

City of Escalon

Storm Water System Spill Response Plan

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1.0 PURPOSE

This Spill Response Plan, in compliance with the 2013 Phase II Permit, describes measures implemented by City of Escalon to prevent illicit discharge from occurring and prepares the city to respond in a safe, effective, and timely manner to mitigate the impacts of the discharge.

1.1 ADDITIONAL SPILL RESPONSE PLAN USES

In addition to complying with 2013 Phase II Permit requirements, this Spill Response Plan is to be used as a guide to:

- Respond to illicit discharge complaints, including initiating investigations and abating confirmed illicit discharges.
- Interact with emergency responders on spills of sewage, hazardous materials.
- Document investigations and responses.

2.0 ILLICIT DISCHARGES

2.1 DEFINITION OF ILLEGAL DISCHARGES [EMC 13.15.020]

“Illegal discharges” means any discharge to the MS4 system that is prohibited under local, state or federal statutes, chapters, codes or regulations. This includes all non-storm water discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with State Water Resources Control Board Water Quality Order No. 2003-0005-DWD, National Pollution Discharge Elimination System (NPDES) General Permit No. CAS 000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit).

2.2 TYPICAL TYPES OF ILLICIT DISCHARGES [EMC 13.15.030]

The following are typical types of illicit discharges:

- Untreated wash water when automotive service facilities are cleaned
- Untreated runoff from storage areas containing hazardous substances
- Commercial/municipal swimming pool filter backwash
- Washing out of concrete trucks

2.3 AUTHORIZED NON-STORMWATER DISCHARGES [EMC 13.15.035-A]

The following are authorized non-stormwater discharges:

- Water line flushing
- Diverted stream flows
- Uncontaminated groundwater infiltration
- Discharges from potable water sources
- Air conditioning condensation
- Springs
- Landscape irrigation
- Rising groundwater
- Uncontaminated pumped groundwater
- Foundation drains
- Irrigation water
- Water from crawl space pumps

- Footing drains
- Individual residential car washing
- De-chlorinated swimming pool discharges
- Lawn watering
- Flows from riparian habitats and wetlands
- Discharges or flows from fire-fighting activities

3.0 ROLES AND RESPONSIBILITIES

Depending on severity of the spill, the appropriate responder will vary. In the case that the spill might contain hazardous material, call 9-1-1 immediately. Use Table 1 to aide in the determination of the correct responder.

Some discharges require immediate response. These discharges typically can be taken care of by a Public Works crew as long as no hazardous materials are involved. Discharges that require immediate response include:

- Large discharges or discharges that will continue to grow if not stopped
- Discharges that will enter a waterway or storm drain if not stopped
- Discharges that might cure and be difficult to cleanup if not cleaned immediately (spilled cement)
- Spills that happen in standing water that if not taken care of immediately will only appear to go away when the water evaporates
- Other situations that if not handled immediately will cause a larger problem

4.0 RESPONSIBILITIES FOR RESPONDING TO ILLICIT DISCHARGE COMPLAINTS

Upon receipt of a complaint, record the following information:

- Where and when the spill occurred
- What material was spilled
- How much material was spilled
- Proximity of the spill to any waterway
- Person responsible for the spill

If the spill might possibly contain hazardous material immediately call 9-1-1.

If the spill does not contain any hazardous material forward the complaint to the Stormwater Pollution Hotline (209) 691-7495 (or the on call Public Works Crew if after business hours 209-456-1787).

Once the complaint has been received by the Public Works Superintendent, the Illicit Discharge Response Process should begin.

5.0 ILLICIT DISCHARGE RESPONSE PROCESS

This section describes the response process in the event of an illicit discharge. The process includes three steps: investigation, abatement, and documentation.

5.1 INVESTIGATING ILLICIT DISCHARGES

An investigation into the source of the illicit discharge must occur.

5.1.1 Investigation Timeline

An investigation shall be conducted to identify and locate the source of any suspected illicit discharge within 72 hours of becoming aware of the suspected illicit discharge. If the investigation takes a period longer than 72 hours then actions being done to identify the source of the illicit discharge must be documented. Discharges suspected of being sanitary sewage and/or significantly contaminated must be investigated within 24 hours.

5.1.2 Investigation Process

The investigation process is as follows:

1. Determine what material has been discharged
2. Determine the source of the discharged material
3. Determine the location of the affected outfall
4. Document the spill using photographs and written observations (include estimated flow data)
5. Obtain necessary samples for lab analysis
6. Determine the responsibility of the spill using Table 2

5.1.3 Outfall Monitoring

Any outfalls that are flowing or ponding more than 72 hours after the last rainfall need to be sampled. To help determine the source of the discharge, conduct monitoring for the indicator parameters identified in Table 4. When monitoring outfalls, verify that the action level concentrations for indicator parameters specified in Table 5, are not exceeded. If levels are exceeded, proceed with the illicit discharge response process and conduct follow-up investigations.

5.2 ABATING ILLICIT DISCHARGES

Abatement of the illicit discharge must occur.

5.2.1 Abatement Timeline

Within 72 hours of being notified by the City of Escalon, the illicit discharge must be eliminated by the responsible party.

5.2.2 Abatement Process

The abatement process should be completed as follows:

1. Block any catch basins nearby the affected area
2. Stop the source of the spill
3. Stop any type of transportation for the spill
4. Use absorbents or vacuum initial cleanup
5. Use shovels and brooms to properly dispose of the material
6. Dispose of waste properly

Wastes resulting from the discharge must be containerized in impervious bags, drums, or buckets. The waste must then be removed from the discharge location by a licensed waste hauler.

5.2.3 Enforcement [EMC 13.15.190]

Abatement can be enforced by the Public Works Superintendent. If the discharger does not comply in abating the discharge, the city can enter the private property and is authorized to do what is necessary to remediate the violation. Any expense related to the remediation taken on by the city shall be fully reimbursed by the property owner and/or responsible party.

5.3 DOCUMENTING ILLICIT DISCHARGES

The following must be provided when documenting the illicit discharge:

- Name, location, organization, and telephone number
- Name and address of the party responsible for the incident
- Date and time of the incident, investigation, and discharge elimination
- Location of the incident
- Source and cause of the release or discharge
- Type of material(s) discharged
- Quantity of material discharged
- Danger or threat posed by the discharge
- Number and types of injuries (if any)
- Any other information that may be applicable to the situation

An illicit discharge report form has been provided on page 18 of this Spill Response Plan.

Collect and file the documentation. Schedule and conduct follow-up inspections as necessary.

Report spills that reach a waterway to the San Joaquin County Environmental Health Department (209) 468-3420, CalEMA 1-800-852-7550, and the National Response Center 1-800-424-8802.

6.0 REFERENCES

Escalon Municipal Code
Phase II General Permit

APPENDIX A: TABLES

Table 1: Determination of the correct responder

Type of Discharge	Agency to Contact
Hazardous Material	Call 911, local fire department
Sewage spills to waterbodies	National Response Center 1-800-424-8802 SJCEHD (209) 468-3420, CalEMA 1-800-852-7550
Sanitary sewer overflow	Public Works Superintendent (209) 691-7471
Potable water line breaks	Public Works Water Operator (209) 691-7481
Non-hazardous nuisance discharge	Business Hours - Stormwater Pollution Hotline (209) 691-7495 After Hours - Public Works On Call (209) 456-1787

Table 2: Determination of Responsibility and Appropriate Responder

Determination of Responsibility	Appropriate Responder
Unable to determine responsibility for the spill	Perform cleanup or seek direction from the Public Works Superintendent
Unable to determine responsibility for the spill and the spill requires time-sensitive cleanup	A Public Works crew may perform the cleanup, as long as there were no hazardous materials involved in the spill
Responsibility can be determined	Cleanup is to be performed by the discharger
Responsibility can be determined and the discharger is unable to clean up the spill	A list of cleanup contractors is provided (Table 3) for the discharger to contact and the discharger is required to notify the City of Manteca once the cleanup has been completed
Responsibility can be determined and the discharger is unable the clean up the spill and the spill requires time sensitive cleanup	A Public Works crew can perform the cleanup as long as there were no hazardous materials involved in the spill. The Public Works department can then invoice the discharger for the work completed.

Table 3: Local cleanup contractors

Name of Contractor	Phone Number
Fremouw Environmental Services	(800) 559-3274
Ramcon Engineering and Environmental Contracting	(916) 372-7535

Table 4: Indicator Parameter Action Levels and Potential Sources

Indicator Parameters	Action Levels	Discharge Types it Can Detect			
		Sewage	Wash-water	Tap water	Industrial or Commercial Liquid Wastes
Ammonia	≥50 mg/L	●	○	○	○
Color	≥500 units	○	○	○	○
Electrical Conductivity	≥2,000 μS/cm	○	○	○	○
Detergents – Surfactants	None	●	●	○	○
Fluoride ¹	None	○	○	●	○
Hardness	≤10 or ≥2,000 mg/L as CaCO ₃	○	○	○	○
pH	≤5 or ≥9	○	○	●	○
Potassium	≥20 mg/L	○	○	○	●
Turbidity	≥1,000 NTU	○	○	○	○

● Can almost always (>80% of samples) distinguish this type of discharge from clean flow types (tap water or natural water).
 ○ Can sometimes (>50% of samples) distinguish this type of discharge from clean flow types, or can be helpful in combination with another parameter.
 ○ Poor indicator for this type of discharge.

¹ Fluoride is a poor indicator when used as a single parameter, but when combined with additional parameters (such as detergents, ammonia and potassium), it can almost always distinguish between sewage and wash water.

Data source: 2013 Phase II Permit, Pitt (2004)

Table 5: Action Level Concentrations for Indicator Parameters

Indicator Parameter	Action Level Concentration
Ammonia	>= 50 mg/L
Color	>= 500 units
Conductivity	>= 2,000 μS/cm
Hardness	<= 10 mg/L as CaCO ₃ or >= 2,000 mg/L as CaCO ₃
pH	<= 5 or >=9
Potassium	>= 20 mg/L
Turbidity	>= 1,000 NTU

APPENDIX B: ESCALON MUNICIPAL CODE

Chapter 13.15 Storm Water Management and Discharges

13.15.010 Purpose.

The purpose of this chapter is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing in watersheds within the city of Escalon. This chapter seeks to meet that purpose through the following objectives:

- A. Minimize increases in storm water runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of drainage channels;
- B. Minimize increases in non-point source pollution caused by storm water runoff from development that would otherwise degrade local water quality;
- C. Minimize the total annual volume of surface water runoff that flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
- D. Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety. (Ord. 542 § 1, 2014)

13.15.020 Definitions.

For purposes of this chapter the following terms have the following meanings:

“Accelerated erosion” means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind or chemical action.

“Best management practices” or “BMPs” means activities, practices, facilities and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges and any program, technology, process, siting criteria, operational methods or measures or engineered systems that when implemented prevent, control, remove or reduce pollution. Examples of BMPs may include: public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets and proper sludge or waste-handling and disposal, among others.

“Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than one hundred square feet of area.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“City” means the City of Escalon.

“Detention” means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

“Developer” means a person who undertakes land disturbance activities.

“Development” means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects: or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity or original purposes of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Director” means the director of the city of Escalon’s Department of Public Works.

“Erosion and sediment control plan” means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

“Hazardous material” means any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

“Hazardous waste” means any hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which has been suspended under the Solid Waste Disposal Act (42 U.S.C. Sec. 6901 et seq.) by act of Congress.

“Illegal discharges” means any discharge to the MS4 system that is prohibited under local, state or federal statutes, chapters, codes or regulations. This includes all non-storm water discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with State Water Resources Control Board Water Quality Order No. 2003-0005-DWD, National Pollution Discharge Elimination System (NPDES) General Permit No. CAS 000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit).

“Illicit connections” means any human-made conveyance that is connected to the MS4 system without a permit, excluding roof drains and other similar types of connections. Examples include channels, pipelines, conduits, inlets or outlets that are connected directly to the MS4 system.

“Infiltration” means the process of percolating storm water into the subsoil.

“Maintenance agreement” means a legally recorded document that acts as a property deed restriction and which provides for long-term maintenance of storm water management practices.

“Material” means any substance including but not limited to: garbage and debris; lawn clippings, leaves and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners and any fluid or solid containing chemicals.

“Municipal separate storm sewer system” or “MS4” means streets, gutters, conduits, natural or artificial drains, channels and watercourses or other facilities that are owned, operated, maintained or controlled by the city and used for the purpose of collecting, storing, transporting or disposing of storm water.

“Non-point source pollution” means pollution from any source other than from any discernible, confined and discrete conveyances and includes but is not limited to pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

“NPDES permit” means a National Pollutant Discharge Elimination System (NPDES) Permit administered by the State of California, through its various regional water quality control boards.

“Person” means any natural person, corporation, association, partnership or other entity.

“Pollutant” means those “pollutants” defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. § 1362(6)) or incorporated into California Water Code § 13373. Examples of pollutants include but are not limited to the following:

1. Commercial and industrial waste such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge;
2. Metals such as cadmium, lead, zinc, copper, silver, nickel and chromium and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;
5. Animal wastes such as discharge from confinement facilities, kennels, pens, recreational facilities, stables and show facilities; and
6. Substances having characteristics such as pH less than six or greater than nine or unusual coloration or turbidity or excessive levels of fecal coliform, fecal streptococcus or enterococcus.

The term “pollutant” shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term “pollutant” also shall not include any substance identified in this definition if, through compliance with the best management practices (“BMPs”) available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the available BMPs.

“Redevelopment” means any land disturbing activity occurring on existing developed property.

“SSJID shared facilities” means facilities owned by the South San Joaquin Irrigation District (SSJID) that are also used by the City of Escalon for storm drainage.

“Spill” means to cause, allow or permit the flowing, running or falling, especially in an accidental manner, of any liquid, semi-liquid or solid substance or material.

“Storm water management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

“Storm water runoff” means water flow on the surface of the ground as the result of precipitation.

“Urban runoff” means any flow of water originating from urban areas including but not limited to rain, irrigation, wash water and air conditioning condensate.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. (Ord. 542 § 1, 2014)

13.15.030 Prohibition of illegal discharges.

No person shall discharge, permit to be discharged or cause to be discharged any materials including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards into either any part of the MS4 or any part of a water course.

A. It is prohibited to throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left, maintained or kept any refuse, rubbish, garbage or any other discarded or abandoned objects, articles or accumulations in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place or upon any public or private plot of land in the city, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, lake, stream or other body of water within the city. This subsection shall not apply to refuse, rubbish or garbage deposited in containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

B. It is prohibited to intentionally dispose of leaves, dirt or other landscape debris into the MS4.

C. No person shall discharge or allow the discharge of any of the following types of non-storm water discharges into the MS4, unless done pursuant to the terms and conditions of a separate NPDES permit or pursuant to an exemption issued by either the Central Valley Regional Water Quality Control Board (“regional board”) or the State Water Resources Control Board:

1. The discharge of untreated wash waters when gas stations, auto repair garages or other type of automotive service facilities are cleaned;
2. The discharge of untreated waste water from mobile auto washing, steam cleaning, mobile carpet cleaning and other such mobile commercial and industrial operations;
3. To the maximum extent practicable, discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
4. Discharges of untreated runoff from storage areas of materials containing grease, oil or other hazardous substances and uncovered receptacles containing hazardous materials;
5. Discharges of commercial/municipal swimming pool filter backwash;
6. Discharges of untreated runoff from the washing of toxic materials from paved or unpaved areas; provided, however, that non-industrial and non-commercial activities which incidentally generate urban runoff, such as the hosing of sidewalks and the non-commercial hand-washing of cars, shall be excluded from this prohibition;
7. To the maximum extent practicable, discharges from washing impervious surfaces in industrial/commercial areas which results in a discharge of untreated runoff, unless specifically required by state’s, city’s or San Joaquin County’s health and safety codes or permitted under a separate NPDES permit;
8. Discharges from the washing out of concrete trucks;
9. Discharges of any pesticide, fungicide or herbicide banned by the United States Environmental Protection Agency (“USEPA”) or the California Department of Pesticide Regulation; or
10. The disposal of hazardous wastes into trash containers used for municipal trash disposal, where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

(Ord. 542 § 1, 2014)

13.15.035 Exceptions to discharge prohibitions.

The following discharges are excepted from the prohibitions set forth under Section 12.15.030:

A. Discharges from the following activities will not be considered a source of pollutants to the MS4 system and to waters of the United States when properly managed to ensure that no potential pollutants are present and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act or this chapter: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to the MS4 system, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges and discharges or flows from firefighting activities.

B. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered by the State of California under the authority of the USEPA, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations and provided that written approval has been granted by the city for any discharge to the MS4.

C. The prohibition shall not apply to irrigation and drainage waters under control of the South San Joaquin Irrigation District (SSJID) that are being transported by SSJID shared facilities.

D. With written concurrence of the Regional Board, the city may exempt in writing other non-storm water discharges which are neither a source of pollutants to the MS4 system nor waters of the United States. (Ord. 542 § 1, 2014)

13.15.040 Prohibition of illicit connections.

A. The construction, use, maintenance or continued existence of illicit connections to the MS4 system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 542 § 1, 2014)

13.15.050 Waste disposal prohibitions.

No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, left or maintained in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the MS4 system or water of the United States any refuse, rubbish, garbage, litter or other discarded or abandoned objects, articles and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition. (Ord. 542 § 1, 2014)

13.15.060 Discharges in violation of industrial or construction activity NPDES storm water discharge permit.

A. Any person subject to an industrial NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director upon inspection of the facility, during any enforcement proceeding or action or for any other reasonable cause.

B. Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to or as a condition of a subdivision map, site plan, building permit or development or improvement plan; upon inspection of the facility; during any enforcement

proceeding or action; or for any other reasonable cause. Prior to issuance of a construction permit a copy of the Notice of Intent (NOI) and the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the city. (Ord. 542 § 1, 2014)

13.15.070 Requirement to prevent, control and reduce storm water pollutants.

A. Authorization to Adopt and Impose Best Management Practices (BMP). The city will adopt requirements identifying best management practices for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the MS4 system or waters of the United States as a separate BMP Guidance Series. Where best management practice requirements are promulgated by the city or any federal, state of California or regional agency for any activity, operation or facility which would otherwise cause the discharge of pollutants to the MS4 system or water of the United States, every person undertaking such activity or operation or owning or operating such facility shall comply with such requirements.

B. New Development and Redevelopment. The city may adopt requirements identifying appropriate design standards and best management practices to control the volume, rate and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The city shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions and conditions of such land use entitlements and building permits as required in this chapter.

C. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B, any person engaged in activities or operations or owning facilities or property which will or may result in pollutants entering storm water. The MS4 system or waters of the United States shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses. facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. Best management practices required by the city can be obtained from the public works department by requesting the BMP manual appropriate to a commercial or industrial activity from the BMP Guidance Series.

D. Maintenance Agreements. All structural and non-structural permanent storm water BMPs not in the control of the city shall have an enforceable maintenance agreement to ensure the system functions as designed. The agreement shall include any and all maintenance easements required to access and inspect the storm water BMPs and to perform routine maintenance as required. Such agreements shall specify the parties responsible for the proper maintenance of all storm water BMPs. (Ord. 542 § 1, 2014)

13.15.080 Landscaping and stabilization requirements.

Any area of land, not covered by an impervious surface, from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be landscaped within ten days from the substantial completion of such clearing and construction. No person shall use or otherwise employ impervious material, such as plastic, placed under decorative rock, bark or other landscape covers in meeting the landscaping requirements under this section. Backyards of residential single-family

dwellings which would otherwise be covered by this section are exempt where storm water is contained on the property. (Ord. 542 § 1, 2014)

13.15.090 Requirement to monitor and analyze.

The director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges and/or non-storm water discharges to the MS4 or to the waters of the United States is to undertake at said person's expense such monitoring and analyses and to furnish such reports to the city as the director shall deem necessary for determining that person's compliance with this chapter. (Ord. 542 § 1, 2014)

13.15.100 Spill prevention and response plan.

Any person subject to an Industrial NPDES storm water discharge permit shall maintain a spill prevention and response plan as part of their Storm Water Pollution Prevention Plan (SWPPP). The methods, procedures, mechanisms and facilities established and utilized for the purpose of preventing accidental discharges or spills of materials with pollution potential shall be provided and maintained at the owner's or user's own cost and expense. The SWPPP shall outline the user's spill prevention and response procedure, describe the nature and location of any chemicals stored on the user's premises and shall contain procedures for immediately notifying the city and preventing adverse impacts of any discharge of chemicals, substances or materials. (Ord. 542 § 1, 2014)

13.15.110 Prohibition of spills.

No person shall allow a spill to discharge into the MS4 or any watercourse. (Ord. 542 § 1, 2014)

13.15.120 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4 or water of the United States from said facility, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event that a responsible person becomes aware of a release of hazardous materials, they shall immediately notify emergency response officials of the release via emergency dispatch services (i.e., by calling 911). In the event of a release of non-hazardous materials, the responsible person shall notify the city's public works department in person, by phone or facsimile not later than five p.m. of the next business day.

Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city's public works department within three business days of the phone notice, lithe discharge of hazardous materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. 542 § 1, 2014)

13.15.130 Authority to inspect.

Whenever necessary to make an inspection to enforce any provision of this chapter or whenever the director has cause to believe that there exists or potentially exists, in or upon any premises within the city, any condition which constitutes a violation of this chapter, the director is authorized to enter such premises at all reasonable times for the purpose of inspecting said premises. The director is further authorized to inspect and copy all records at a facility which are related to storm water compliance. In the event that the owner or occupant of the premises refuses to allow either the director or persons authorized by the director to enter said premises for the purposes of conducting an inspection authorized by this chapter after the director or a person authorized by the director has asked the owner or occupant of said

property to enter thereon for the purposes authorized by this chapter, the city may seek the assistance of a court of competent jurisdiction in order to facilitate the purposes of this section. (Ord. 542 § 1, 2014)

13.15.140 Authority to sample, establish sampling devices, test and photograph.

During any inspection as provided herein, the director may take any samples, perform any testing deemed necessary and take photographs to aid in the pursuit of the inquiry or to record site activities. (Ord. 542 § 1, 2014)

13.15.150 Notice of violation.

Whenever the director finds that a person has violated or otherwise failed to meet a requirement of this chapter, the director may order a person to comply with this chapter by either personally serving that person with a written notice or by sending written notice to that person by certified mail. Such notice may require without limitation:

- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs; and/or
- F. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline by which such remediation or restoration shall be completed. Said notice shall further advise that, if the violator fails to complete the remediation or restoration described in the written notice provided for under Section 13.15.150 within the time provided for therein, the city or a contractor designated by the director shall complete the work specified in the notice, and the city shall charge all expenses related to the city or contractor's performance of said work to the responsible person as provided for under Section 13.15.180. (Ord. 542 § 1, 2014)

13.15.160 Appeal.

Notwithstanding the provisions of Section 13.15.190, any person receiving a notice of violation under Section 13.15.150 may appeal the director's determination to the city manager. The notice of appeal must be received by the city manager within five days from the date of the notice of violation. Hearing on the appeal before the city manager or his or her designee shall take place within fifteen days from the date of city's receipt of the notice of appeal. The decision of the city manager or designee shall be final. (Ord. 542 § 1, 2014)

13.15.170 Abatement by City.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal under Section 13.15.160, within ten days of the decision of the city manager upholding the decision of the director, then the city or a contractor designated by the director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 542 § 1, 2014)

13.15.180 Charging cost of abatement/liens.

Within thirty days after abatement of the nuisance by city, the director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the city clerk within fifteen days. The city clerk shall set the matter for public hearing by the city council. The decision of the city council shall be set forth by resolution and shall be final.

If the amount due is not paid within ten days of the decision of the city council or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land. (Ord. 542 § 1, 2014)

13.15.190 Urgency abatement.

The director is authorized to require the immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the director, the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent city from seeking other and further relief authorized under this chapter. (Ord. 542 § 1, 2014)

13.15.200 Violations.

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a misdemeanor and shall be punishable as set forth in California Penal Code Section 19. (Ord. 542 § 1, 2014)

13.15.205 Strict liability.

By securing a permit from the city of Escalon for development, encroachment, or the construction of a work improvement the permittee shall be strictly liable, in any criminal proceeding, for allowing or failing to prevent a violation of this chapter by the permittee, its employees, subcontractors or material men.

In any prosecution for a violation of this chapter against a permittee based on the act or omissions of an employee, subcontractor, or material men it shall only be required that it be shown that the permittee was issued a development, encroachment, or construction permit and that a violation of this chapter occurred at the site for which a permit was issued. (Ord. 542 § I, 2014)

13.15.210 Compensatory action.

In lieu of enforcement proceedings, penalties and remedies authorized by this chapter, the director may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. 542 § 1, 2014)

13.15.220 Violations deemed a public nuisance.

In addition to the enforcement processes and penalties herein before provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety and welfare, is declared and deemed a nuisance and may be summarily abated or restored by the city at

the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the city. (Ord. 542 § 1, 2014)

13.15.230 Acts potentially resulting in violation of Clean Water Act and/or California Porter-Cologne Act.

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter, may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability. (Ord. 542 § 1, 2014)

Illicit Discharge Report Form
 City of Escalon

Location of Illicit Discharge:	
Type of location (private residence, industrial park, etc.):	
Material Discharged:	Discharge Date and Time:
Quantity Released:	Discovery Date and Time:
Quantity Released to Waterbody:	Discharge Duration:
Location/Source:	
Actions taken to stop, remove, and mitigate impacts of the discharge:	
Affected Media: <input type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Soil <input type="checkbox"/> Stormwater Sewer <input type="checkbox"/> Other: _____	Person Notified: _____ Agency/Department: _____
Nature of discharges, environmental/health effects and damages (if any):	
Injuries, fatalities, or evacuation required?	
Date: _____ Name: _____ Time: _____	

EMERGENCY CONTACT LIST	
City Management	
Public Works Superintendent	(209) 691-7471
City Manager	(209) 691-7400
Local Emergency Response	
Emergency Response Number	911
Local Fire Department	911
Hospital: Doctor's Memorial 1205 East North St Manteca, CA	911 or (209) 823-3111
Response/Cleanup Contractors	
Fremouw Environmental Services	(800) 559-3274
Ramcon Engineering and Env. Contracting	(916) 372-7535
Notifications	
California Emergency Management Agency (CalEMA)	(800) 852-7550
National Response Center	(800) 424-8802
United States Environmental Protection Agency Regional Administrator- Region 9 (US EPA RA)	(800) 300-2193
San Joaquin County Office of Emergency Services	(209) 953-6200
San Joaquin County Certified Unified Program Agency	(209) 468-3420