

<h1>POLICY MANUAL</h1>	Date Adopted: February 23, 2000
Classification: STORM WATER QUALITY	Date Last Amended: 05/24/2000; 08/16/2000; Replaces Policy: On-Site Treatment for New Non-Residential Development Dated 12/12/95
Subject: Interim Policy Providing for Compliance with Post-Construction and Industrial Storm Water Pollution Control Requirements ⁽¹⁾	Approved By:

1. Policy:

As required by the federal Clean Water Act, the District must control pollutants discharged to storm water from new construction, commercial and industrial developments to the maximum extent practicable. The Fresno-Clovis National Pollutant Discharge Elimination System municipal storm water discharge permit (NPDES permit) issued to the District and its co-permittees requires the District to impose and enforce conditions no less stringent than state and federal storm water quality control requirements on local development projects.

The Clean Water Act and the California National Pollutant Discharge Elimination System General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (General Permits) require developers of projects disturbing five or more acres of land and projects involving specified industrial activity to control pollutants generated during construction, and to implement measures to control pollutants that may be generated at the site after the development project is completed.

The Clean Water Act, NPDES permit, and the General Permits also prohibit the discharge of waters other than storm water to the municipal storm drain system.

The District's effort to comply with the federal mandate and its NPDES permit shall include the guidelines identified in this policy.

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II. Purpose:

This policy sets forth guidelines for the control of post-construction pollutants generated by new non-residential development which can impact urban storm water runoff. This policy is designed and intended to ensure consistent compliance with state and federal stormwater quality regulations, while allowing site developers and users maximum flexibility in achieving the required post-construction controls.

III. Definitions:

- A. **Developer:** as used in this policy, is the landowner, or for construction on easements or others' property by agreement or permission, the entity responsible for construction. This definition is consistent with the State General Permit for Construction Activity definition of the discharger legally responsible for permit compliance.
- B. **Materials which may contaminate storm water runoff:** include, but are not limited to: 1) pesticides, herbicides, and fertilizers; 2) solvents and degreasers; 3) fuels, oils, and greases; 4) pigments and paints, including oil- and water-based; 5) industrial and commercial chemicals or products which may release volatile and semi-volatile organic compounds, dissolved or particulate metals, polynuclear aromatic hydrocarbons, or chlorine; 6) detergents and surfactants; 7) plant and animal wastes; and 8) sediments.

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C. **Non-Storm Water Discharges:** Discharges to the municipal storm drain system consisting of any solid or liquid other than rainfall runoff and water from landscape irrigation. See the District’s Prohibited and Conditionally Allowable Non-Storm Water Discharge Policy.

D. **Storm Water Quality Controls:**

1. Storm water treatment controls include, but are not limited to, vegetated swales and strips which provide for the filtration and settling of suspended pollutants in storm water and provide biological treatment through microbial action and plant uptake. A swale is a linear depressed area that receives flow from an upstream pipeline, gutter, or other conveyance. A strip is a non-depressed area which intercepts sheet flow from a parallel contributing surface.
2. Proprietary filters and catchment devices claiming to provide storm water treatment are available and may or may not provide effective treatment under certain conditions and situations.
3. Structural features which provide for spill containment, prevent contact of rainfall or runoff with materials which may contaminate runoff, or otherwise reduce or eliminate the generation or release of a pollutant, and may include roof coverings, valves, and features which otherwise satisfy the no exposure exemption provided by the federal storm water Phase II regulations.

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IV. Regulatory References:

- A. **Federal Clean Water Act and Implementing Regulations:** The federal Clean Water Act requires operators of municipal storm water drainage systems to develop and implement plans to reduce pollutants in storm water discharges "to the maximum extent practicable" [Section 402 (p)(3)(B)]. Municipal systems are specifically mandated to control pollutants from commercial and industrial facilities and new development (40 CFR 122.26) and to effectively prohibit non-storm water discharges to the municipal storm drain system.
- B. **State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities:** Federal law and the General Permits currently require developers of construction projects disturbing five acres or more land (Phase II regulations have reduced this regulatory threshold to 1 acre), and discharges associated with industrial activity not otherwise exempt from NPDES permitting, to implement controls of pollutant discharges that utilize best available technology economically achievable and best conventional pollutant control technology to reduce pollutants, and any more stringent controls necessary to meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after the project is completed (hereinafter "post-construction").

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V. Interim Guidelines:

A. Selection of Controls:

1. Developers of new non-residential developments shall select and implement post-construction storm water quality controls as necessary to: a) meet the requirements of the General Permits, b) eliminate the potential for non-storm water to enter the municipal storm drain system, and c) where possible minimize contact with materials which may contaminate storm water runoff.
2. Developers of speculative non-residential developments shall assume materials that may contaminate storm water may be present during operation of a facility which is constructed to have outdoor handling, processing, or storage areas.
3. Controls may be selected from and designed in accordance with any recognized storm water quality best management practices manual or guidance document (see references). At a minimum, developers must review and select appropriate and applicable practices recommended in the Fresno-Clovis Storm Water Quality Management Program Post-Construction Guidelines.
4. On-site storm drains associated with regulated industry activity are encouraged, but not required, to drain onto and through a swale or strip or otherwise be treated to filter out storm water pollutants prior to discharge of runoff off-site.

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B. Minimum Requirements and Proof of Compliance:

1. Industrial Development

- a. Industrial developments which are regulated by the State General Permit for Construction and/or will result in discharges regulated by the State General Permit for Industrial Activities [40 CFR 122.26(b)(14)] shall demonstrate proof of compliance with this policy, the General Permits, and all related storm water quality control laws, regulations, and local codes.
- b. The District shall not execute site plans until proof of coverage under the General Permits and compliance with this policy is submitted. Proof of compliance shall be accomplished by submitting to the District a certification in a form provided by the District and signed by the developer's corporate officer, authorized manager, general partner, or proprietor, attesting under penalty of law to the developer's compliance. The certification shall be in the form shown on Exhibit A and as subsequently amended by the District.

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In lieu of submitting the certification, proof of permit and policy compliance may be accomplished by submitting to the District a copy of the General Permits' Notice of Intent, the Storm Water Pollution Prevention Plan(s) demonstrating construction and post-construction site conditions, and the State's Certification(s) of Compliance. The Storm Water Pollution Prevention Plan(s) shall demonstrate incorporation of those controls as required by the permit(s).

2. In order to effectively prevent the entry of non-storm water discharges to the municipal storm drain system, drains associated with loading docks, and areas where materials which may contaminate storm water runoff are handled, processed, or stored, shall not be directly connected to District storm drains.

Below grade connections to District storm drains from depressed loading docks are prohibited, unless such connections are approved on a case-by-case basis in accordance with the District Pipeline Design Standard as amended May 10, 2000 for Limitation on Direct Connections Below Top of Curb Elevations. Any such direct connection shall require a device to contain spills, such as a valve or gate conspicuously marked and readily accessible to loading dock employees. The design and installation of the containment device must be approved by the District. The District may impose additional requirements to ensure responsible operation of the device, including but not limited to proof of device maintenance and adequate employee training.

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3. Projects which will handle or store hazardous materials and that are required to complete Hazardous Material Business Plans and or Emergency Spill Prevention, Control, Containment and Countermeasure Plans shall submit a copy of such plans to the District prior to occupancy.
4. The developer shall ensure the following as to all future commercial or industrial uses of the facility: a) District inspection of drainage facilities and outdoor material handling, processing, and storage areas; b) participation in the District pollution prevention training program for site employees; and c) maintenance of spill prevention, control, containment measures and training specific to the on-site and municipal storm drainage systems.

VI. Reference Documents:

California Storm Water Construction Activity Best Management Practices Handbook. Storm Water Quality Task Force. March 1993

California Storm Water Municipal Best Management Practices Handbook. Storm Water Quality Task Force. March 1993. [*Best Management Practice TC4, page 5-32 provides design, construction, turf, and maintenance information for treatment swales and strips.*]

California Storm Water Industrial Best Management Practices Handbook. Storm Water Quality Task Force. March 1993.

“Fresno-Clovis Storm Water Quality Management Program Post-Construction Guidelines.” Fresno Metropolitan Flood Control District. March 1995.

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Exhibit A

Compliance Certification Form

I certify under penalty of law that all minimum requirements of the Fresno Metropolitan Flood Control District's (District) Interim Policy Providing for Compliance with Post-Construction and Industrial Storm Water Pollution Control Requirements (Policy), the State's General Storm Water Permits for Construction and Industrial Activities (as applicable to the subject site's discharge), and all related storm water quality control laws, regulations, and local codes are/will be complied with and implemented on the development noted below.

I further certify under penalty of law that the Notice of Intent, filing fee, storm water pollution prevention plan, monitoring plan, reporting plan, and post-construction storm water quality management plan were/will be completed in compliance with the provisions of the State's General Construction Storm Water Permit for the development. Furthermore, the required storm water pollution prevention, monitoring, reporting, and post construction plans were/will be developed under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information included in such plans.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information developed is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for preparing false information including the possibility of fine and imprisonment for knowing violations.

In accordance with the Policy, I shall also ensure to the extent of my ownership or control of the site that all future commercial or industrial uses of the developed facility authorize District inspections of drainage facilities and outdoor material handling, processing, and storage areas; ensure site employees participate in District pollution prevention training programs; maintain spill prevention, control, containment measures and training specific to the on-site and municipal storm drainage system; and will submit to the District copies of any and all hazardous material and/or spill prevention plans prepared for the site.

Development Name/Location

Development Number/Assessor Parcel Number

*Name

Signature

Date

Title

Phone Number

*The Compliance Certification form must be signed by the developer's corporate officer, authorized manager, general partner, or proprietor, attesting under penalty of law to the developer's compliance.