOADING/UNLOADING OF MATERIALS
IC11.	OUTDOOR PROCESS EQUIPMENT OPERATIONS AND MAINTENANCE
IC12.	OUTDOOR STORAGE OF RAW MATERIALS, PRODUCTS, AND CONTAINERS
IC13.	OVER WATER ACTIVITIES
IC14.	PAINTING, FINISHING, AND COATINGS OF VEHICLES, BOATS, BUILDINGS, AND EQUIPMENT
IC15.	PARKING AND STORAGE AREA MAINTENANCE
IC16.	POOL AND FOUNTAIN CLEANING
IC17.	SPILL PREVENTION AND CLEANUP
IC18.	VEHICLE AND EQUIPMENT FUELING
IC19.	VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR
IC20.	VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
IC21.	WASTE HANDLING AND DISPOSAL
IC22.	EATING AND DRINKING ESTABLISHMENTS

The City encourages the implementation of the designated BMPs at each industrial facility based on site-specific conditions in order to limit that facility's impact upon receiving water quality. If particular BMPs are infeasible at any specific site, other equivalent BMPs will be implemented.

A-9.1.6 Inspection, Monitoring and Enforcement

*A-9.1.6.1 Inspection*

Inspection frequencies for industrial facilities are based on permit requirements and the priority ranking assigned to each facility as described in **Section A-9.1.3**. A summary of required inspection frequencies based on priority ranking is shown in **Table A-9.3**. In addition to the inspection frequencies described, the City will also investigate all complaints of illegal discharges from industrial facilities made by the public or by another agency or those violations arising from the results or dry-weather field screening or analytical monitoring program. In the event that a site is found to be non-compliant, inspection frequency will be increased to, at a minimum, once per month. Once a facility has been brought into compliance, an inspection frequency of once every four months will be maintained for the next calendar year following the date at which the facility is deemed to be in compliance.

**Table A-9.3 - Inspection Schedule Based on Priority Ranking**

Priority	Inspection Frequency
High	Annually
Medium	Biennial (every other year)
Low	Once per permit cycle (5 years)

The City of Newport Beach will inspect industrial facilities to determine if they are in compliance with City ordinances, to review BMP implementation, to assess BMP effectiveness and to verify inventory information used for facility prioritization. Such inspections include review of:

- Material and waste handling and storage practices,
- Pollution control BMP implementation and maintenance, and
- Evidence of past or present unauthorized, non-storm water discharges.

The inspection procedures and inspection form provided in **Exhibit A-9.III** will be used and provides a series of questions about specific activities taking place at a facility, as well as a list of suggested corrective actions that can be implemented should a problem be found.

In general the City of Newport Beach will conduct one of two types of inspections:

- **Compliance Inspections**

Initial compliance inspections will be announced so that the inspector can meet with responsible facility official(s) (e.g., owner, superintendent, compliance manager, engineering consultant, etc.) in order to provide more efficient communication of the stormwater requirements and inspection goals. The inspection will focus on current facility operations and activities, BMPs currently in use, and the effectiveness of those BMPs. This inspection will also focus on verifying inventory spreadsheet information and, whenever possible, provide out reach education to facility staff. All re-occurring compliance inspection will cover the same information as an initial compliance inspection, but will typically be unannounced in order to verify compliance and that BMPs are being effectively implemented.

- **Follow-up Inspections**

For those facilities deemed to be non-compliant, the Permittee will perform compliance inspections once a month until said facilities are shown to be complaint, and then once every four months for a full calendar year after the facility achieves compliance.

Generally, these inspection will be similar to Advisory Inspection except that a) they will focus primarily on areas where a facility was deemed to be non-compliant and b) the inspections may be announced or unannounced, depending on which course of action the Permittee deems will be most conducive to continued facility compliance.

Should an inspected site demonstrate non-compliance, the City will coordinate the notification of appropriate agencies. An incident or practice of non-compliance that requires a hazardous materials emergency response will be considered a threat to human or environmental health and will be reported to the RWQCB and to appropriate hazardous waste management agencies. The City will provide oral notification to the RWQCB within 24 hours of the discovery of a non-compliant site meeting the criteria listed below. This will also be followed by written notification within 5 days of the discovery.

Criteria to be used to determine whether an event of non-compliance poses a threat to human or environmental health include the following:

- The event poses a significant or imminent threat to the quality of surface or ground waters and/or their beneficial uses.
- The event results in a spill or discharge of hazardous materials in excess of reportable quantities (as listed in 40 CFR Part 117 or 302).
- The event results in a spill or discharge of hazardous materials requiring a hazardous materials emergency response (see **Section 10** of the **DAMP**).

#### A-9.1.6.2 Monitoring

The City of Newport Beach will require its industries prioritized as “High Threat to Water Quality” to conduct monitoring on an as needed basis

#### A-9.1.6.3 Enforcement

City inspectors with enforcement authority will issue enforcement actions to industrial facility owners and operators determined to be out of compliance as detailed in **DAMP Section 9.4.5**. The inspectors will document each observed violation. Depending on the severity of the violation, enforcement actions can range from a verbal warning to civil or criminal court actions with monetary fines.

If a 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 the discharge. Also, notification of the incident will be sent to the RWQCB, Control One, OCHCA as appropriate.

The enforcement mechanisms available to inspectors, as detailed in **Section 9.4.5** of the DAMP, are as follows (in increasing order of severity):

- Verbal Notification / Warning
- Notice of Violation
- Administrative Citation
- Infractions and misdemeanors

While these measures typically escalate in enforcement action, they don't have to be issued in the exact order presented here. City inspectors will apply or recommend any of the enforcement steps as appropriate based on the enforcement consistency guide (Included as an **Exhibit 4.I of DAMP Section 4**). The City of Newport Beach will ensure that violations of a similar nature are subjected to similar types of enforcement remedies.

#### A-9.1.7 Training and Outreach

##### *A-9.1.7.1 Training*

A total of six training modules covering different aspects of the Model Existing Development Program have been developed. These modules are provided in **DAMP Appendix B, Section B-9**. The modules that address implementation of the industrial component of the program include the following:

##### *Existing Development Program Management Module (Appendix B, Exhibit B-9.I)*

This training module is targeted to Stormwater Program Managers. The module includes an overview of the Existing Development Program and then detailed discussions of the requirements that stormwater managers must address in their local implementation plans. Step by step instructions are provided to aid the managers in preparing their LIPs for industry, commercial businesses, residential, and common interest areas.

### *Field Implementation of Existing Development Program Module (Appendix B, Exhibit B-9.II)*

This training module is targeted to staff responsible for code enforcement and inspection of industrial and commercial facilities. The module addresses the basic program element requirements and then provides detailed instruction on conducting inspections, including inspection forms, record keeping requirements, and enforcement tools available for code violations.

#### *A-9.1.7.2. Outreach*

The outreach strategy for reaching industrial businesses includes efforts such as providing stormwater information on the City's webpage ([www.cleanwaternewport.com](http://www.cleanwaternewport.com)), conducting mass mailings, holding workshops, and development and distribution of brochures, posters, fact sheets, etc. The outreach component of the DAMP (Section 6) goes into specific detail on requirements for the approach of outreach efforts and the materials that have currently been developed are included in DAMP Appendix B, Section B-6.

#### A-9.1.8 Program Effectiveness Assessment

The overall Program Effectiveness Assessment (PEA) serves as the foundation for the submittal of the annual progress report that is submitted each year to the Principal Permittee and subsequently to the Regional Boards and serves as the basis for evaluating each municipality's individual industrial program efforts (See DAMP Appendix C, Section C-8).

The PEA allows each municipality to assess the effectiveness of their individual stormwater program components including those focused on addressing stormwater and non-stormwater discharges associated with industrial activity. The industrial program effectiveness assessment will enable the City to evaluate the effectiveness of the local program by focusing on data collected from the inventorying, prioritization, BMP implementation, inspection and enforcement of industrial facilities as well as training records.



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**A-9.2 Commercial Program**

The program described in this section was developed pursuant to Section X of the Santa Ana Order and **Section 9.0** of the DAMP

A-9.2.1 Pollution Prevention and Program Administration

The City of Newport Beach’s Commercial Component includes specifications for pollution-prevention methods for commercial areas and activities located within the City. Specific pollution prevention practices that are generally recognized for each Discharger’s business, or for that Discharger’s activity, as being effective and economically advantageous, were selected by the City (see **Section A-9.2.4**). The City through an inspection program summarized in **Section A-9.2.5** will verify implementation of pollution-prevention methods by commercial facilities. Inspectors will use a checklist for their inspections, which will also include appropriate pollution-prevention methods for commercial facilities.

The City will implement the Commercial Program through various City departments. These departments, contacts, and principal responsibilities are summarized below.

**Figure A-9.2  
Commercial Program Organization Chart**





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### A-9.2.2 Implementation

The following outlines and describes City departments and staff that are responsible for implementation of the commercial program.

#### *Public Works Department*

Contact Name: Steve Badum  
Title: Public Works Director  
Telephone: 949.644.3344  
Address: 3300 Newport Blvd., Newport Beach, CA 92663

The Public Works Department develops, and builds the City's infrastructure; including, streetscapes, open space, parks, athletic fields, bike trails, roadways, traffic signals, and many miles of interconnect.

#### *Administrative Services Department (Revenue Division)*

Contact Name: Glen Everroad  
Title: Revenue Manager  
Telephone: 949.644.3144  
Address: 3300 Newport Blvd., Newport Beach, CA 92658

Staff oversees business development within the City and assist businesses in complying with the industrial program.

#### *Division of Code & Water Quality Enforcement*

Contact Name: Jim Sinasek  
Title: Division Manager  
Telephone: 949.644.3215  
Address: 3300 Newport Blvd., Newport Beach, CA 92658

Code & water quality enforcement authorized inspectors are responsible for inspecting industrial facilities for compliance with industrial program and City codes.

#### *General Services Department*

Contact Name: David E. Niederhaus  
Title: General Services Director  
Telephone: 949.644.3055  
Address: 592 Superior Ave., Newport Beach, CA 92663

Responsible for the City's Field Maintenance, Operations Support, Refuse, Park Maintenance, and Equipment Maintenance



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### *Utilities Department, Wastewater Division*

Contact Name: Jim Delicce  
Title: Utilities Supervisor  
Telephone: 949.718.3415  
Address: 949 West 16<sup>th</sup> Street, Newport Beach, CA 92663

Wastewater inspectors are trained to inspect, monitor, and evaluate commercial/industrial facilities and activities.

### *Fire Department*

Contact Name: Tim Riley  
Title: Fire Chief  
Telephone: 949.644.3101  
Address: 3300 Newport Blvd., Newport Beach, CA 92658

Inspects businesses within City for compliance with Uniform Fire Code and responds to 911 emergencies involving commercial discharges, spills, accidents, etc.

### *Police Department*

Contact Name: Bob McDonell  
Title: Police Chief  
Telephone: 949.644.3701  
Address: 870 Santa Barbara Drive, Newport Beach, CA 92660

Responds to 911 emergencies involving industrial discharges, spills, accidents, etc.

### *Public Agencies*

In addition to the City Departments described, the City relies on certain public agencies for successful implementation of the industrial program.

*Orange County Health Care Agency  
Environmental Health  
Certified Unified Program Agency (CUPA)*

The Environmental Health Division of the Orange County Health Care Agency inspects businesses within the City that generate hazardous waste for compliance with State and Federal regulations. Proper storage and care of hazardous waste is an important component of pollutant source control.



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*Orange County Health Care Agency  
Environmental Health  
Food Facility Inspection*

Conducts inspections of all food facilities within the City as described in **Section 9.7** of the **DAMP**.

### A-9.2.3 Source Identification

The City of Newport Beach is required to develop, and update annually, a watershed-based inventory of commercial sites within its jurisdiction, regardless of site ownership. The process for conducting the inventory is explained in the **Section 9.4.2** of the DAMP. The components that comprise the inventory include:

- All commercial facilities listed in Table 9.2 from **Section 9.4.2** of the DAMP that are located within the City's jurisdiction.
- Watersheds where each commercial facility is located.
- Identified potential pollutants and activities with the potential to discharge pollutants.
- Identified commercial discharges into, or adjacent to, an Area of Special Biological Significance (ASBS).

The City's inventory database includes the following information about each identified commercial facility within the City's jurisdiction:

- Business Name
- Physical Address Information
- Mailing Address Information
- SIC Code
- Commercial-Specific Information
- Watershed
- Local Licensing/Permits
- Potential pollutants
- Adjacent to and/or discharge to ESA/ASBS
- Pollutants of concern into an ESA
- Comments/Notes

The current inventory of commercial facilities is provided in **Exhibit A-9.I**.

### A-9.2.4 Prioritization for Inspection

To comply with the permit inspection requirements, the City of Newport Beach prioritized commercial facilities and sources as high, medium, and low priority, based on their respective threat to water quality. A classification of High Priority indicates that the facility contains a site or sources with a high potential threat to the water quality. Because the permit requires that high threat prioritized sites and sources be inspected once per permit cycle, the threat



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prioritization will also be updated once per permit cycle. The prioritization process, which is consistent with permit requirements as outlined in **Section 9.4.3** of the **DAMP**, consisted of assigning a score to each facility based on the following factors:

- Type of Commercial Activity
- Magnitude of Commercial Activity
- Location of Commercial
- Potential for Discharge of Pollutants to the MS4
- History of Un-Authorized Stormwater Discharge

Commercial facilities that received a score of greater than or equal to 20 were ranked as High Priority, those with a score below 20 and greater than 10 were ranked as Medium Priority, and those with a score less than or equal to 10 were ranked as low priority.

Commercial sites/sources classified as High Priority for inspections are required to receive facility inspections at least once per permit cycle (5 years).

A-9.2.5 BMP Implementation

The City of Newport Beach has designated a minimum set of activity-specific BMPs for commercial facilities, as set forth in **DAMP Section 9.4** and modified according to City requirements. These BMP fact sheets are presented in **Exhibit A-9.II**. The City selected BMPs that are appropriate to prevent or mitigate pollution generated from the specific activities at each site.

**Table A-9. 5  
Commercial BMPs**

Activities/Sources	BMP Fact Sheets
Automobile mechanical repair, maintenance, fueling, or cleaning	IC18. VEHICLE AND EQUIPMENT FUELING IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Boat mechanical repair, maintenance, fueling, or cleaning	IC13. OVER WATER ACTIVITIES IC18. VEHICLE AND EQUIPMENT FUELING IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Equipment repair, maintenance, fueling, or cleaning	IC18. VEHICLE AND EQUIPMENT FUELING IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Automobile and other vehicle body	IC14. PAINTING, FINISHING, AND COATINGS



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Activities/Sources	BMP Fact Sheets
repair or painting	OF VEHICLES, BOATS, BUILDINGS, AND EQUIPMENT IC19. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR
Mobile automobile or other vehicle washing	IC20. VEHICLE AND EQUIPMENT WASHING AND STEAM CLEANING
Automobile (or other vehicle) parking lots and storage facilities	IC15. PARKING AND STORAGE AREA MAINTENANCE
Retail or wholesale fueling	IC18. VEHICLE AND EQUIPMENT FUELING
Pest control services	IC7. LANDSCAPE MAINTENANCE IC21. WASTE HANDLING AND DISPOSAL
Eating or drinking establishments	IC22. EATING AND DRINKING ESTABLISHMENTS
Mobile carpet, drape or furniture cleaning	IC4. CARPET CLEANING
Cement mixing or cutting	IC5. CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING
Masonry	IC5. CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING
Building Maintenance and Light Construction	IC3. BUILDING MAINTENANCE IC5. CONCRETE AND ASPHALT PRODUCTION, APPLICATION, AND CUTTING IC6. CONTAMINATED OR ERODIBLE SURFACES AREAS
Outdoor Activities	IC6. CONTAMINATED OR ERODIBLE SURFACES AREAS IC9. OUTDOOR DRAINAGE FROM INDOOR AREAS IC10. OUTDOOR LOADING/UNLOADING OF MATERIALS IC11. OUTDOOR PROCESS EQUIPMENT OPERATIONS AND MAINTENANCE IC12. OUTDOOR STORAGE OF RAW MATERIALS, PRODUCTS, AND CONTAINERS
Painting and coating	IC14. PAINTING, FINISHING, AND COATINGS OF VEHICLES, BOATS, BUILDINGS, AND EQUIPMENT
Botanical or zoological gardens and exhibits	IC2. ANIMAL HANDLING AREAS IC7. LANDSCAPE MAINTENANCE IC8. NURSERIES AND GREENHOUSES
Landscaping	IC7. LANDSCAPE MAINTENANCE
Nurseries and greenhouses	IC8. NURSERIES AND GREENHOUSES



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Activities/Sources	BMP Fact Sheets
Golf courses, parks and other recreational areas/facilities	IC6. CONTAMINATED OR ERODIBLE SURFACES AREAS IC7. LANDSCAPE MAINTENANCE
Cemeteries	IC7. LANDSCAPE MAINTENANCE
Pool and fountain cleaning	IC16. POOL AND FOUNTAIN CLEANING
Marinas	IC13. OVER WATER ACTIVITIES
Port-a-Potty servicing	IC21. WASTE HANDLING AND DISPOSAL

The City requires the implementation of the designated BMPs at each commercial facility based on site-specific conditions in order to limit that facility’s impact upon receiving water quality. If particular BMPs are infeasible at any specific site, other equivalent BMPs will be implemented.

A-9.2.6 Inspection and Enforcement

*A-9.2.6.1 Inspection*

Inspection frequencies for commercial facilities are based on permit requirements and the priority ranking assigned to each facility in **Section A-9.2.3**. A summary of required inspection frequencies based on priority ranking is shown in **Table A-9.6**. In addition to the inspection frequencies described in **Table A-9.6**, the City of Newport Beach will also investigate all complaints of illegal discharges from commercial facilities made by the public or by another agency or those violations arising from the results or dry-weather field screening or analytical monitoring program. In the event that a site is found to be non-compliant, inspection frequency will be increased to, at a minimum, once per month. Once a facility has been brought into compliance, an inspection frequency of once every four months will be maintained for the next calendar year following the date at which the facility is deemed to be in compliance.

**Table A-9.6 - Inspection Schedule Based on Priority Ranking**

Priority	Inspection Frequency
High	Once per permit Cycle <sup>1</sup>
Medium	N/A
Low	N/A

1. All facilities must be inspected at least once by July 1, 2004.

The City of Newport Beach will inspect commercial facilities to determine if they are in compliance with ordinances and permits, to review BMP implementation, to assess BMP



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effectiveness and to verify inventory information used for facility prioritization. Such inspections include review of:

- Material and waste handling and storage practices,
- Pollution control BMP implementation and maintenance, and
- Evidence of past or present unauthorized, non-storm water discharges.

The inspection procedures and form provided in **Exhibit A-9.III** will be used and provides a series of questions about specific activities taking place at a facility, as well as a list of suggested corrective actions that can be implemented should a problem be found.

In general the City of Newport Beach will conduct one of two types of inspections:

- **Compliance Inspections**

Initial compliance inspections will be announced so that the inspector can meet with responsible facility official(s) (e.g., owner, superintendent, compliance manager, engineering consultant, etc.) in order to provide more efficient communication of the storm water requirements and inspection goals. The inspection will focus on current facility operations and activities, BMPs currently in use, and the effectiveness of those BMPs. This inspection will also focus on verifying inventory spreadsheet information and, whenever possible, provide outreach education to facility staff. All re-occurring compliance inspection will cover the same information as an initial compliance inspection, but will typically be unannounced in order to verify compliance and that BMPs are being effectively implemented.

- **Follow-up Inspections**

For those facilities deemed to be non-compliant, the Permittee will perform compliance inspections once a month until said facilities are shown to be compliant, and then once every four months for a full calendar year after the facility achieves compliance. Generally, these inspections will be similar to Compliance Inspections except that; a) they will focus primarily on areas where a facility was deemed to be non-compliant and b) the inspections may be announced or unannounced, depending on which course of action the Permittee deems will be most conducive to continued facility compliance.

Should an inspected site demonstrate non-compliance, the City will coordinate the notification of appropriate agencies. An incident or practice of non-compliance that requires a hazardous materials emergency response will be considered a threat to human or environmental health and will be reported to the RWQCB and to appropriate hazardous waste management agencies. The City will provide oral notification to the RWQCB within 24 hours of the discovery of a non-compliant site meeting the criteria presented below. This will also be followed by written notification within 5 days of the discovery.



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Criteria to be used to determine whether an event of non-compliance poses a threat to human or environmental health includes the following:

- The event poses a significant or imminent threat to the quality of surface or ground waters and/or their beneficial uses.
- The event results in a spill or discharge of hazardous materials in excess of reportable quantities (as listed in 40 CFR Part 117 or 302).
- The event results in a spill or discharge of hazardous materials requiring a hazardous materials emergency response (see Section 10 of the DAMP).

### A-9.2.6.2 *Enforcement*

City inspectors with enforcement authority will issue enforcement actions to commercial facility owners and operators determined to be out of compliance. The inspectors will document each observed violation. Depending on the severity of the violation, enforcement actions can range from a verbal warning to civil or criminal court actions with monetary fines.

If a significant and/or immediate threat to water quality is observed by a City inspector, action will be taken to require the facility owner and/or operator to immediately cease the discharge. Also, notification of the incident will be sent to the RWQCB, Control One, OCHCA as appropriate.

The enforcement mechanisms available to inspectors, as detailed in Section 9.4.5 of the DAMP, are as follows (in increasing order of severity):

- Verbal Notification / Warning
- Notice of Violation
- Administrative Citation
- Infractions and misdemeanors

While these measures typically escalate in enforcement action, they don't have to be issued in the exact order presented here. City inspectors will apply or recommend any of the enforcement steps as appropriate based on the enforcement consistency guide (**Exhibit 4.I to DAMP Section 4**). The City of Newport Beach will ensure that violations of a similar nature are subjected to similar types of enforcement remedies.

### A-9.2.7 Food Preparation Facility Water Quality Program

The City of Newport Beach has developed a Food Preparation Facility (FPF) program for grease control in order to reduce grease blockages in public and private sewer lines. Refer to **Exhibit A-9.2-IV** for a copy of the procedure.



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### A-9.2.8 Training and Outreach

#### *A-9.2.8.1 Training*

A total of six training modules covering different aspects of the Model Existing Development Program have been developed. These modules are provided in **DAMP Appendix B, Section B-9**. The modules that address implementation of the commercial component of the program include the following:

#### *Existing Development Program Management Module (Appendix B, Exhibit B-9.I)*

This training module is targeted to Stormwater Program Managers. The module includes an overview of the Existing Development Program and then detailed discussions of the requirements that stormwater managers must address in their local implementation plans. Step by step instructions are provided to aid the managers in preparing their LIPs for industry, commercial businesses, residential, and common interest areas.

#### *Field Implementation of Existing Development Program Module (Appendix B, Exhibit B-9.II)*

This training module is targeted to staff responsible for code enforcement and inspection of industrial and commercial facilities. The module addresses the basic program element requirements and then provides detailed instruction on conducting inspections, including inspection forms, record keeping requirements, and enforcement tools available for code violations.

#### *A-9.2.8.2. Outreach*

The outreach strategy for reaching commercial businesses includes efforts such as including stormwater information on the City's webpage, ([www.cleanwaternewport.com](http://www.cleanwaternewport.com)) mass mailings, holding workshops, and development and distribution of brochures, posters, fact sheets, etc. More specific details on the training and outreach approach is provided in **Section A-6** of this LIP.

#### *Business-Specific Outreach*

The following commercial business-specific train-the-trainer modules which can be found in the **DAMP Appendix B, Section B-9** have been developed to be used by the City to perform training and outreach for local commercial businesses:

#### *Existing Development Program Training – Automobile Mechanical Repair, Maintenance, Fueling and Cleaning Businesses Module (Exhibit B-9.III)*

This training module is for business owners and operators of automobile maintenance related businesses. The module explains the overall effort by Orange County to address stormwater and what the business can do to improve water quality. The module provides examples of



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good source control Best Management Practices, including BMPs for fueling, maintenance & repair, and vehicle washing. References are provided for the business owner to pursue for more information.

### *Existing Development Program Training – Landscape Maintenance Businesses Module (Exhibit B-9.IV)*

This training module is for business owners and operators of landscape maintenance related businesses. The module explains the overall effort by Orange County to address stormwater and what the business can do to improve water quality. The module provides examples of good source control Best Management Practices in the areas of pest control, yard fertilizing and safer alternatives. References for the business owner to pursue for more information are also provided.

### A-9.2.9 Program Effectiveness Assessment

The overall Program Effectiveness Assessment (PEA) serves as the foundation for the submittal of the annual progress report that is submitted each year to the Principal Permittee and subsequently to the Regional Boards and serves as the basis for evaluating each municipality's individual commercial program efforts (See **DAMP Appendix C, Section C-8**).

The PEA allows each municipality to assess the effectiveness of their individual stormwater program components including those focused on addressing stormwater and non-stormwater discharges associated with commercial activity. The commercial program effectiveness assessment will enable the City to evaluate the effectiveness of the local program by focusing on data collected from the inventorying, prioritization, BMP implementation, inspection and enforcement of commercial facilities as well as training records.