

POLICY MANUAL	Date Adopted: February 23, 2000
Classification: STORM WATER QUALITY	Date Last Amended: 05/24/2000; 08/16/2000; 01/09/2019; 04/24/2019
Subject: Providing for Compliance with Post-Development and Industrial Storm Water Pollution Control Requirements ⁽¹⁾⁽²⁾	Approved By:

I. Background:

Without proper treatment, urban stormwater runoff can convey pollutants into local waterbodies, threaten human health, public water supplies, aquatic habitats, and possibly deter economic activities. The Federal Clean Water Act (CWA), as amended by the 1987 Water Quality Act, requires regulated municipalities to develop and implement Best Management Practices (BMPs) to reduce, to the maximum extent practicable, the release of pollutants in stormwater from new development.

The National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) dischargers, as issued to the District and its Co-Permittees, requires the implementation of a Planning and Land Development program to minimize the short- and long-term impacts on receiving water quality from new development and re-development.

The Fresno-Clovis Storm Water Quality Management Program (SWQMP) requires the installation and preventative maintenance of post-development BMPs (e.g. catch basin inserts or approved devices) for industrial and commercial priority land uses within drainage areas that have potential to discharge to the San Joaquin River or drainage areas that lack regional stormwater mitigation basins.

II. Purpose:

The purpose of this policy is to provide the development industry with specific guidance regarding the control of post-development pollutants generated by new developments and re-developments, which can affect urban stormwater runoff in areas without regional stormwater mitigation basins and River discharging basins. This policy is designed to ensure consistent compliance with state and federal stormwater quality regulations, while allowing site developers and users maximum flexibility in achieving the required post-development controls.

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The control of pollutants in post-development runoff is essential in achieving the public's stormwater quality goals and protecting beneficial uses of the community's water resources and protecting the long-term use of the regional stormwater mitigation system for flood control, pollutant removal, groundwater recharge and recreation. This is most economically accomplished during the planning and design phases of development projects.

III. Policy:

It is the responsibility of the District to control stormwater pollutants from many sources. This policy addresses stormwater pollutants generated after development is completed by implementing post-development standards. This policy outlines the required post development standards for priority projects, which are located near receiving waters such as the San Joaquin River.

A. Post-Development BMPs:

1. Developers of priority projects must review and select appropriate and applicable practices recommended in the District's Post-Development Standards Technical Manual, as supplied on the District website, or the California Stormwater Quality Association (CASQA) Municipal Handbook as approved by the Environmental Resources Manager.
2. Developers of speculative priority projects shall assume materials that may contaminate storm water are present during operation of a facility that is constructed to have outdoor handling, processing, or storage areas.
3. Developers of priority projects shall select and implement post-development stormwater quality controls as necessary to: a) meet the requirements of the MS4 stormwater permit's Post Development Standards, b) eliminate the potential for non-stormwater to enter the

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municipal storm drain system, and c) minimize contact with materials which may contaminate stormwater runoff.

B. Below Grade Connections:

1. Below grade connections to District storm drains from depressed loading docks are allowed if approved by the District Engineer-Assistant General Manager pursuant to the Limitation on Direct Connections Below Top of Curb Elevations Policy. An automated backflow valve and a manual shut-off valve shall be placed in line between the depressed dock and public drainage system. The manual shut-off valve shall be conspicuously marked and readily accessible to loading dock employees.
2. The system shall be annually inspected by the property owner to ensure the following: 1) the valves are operating as designed, 2) stormwater runoff from surrounding areas or roof drains is consistent with District approved plans and 3) the shut-off valve is conspicuously marked. Employees shall be adequately trained, at least annually, on proper the proper operation and maintenance associated with the depressed loading dock system.
3. The design and installation of the containment device must be approved by the District.

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C. Industrial Development

1. Industrial development, if covered by the IGP, selects and implements appropriate minimum Best Management Practices (BMPs) to control materials that may contaminate stormwater runoff.
2. If the development has the potential to cause or contribute to an exceedance of a Water Quality Objective (WQO) the Environmental Resources Manager, through the “Notice of Requirements” or other application communication mechanism, may recommend additional Post-Development BMPs be incorporated into the project.

D. Proof of Compliance:

1. Priority projects, developments with depressed loading docks and industrial developments with Advanced BMPs shall demonstrate proof of compliance with this policy, the IGP, and all related stormwater quality control laws, regulations, and local codes as applicable. The District shall not execute site plans until the following documents are approved by the Environmental Resources Manager:
 - a. A fully executed and recorded Agreement for mitigation of runoff quality, including a Maintenance Plan meeting the requirements listed in Section 7 of the District’s Post-Development Standards Technical Manual. The Agreement shall be approved as to form by District General Counsel.
 - b. A letter of intent, signed by Owner/Operator, which commits to obtaining a Notice of Intent (NOI), No Exposure Certification

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(NEC), or Notice of Non-Applicability (NONA), if the proposed activity is covered under the IGP.

2. Annual Assessments

- a. The property owner shall prepare an annual report to document compliance with the maintenance agreement and plan.
- b. This report shall be submitted to the District prior to September 1st of each year. The District shall provide a 60-day notice to the property owners subject to these requirements as a reminder of their obligations under the Agreement.

IV. Definitions:

- A. **Developer:** as used in this policy, is the property owner, 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 that may contaminate stormwater 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-Stormwater 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. **Priority Projects:** Projects that are located in areas that do not drain to the Regional Stormwater Mitigation system or projects located in areas that drain to a river discharging basin and meeting one or more of the following criteria:
1. Home subdivisions of 10 housing units or more;
 2. Commercial/Industrial developments greater than 100,000 square feet;
 3. Automotive repair shops;
 4. Restaurants;
 5. Parking lots 5,000 square feet or greater with 25 or more parking spaces and potentially exposed to urban runoff;
 6. Streets and roads;
 7. Retail gasoline outlets (RGOs); and,
 8. Significant redevelopment projects, which are developments that result in creation or addition of at least 5,000 square feet of impervious surface on an already developed site.

V. Regulatory References:

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- A. Federal Clean Water Act and Implementing Regulations:** The federal Clean Water Act requires operators of MS4s to develop and implement plans to reduce pollutants in storm water discharges "to the maximum extent practicable" [Section 402 (p)(3)(B)]. MS4s are specifically mandated to implement and enforce controls to reduce the discharge of pollutants from areas of new development or redevelopment, industrial and commercial facilities (40 CFR 122.26), and to effectively prohibit non-storm water discharges to the municipal storm drain system.
- B. State General Permit for Storm Water Discharges Associated with Industrial Activities:** Federal law and the Industrial General Permit (IGP) require discharges associated with industrial activity, not otherwise exempt from NPDES permitting, to implement controls of pollutant discharges that utilize best available technology(BAT) economically achievable and best conventional pollutant control technology(BCT) to reduce pollutants, and any more stringent controls necessary to meet water quality standards

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VI. Reference Documents:

California Regional Water Quality Control Board Central Valley Region. *National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements General Permit for Dischargers from Municipal Separate Storm Sewer Systems (CAS00853240, Order No. R5-2016-0040)*. June 21, 2016.

California State Water Resources Control Board. *General Permit for Storm Water Discharges Associated with Industrial Activities (Order No. 2014-0057-DWQ)*. April 1, 2014.

Fresno Metropolitan Flood Control District. *Fresno-Clovis Storm Water Quality Management Program*. November 2013.

Fresno Metropolitan Flood Control District. *Post-Development Standards Technical Manual*. June 2014.

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