

# **City of Gladstone Industrial/Commercial Facilities Inspection Strategy**

*July 1, 2013*

*Updated May 15, 2023*

## **Background**

Consistent with Schedule A.1.a of its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit, the co-permittees must continue to implement, adaptively manage, and enforce a Stormwater Management Program (SWMP) designed to reduce pollutants from the MS4 to the maximum extent practicable, to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. Compliance with this permit and implementation of the DEQ-approved SWMP Document in accordance with Schedule A.2, establishes the MEP requirement, unless DEQ modifies the permit as provided in Oregon Administrative Rule (OAR) 340-045-0055 to require additional controls.

## **Purpose**

The purpose of this document is to fulfill requirements of Schedule A.3.g.ii of the September 15, 2021 MS4 permit by describing the steps the city will follow in order to implement a program to reduce pollutants in stormwater discharges to the MS4 from industrial and commercial facilities.

## **Permit Language**

Schedule A.3.g.ii.

Strategy to Reduce Pollutants from Industrial and Commercial Facilities

The co-permittees must, by December 1, 2023, at minimum, review and update as appropriate the Industrial/Commercial Facilities Strategy developed under the previous permit term and include it in the SWMP Document directly or by reference. The Strategy must be posted on the co-permittees' websites for public comment for a minimum of 30 days prior to submission to DEQ for approval and incorporation into the SWMP Document. If the Strategy Document is completed early, wholly incorporated into the SWMP Document, and submitted to public review with the initial SWMP Document, this suffices for the public review requirement. The Strategy document must include, at a minimum:

(A) The facility types or activities, rationale, and priorities for entities that the copermitttee has determined may have high potential to discharge pollutants of concern to the MS4,

(B) Inspection procedures, documentation standards, and frequency of inspections; and

(C) Description of the assessment and tracking of compliance with municipal ordinances related to discharges to the MS4 at industrial and commercial facilities that are potential sources of pollutants in stormwater runoff.

**GENERAL INFORMATION**

As of May 2023, the City of Gladstone has over 200 active registered businesses (not including home businesses). While many of those businesses are professional services conducted in-doors, the City still has a significant number of commercial and industrial businesses that may conduct pollutant-generating activities with exposure to the MS4.

As of May 2023, one facility within Gladstone has an active industrial stormwater NPDES permit. The permittee is described below:

ID	SIC	Common Name	Address	City	County	Permit Type	Initial Issuance Date	Last Permit Action Date	Expiration Date
112644	4151	First Student, Inc. #10317 – Gladstone	1200 82 <sup>nd</sup> Drive	Gladstone	Clackamas	GEN12Z	11-18-2003	Unknown	6-30-2026

The 1200-Z permit database is maintained by Oregon DEQ and searchable online. The existing First Student Inc. 1200-Z permit maintains a June 30, 2026 expiration date.

**FACILITY SCREENING**

The City maintains a database of all business licenses. The database tracks the information provided during the business license application, which includes business name, address and contact information.

Public Works maintains a list of high potential pollutant generating facilities (industrial and commercial). This list was originally developed in 2009 to 1) identify businesses that may be subject to industrial stormwater NPDES permit requirements and 2) identify businesses that have the potential to contribute significant pollutant loads to the MS4 and determine whether those businesses should be included in the City’s Industrial/Commercial Facility Inspection Program.

**High Priority Business List Prioritization/Rationale:** In 2023, the High Priority Business List/High Potential Pollutant Generating Facility List was updated based on a survey of facilities in which included recent business license applications, GIS mapping surveys, site surveys, SIC codes, physical structure of the facility, business type, geographical proximity to water bodies, and records of previous complaints/violations. The City also refers to DEQ’s guidebook, *“Industrial Stormwater Best Management Practices Manual (DEQ, February 2013)”* and DEQ document *“General Permit, National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z”*, as references to determine businesses to be included on the High Priority Business List.

Businesses with any of the following SIC codes were included on the High Priority Business List:

- 10 Metal Mining
- 12 Coal Mining
- 13 Oil and Gas Extraction
- 20 Food and Kindred Products
- 21 Tobacco Products
- 22 Textile Mill Products
- 23 Apparel and Other Finished Products Made From Fabrics and Similar Material
- 24 Lumber and Wood Products, Except Furniture (Activities with SIC 2411 Logging that are defined in 40 CFR §122.27 as silvicultural point source discharges are covered by this permit.)
- 25 Furniture and Fixtures
- 26 Paper and Allied Products
- 27 Printing, Publishing and Allied Industries
- 28 Chemicals and Allied Products Manufacturing and Refining (excluding 2874: Phosphatic Fertilizers)
- 29 Petroleum Refining and Related Industries (excluding 2951, covered by 1200-A)
- 30 Rubber and Miscellaneous Plastics Products
- 31 Leather and Leather Products
- 32 Glass, Clay, Cement, Concrete and Gypsum Products (excluding 3273, covered by 1200-A)
- 33 Primary Metal Industries
- 34 Fabricated Metal Products
- 35 Industrial and Commercial Machinery and Computer Equipment
- 36 Electronic and Other Electrical Equipment and Components, Except Computer Equipment
- 37 Transportation Equipment
- 38 Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks

- 39 Miscellaneous Manufacturing Industries 4221 Farm Product Warehousing and Storage 4222 Refrigerated Warehousing and Storage 4225 General Warehousing and Storage 5015 Motor Vehicle Parts, Used 5093 Scrap and Waste Materials

Businesses that perform any of the following activities were included on the High Priority Business List:

- Maintenance of vehicles, machinery, equipment, and trailers (including repairs, servicing, washing, testing and painting)
- Storage of vehicles, machinery, equipment (including disposal/refuse containers stored by a disposal/refuse contractor/vendor), and trailers (including rental, sales, wrecked vehicles, fleet, and general storage)
- Materials storage (including raw materials; bulk fuels, chemicals, detergents, and plastic pellets; finished materials; lumber and food products; wholesale gravel, sand, and soil stockpiles; and bulk liquids other than water)
- Waste handling (including recycled product storage, composting, tires, and bulk hazardous waste)
- Commercial animal operations (such as kennels, race tracks, and veterinarians not covered under a Confined Animal Feeding Operation permit)
- Fuel distribution and sales (including bulk stations, fuel oil dealers, manned and unmanned retail stations, fleet fueling, mobile fueling, and truck stops)

The attached Table 1 reflects the 2023 Gladstone High Priority Business List/High Potential Pollutant Generating Facility List. This list is updated annually to add new businesses.

### **Annual Updates and Modifications**

Annually, Public Works updates (as necessary) the list of high potential pollutant generating facilities based on new business license information and review of new development applications. Additionally, updates are made based on complaints received by the Public Works Department over the last year.

### **Industrial Stormwater NPDES Permit Notification**

Annually, Public Works reviews the current High Priority Business List and any new business license information as well as new development applications in conjunction with site surveys to identify businesses that could be regulated and subject to a 1200-Z industrial stormwater NPDES permit. The City also uses SIC codes and site surveys along with other prioritization methods listed herein this document in conjunction with DEQ's guidebook, *"Industrial Stormwater Best Management Practices Manual (DEQ, February 2013)"* and DEQ document *"General Permit, National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z"* as references to identify potential facilities.

In cases where Public Works identifies a potential facility, the facility is flagged for a formal business site inspection to be performed immediately to confirm whether the facility meets the conditions for a 1200-Z permit. Public works will reference DEQ's guidebook, "*Industrial Stormwater Best Management Practices Manual (DEQ, February 2013)*" and DEQ document "*General Permit, National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z*" to determine if a DEQ-issued Industrial Stormwater Permit will be required. Within 30 days after determining a facility may be subject to a DEQ-issued Industrial Stormwater Permit, the City of Gladstone must notify the industrial facility and DEQ.

**The City is not currently an agent of the industrial stormwater NPDES program. It is ultimately the responsibility of DEQ and the facility owner/operator to determine whether an industrial stormwater NPDES permit is required for a given facility.**

## **FACILITY INSPECTIONS**

Per the City's Stormwater Management Plan (2022), the current strategy uses complaints and reports from citizens, DEQ, and other County and City employees as the trigger for inspecting a facility to determine whether the site contributes a significant pollutant load to the MS4. Public Works will also conduct scheduled facility inspections annually every April. The goal of the facility inspections is to identify water quality impairments and work with facility owners and operators to remove the discharge while screening for possible businesses that may require a DEQ-issued Industrial Stormwater Discharge Permit.

### **Facility Inspection Prioritization/Rationale**

The City's 2023 business inventory and working list of high potential pollutant generating facilities reflects a wide range of operational activities. The list of high potential pollutant generating facilities/High Priority Business list is based on review of business license applications, business type, geographical proximity to water body, SIC Codes, site surveys, GIS map surveys and a survey of records of past violations. During the surveys, facilities were identified based on the type of business/manufacturing processes conducted at the facility, (any businesses that are industrial in nature or have an industrial SIC code, conduct manufacturing activities, have potentially harmful chemicals on-site, or perform car washing activities are included on the High Priority Business List at minimum), past history of violations, the physical structure of the facility, and the proximity of the facility to surface water. The City also refers to DEQ's guidebook, "*Industrial Stormwater Best Management Practices Manual (DEQ, February 2013)*" and DEQ document "*General Permit, National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z*" in order to determine businesses to be included on the High Priority Business List.

Annually, in May, Public Works will review new industrial development applications for applicability of 1200-Z permit a minimum of one time each year and survey existing industrial facilities for 1200-Z permit applicability a minimum of one time each year using review of development applications, business license applications, site surveys, GIS map surveys, a survey of records of past complaints/violations, DEQ's guidance document "*General Permit, National Pollutant Discharge*

*Elimination System Industrial Stormwater Discharge Permit No. 1200-Z*” and DEQ document “*General Permit, National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z*”, as well as other methods described in this document to determine if a 1200-Z permit may be required.

Public Works will conduct a site survey annually in April of each facility listed on the high potential pollutant generating facility list and identify/prioritize facilities for a formal site inspection as needed. The prioritization is based on professional judgment of those most likely to currently pose a risk for water pollution, dates of previous inspections, timeline of any past complaints, the understanding of City staff of the current activities and facilities at each site as well as refer to methods described herein this document. The prioritization will consider whether facilities will require a 1200-Z Permit, have ongoing inspections as part of other regulatory programs (e.g., has a current 1200-Z permit), whether City Municipal Code requirements are being met, whether further compliance/enforcement actions are required and whether additional information is needed in order to confirm whether or not the facility may be subject to a 1200-Z permit.

Staff responsible for prioritizing/rationalizing facility inspections are to be experienced and trained in pollution prevention including experience in Industrial Pretreatment, Erosion Control, Source Control Pollution Prevention site inspections, Natural Resources, Illicit Discharge Response and other disciplines. The determination of further training needs will be detailed in a strategy within WES’ SWMP document Section COMM 3.1 satisfying permit Schedule A(3)(g)(iii).

Additional formal business site inspections will also be conducted over the permit term as needed based on-site surveys and reports from the public, DEQ and other City/County employees.

### **Provision of Education for Operators of Commercial and Industrial Facilities**

Public Works will provide educational materials to operators of commercial and industrial facilities upon inspection of facilities and as needed when in contact with commercial and industrial facilities operators. Educational material links will also be available on the City of Gladstone website. Public Works will reference and provide Clean Water Services educational materials specific to industry type and general industry information as needed.

### **Legal Authority**

While implementing the *Industrial/Commercial Facility Inspection Program/Strategy*, The City will assess and track compliance with municipal ordinances related to discharges to the MS4 at industrial and commercial facilities that are potential sources of pollutants in stormwater runoff. The City’s Municipal Code contains multiple references related to the prohibition and enforcement against illicit discharges to the City’s storm sewer system. References are located in code sections related to health and safety nuisances (Chapter 8.04) and public services (surface water) (Chapter 13.15).

Per Gladstone Municipal Code (GMC) Chapter 8.04.060, “*no owner or person in charge of property may permit or cause a nuisance affecting public health.*” Nuisances listed include water pollution, which by definition is pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial

wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

GMC Chapter 13.15 further limits discharges to the storm sewer and provides authority for the City to respond to potential illicit discharges. GMC Chapter 13.15.020(1) states that *“no person, corporation, partnership or property owner is authorized to discharge any pollutants, excessive sediments, or other significant materials into a municipal storm sewer system, surface water or natural storm water conveyance system which is directly related to any activity occurring on the site”*. Under GMC Chapter 13.15.020(3), the City Administrator and other duly authorized employees shall be permitted to enter properties to inspect, observe, monitor, measure, and sample the municipal storm sewers.

### **Procedures**

Formal business inspections will be conducted per the 2022 SWMP strategy. The current strategy uses complaints and reports from citizens, DEQ, and other County and City employees in addition to annual scheduled inspections every April as the trigger for inspecting a facility to determine whether the site contributes a significant pollutant load to the MS4. When practicable, the City will provide advance notice to the business operator in the form of a phone call to schedule an appropriate time to conduct the inspection. Records of phone calls and communication with business owners/operators will be retained in the program files.

The City will assemble the following materials for use during the inspection:

- Industrial/Commercial Inspection Program, Facility Inspection Form (see Attached).
- Aerial map of the facility
- Camera
- A copy of the guidebook, Industrial Stormwater Best Management Practices Manual (DEQ, February 2013)
- A copy of DEQ document *“General Permit, National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z.*

During the site visit, Public Works will physically walk the site, both indoors and outdoors to evaluate whether the facility has the potential to contribute significant pollutant loads to the MS4. Public Works will complete the Facility Inspection Form, noting any findings of concern and indicating the appropriate follow-up action(s) and will take pictures of activities or site conditions that look to be problematic.

At the conclusion of the site inspection, the Public Works Inspector will verbally discuss any findings of concern with the business owner/operator and provide the owner/operator with a copy of the guidebook, Industrial Stormwater Best Management Practices Manual (DEQ, February 2013).

Staff responsible performing site inspections will be experienced and trained in pollution prevention including experience in Industrial Pretreatment, Erosion Control, Source Control Pollution Prevention site inspections, Natural Resources, Illicit Discharge Response and other disciplines. The determination of further training needs will be detailed in a strategy within WES' SWMP document Section COMM 3.1 satisfying permit Schedule A(3)(g)(iii).

## **Follow-up Actions and Enforcement**

Any observed illicit discharges will be recorded on the Facility Inspection Form and appropriate follow-up procedures initiated.

For businesses that do not appear to contribute significant pollutant loads to the MS4, the Public Works Inspector will prepare a follow-up letter, thanking the business for participating in the city's Industrial/Commercial Facility Inspection Program. The Facility Inspection Form will be filed and the inspection date noted. No additional follow-up actions are required.

For businesses that are observed to be contributing significant pollutant loads to the MS4 and/ or appear to require coverage under a general industrial stormwater permit (1200-Z permit), City staff will initiate enforcement actions per the Gladstone IDDE Program and Industrial/Commercial Facilities Enforcement Response Plan and prepare a notification letter as needed. If the business may be subject to a 1200-Z permit, the notification letter will be sent to both the business license applicant and DEQ's NW Region Office within 30 days. If the business is observed to be contributing significant pollutant loads to the MS4 (but does not appear subject to a 1200-Z permit), the notification letter will outline observed concerns and refer to DEQ's Industrial Stormwater Best Management Practices Manual (DEQ, February 2013). The letter will indicate that a follow-up inspection will be conducted to determine whether the pollutant discharge is an ongoing problem. Copies of all letters are retained in the City's files.

The Public Works Inspector will conduct a follow-up inspection, utilizing the same Facility Inspection Form that was completed for the initial formal business inspection. Observations and findings will be recorded and a follow-up action will be identified. Ongoing pollutant source problems will be referred to the City's illicit discharge program for follow-up and enforcement (see attached "Gladstone IDDE Program and Industrial/Commercial Facilities Enforcement Response Plan").

## **PROGRAM TRACKING, DOCUMENTATION AND RECORDKEEPING**

The City will maintain records of Industrial/Commercial Inspection activities and follow-up actions to meet annual reporting requirements of the MS4 Permit. Documentation will include compiling relevant pictures, correspondence and completed forms in the Public Works archives.

## **ATTACHMENTS**

The following documents are included with this SOP

- Appendix A: Gladstone's 2023 High Priority Business List and High Potential Pollutant Generating Facility List
- Appendix B: Facility Inspection Form
- Appendix C: Gladstone IDDE Program and Industrial/Commercial Facilities Enforcement Response Plan



# **Industrial/Commercial Facilities Inspection Strategy**

## **Appendix A**

### **Gladstone's 2023 High Priority Business List and High Potential Pollutant Generating Facility List**

**Gladstone High Priority Business List/High Potential Pollutant Generating Facility List 2023**

<b>Business Name</b>	<b>Phone Number</b>	<b>Address</b>	<b>Owner Name</b>
AARON'S HONEST ENGINE	503-891-9214	630 FIRST STEET	STAUFFER, AARON
AFFORDABLE CLASSICS INC	503-653-4030	19895 MCLOUGHLIN BLVD	RUIZ, JUAN
ARMSTRONG MOTORS, INC.	503-656-2924	20000 MCLOUGHLIN BLVD	FREEMAN, JANET
AUTO TOWN BUICK GMC INC	503-513-4640	19495 MCLOUGHLIN BLVD	MOHAMED, SAMI
BERG AUTO GROUP, INC	503-882-2928	19850 MCLOUGHLIN BLVD	BERG, LOREN
CAIN PETROLEUM INC	503-850-4238	19200 SE MCLOUGHLIN BLVD	CAIN PETROLEUM INC.
CARZ PLANET, LLC	503-683-1212	19120 MCLOUGHLIN BLVD	BAHRAMI, SARAH
CHEVRON	503-722-2179	830 E BERKELEY	CAIN PETROLEUM INC.
CROWN MOTORS PDX LLC	503-825-8266	90 82ND DR	LASHGARI, AMIN
DELTA AUTO GLASS INC.	503-656-9642	865 E BERKELEY	REYES, MISSY
DARMATT LLC MAZDA OF GLADSTONE	503-722-4854	19405 MCLOUGHLIN BLVD	MATTHEWS, IRVING
DAVEY ROCKET CORP		1250 82ND DRIVE	
DICK HANNAH NISSAN	503-723-2000	19505 MCLOUGHLIN BLVD	HANNAH, JASON
DICK HANNAH NISSAN	503-723-2000	19775 MCLOUGHLIN BLVD	HANNAH, JASON
DOUBLE J INC Goldwrench	503-655-7116	655 E ARLINGTON	DOUBLE J INC.
FIRST STUDENT	503-655-9528	1200 82ND DRIVE	FIRST STUDENT
FAMILY SIZE MOTORS LLC	503-809-8987	20105 MCLOUGHLIN BLVD	GHOBADI, DANIEL
GEE AUTOMOTIVE VI, LLC	503-250-5808	19335 MCLOUGHLIN BLVD	GEE AUTOMOTIVE HOLDINGS LLC
GEE AUTOMOTIVE XIII, LLC	503-258-5700	19300 MCLOUGHLIN BLVD	GEE AUTOMOTIVE HOLDINGS LLC
GENUINE MOTOR COMPANY	503-621-6883	19900 MCLOUGHLIN BLVD	CERCEA, SAMUEL
IN & OUT AUTO CARE LLC	503-786-0700	610 FIRST STREET	DAN & MONIQUE BARE
INT'L ANIMAL SEMEN BANK, INC.	503-663-7031	430 W ARLINGTON ST	WU, TONG
M&M INVESTMENT CARS LLC	503-267-0479	19360 MCLOUGHLIN BLVD	SARIEDDINE, MAZEN
MC DONALD'S	503-685-5002	820 E BERKELEY	MAYER, MINDY
MJD CORP GLADSTONE TOYOTA	503-722-4854	19375 MCLOUGHLIN BLVD	MATTHEWS, IRVING
NET DIRECT MOTORSPORTS	503-267-0479	19360 MCLOUGHLIN BLVD	SARIEDDINE, MAZEN

SAFEWAY STORES #4387	503-723-2680	95 82ND DRIVE	SAFEWAY, INC.
SCOTT SKI MOTOR CO	(503) 305-6608	585 W GLOUCESTER	
STEIN OIL CO., INC./TEXACO 76	503-594-2794	19805 MCLOUGHLIN BLVD	STEIN OIL CO.
SWICKARD GLADSTONE LLC	503-722-5000	19400 MCLOUGHLIN BLVD	SWICKARD, JEFFREY
TREASURE AUTO LLC	503-342-6799	20115 MCLOUGHLIN BLVD	FARAED, FARSHAD
UNCLE AL'S AUTOMOTIVE	503-655-9977	180 E CLARENDON ST	ANDERSON, ALAN
VINTAGE CAR WASH LLC	503-723-0668	880 E ARLINGTON	DEMPSEY, KENNETH
WOW PETROLEUM INC	503-723-8100	810 E ARLINGTON ST	SOHAL, JASPAL

**Industrial/Commercial Facilities Inspection Strategy  
Appendix B**

**Gladstone**

**INDUSTRIAL/COMMERCIAL INSPECTION PROGRAM  
FACILITY INSPECTION FORM**

**Gladstone  
INDUSTRIAL/COMMERCIAL INSPECTION PROGRAM  
FACILITY INSPECTION FORM**

Inspections must be conducted by a person with the knowledge and skills to assess conditions and activities that could impact stormwater quality and evaluate the effectiveness of best management practices. Retain a copy of the completed form.

I. INSPECTION SUMMARY		
<b>FACILITY NAME:</b>	<b>INSPECTION DATE:</b>	<b>TIME:</b>
<b>FACILITY ADDRESS:</b>	<b>INSPECTOR(S) NAME:</b>	
<b>BUSINESS TYPE:</b>	<b>WEATHER INFORMATION:</b>	
<b>CONTACT INFORMATION:</b>	<b>PERSONS PRESENT DURING INSPECTION:</b>	
II. FACILITY OVERVIEW		
<b>DESCRIBE SITE ACTIVITIES:</b>		
<b>ONSITE STORMWATER SYSTEM:</b> (catch basins, trench drains, floor drains, roof drains, ditches, drywells, treatment facilities, etc.)		
<b>DISCHARGE TO:</b>		
III. POTENTIAL POLLUTANT SOURCE AREA INSPECTION AND BMP EVALUATION		
<b>Good Housekeeping BMPs:</b>	<b>Y N N/A</b>	<b>Findings and Follow Up Actions:</b>
<ul style="list-style-type: none"> <li>• Are paved surfaces free of accumulated sediment and debris?</li> <li>• Waste receptacles located outdoors covered and in good condition?</li> <li>• External surfaces and areas free of excessive contaminant buildup?</li> <li>• Methods in place to prevent erosion and sediment discharge to storm drains?</li> </ul>		
<b>Spill Response and Equipment:</b>	<b>Y N N/A</b>	<b>Findings and Follow Up Actions:</b>
<ul style="list-style-type: none"> <li>• Spill kits available and properly stocked?</li> <li>• Any evidence of leaks or spills?</li> <li>• Any vehicles and/or equipment leaking fluids?</li> </ul>		

<b>Vehicle/Equipment Areas:</b> <ul style="list-style-type: none"> <li>• Is equipment washed and/or cleaned in ways that are protective of stormwater?</li> <li>• Fueling areas free of contaminant buildup and evidence of chronic leaks/spills?</li> <li>• Tools, equipment and materials stored in designated areas?</li> <li>• Drums and containers of fluids stored with proper cover and containment?</li> </ul>	Y N N/A	Findings and Follow Up Actions:
<b>Material Storage Areas:</b> <ul style="list-style-type: none"> <li>• Potential pollutants stored inside a building or another type of storm resistance shelter?</li> <li>• Material piles secured to protect storm drainage system?</li> <li>• Are outdoor containers covered?</li> <li>• Are empty containers cleaned and stored properly?</li> </ul>	Y N N/A	Findings and Follow Up Actions:
<b>Stormwater BMPs and Treatment Structures:</b> <i>Visually inspect all stormwater infrastructure and treatment BMPs. Complete private facility inspection forms where applicable.</i>	Y N N/A	Findings and Follow Up Actions:
<b>Observation of Non-Stormwater Discharges:</b> <i>Visually inspect the site for illicit discharges and/or evidence of dumping or washing into the storm drainage system.</i>	Y N N/A	Findings and Follow Up Actions:
<b>Additional Findings:</b> <i>Describe additional inspection findings and follow-up actions, if needed.</i>		
<b>IV. FOLLOW-UP ACTION (check all that apply):</b>		
<input type="checkbox"/> Daily operations of the site are not a concern for significant pollutant discharge to the MS4; Close File <input type="checkbox"/> Site activities/conditions are a concern for pollutant discharge to the MS4; Prepare letter and schedule follow-up inspection <input type="checkbox"/> Observed illicit discharge; Refer for enforcement <input type="checkbox"/> Other: _____		

<b>FOLLOW-UP INSPECTION (IF NEEDED)</b>	
<b>INSPECTION DATE:</b> _____ <b>TIME:</b> _____	<b>INSPECTOR(S) NAME:</b> _____
<b>WEATHER INFORMATION:</b> _____	<b>PERSONS PRESENT DURING INSPECTION:</b> _____
<b>OBSERVATIONS/FINDINGS:</b> _____	<b>FOLLOW-UP ACTION:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Problem Resolved; Close File</li> <li><input type="checkbox"/> Problem Persists; Refer for Enforcement</li> <li><input type="checkbox"/> Other: _____</li> </ul>

**Industrial/Commercial Facilities Inspection Strategy  
Appendix C**

**Gladstone IDDE Program and Industrial/Commercial  
Facilities Enforcement Response Plan**

## **Gladstone IDDE Program and Industrial/Commercial Facilities**

### **Enforcement Response Plan**

*April 4, 2023*

#### **Background:**

Consistent with Schedule A.3.c of its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit, the City of Gladstone must continue to implement and enforce a comprehensive program to detect and eliminate illicit discharges into the MS4, to the extent allowable by state laws. In addition, co-permittees must continue to implement procedures to prevent, contain, and respond to spills, as well as seepage from the sanitary sewer system, which may discharge into the MS4 in accordance with all applicable federal and state laws, including proper notification to the Oregon Emergency Response System (OERS). An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Conditional exceptions are identified in Schedule A.1.d of the MS4 Permit issued September 15, 2021. Procedures and processes required by the MS4 Permit are to be documented or referenced in the SWMP Document.

#### **Purpose:**

The purpose of this document is to fulfill requirements of Schedule A.3.c.ii of the September 15, 2021 MS4 permit by describing the steps the City will follow in order to implement enforcement and response procedures in order to implement and enforce a comprehensive program to detect and eliminate illicit discharges into the MS4, to the extent allowable by state laws .

#### **Permit Language:**

Schedule A.3.c.ii  
Enforcement Procedures

The co-permittees must continue to implement their enforcement and response procedures as developed under the previous permit. The SWMP Document must describe or reference the enforcement and response procedures. The procedures should describe how repeat violations are addressed; the timelines for compliance; specifically address commercial and industrial facilities or activities as described in Schedule A.3.g of this permit; and consider factors such as the amount and type of pollutant discharged, and whether the discharge was intentional or accidental, if known, and whether the discharge could have been prevented.



## **Procedures:**

Once an illicit discharge is confirmed and the source is located, the City will immediately evaluate steps to remove the discharge.

In cases where the source of an illicit discharge has not been immediately identified and controlled by the initial responders, Public Works will implement this *Gladstone IDDE Program and Industrial/Commercial Facilities Enforcement Response Plan*. If sampling is necessary, The City maintains an IGA with Clackamas County WES to conduct stormwater sampling and analysis as needed. In some cases, professional services may be used to conduct sampling.

If a responsible party is identified as the source, the City can choose to initiate enforcement. Enforcement actions will be of a progressive nature. When determining enforcement actions for each event, the City will weigh a number of factors described herein in order to determine a specific enforcement action for each event. The discharger will always be required to stop and clean up the discharge immediately. The City may contact the site owner or responsible party and provide technical assistance or enforcement to address or control the discharge. Based on the amount and type of pollutant discharged, whether the discharge was intentional or accidental, if known, and whether the discharge could have been prevented, if the discharge is caused by a repeat offender, the City may conduct further enforcement actions. The City may take steps to control the discharge in an emergency as needed.

The City will document all complaints or reports of illicit discharges into and from the MS4 and all associated investigation activities. Complaint tracking information from each year will be summarized in the following Annual Report.

The City may require or apply any of the following control options, when appropriate for the discharge:

- Removing an illicit connection to the storm sewer from sanitary sewer system pipe, floor drainpipe, or other illicit connection;
- Implementing operational source control BMPs (e.g., cease use of soap when washing vehicles; wash vehicles indoors);
- Directing discharge to dry land or sanitary sewer, if permitted;
- Construction of a water quality facility (e.g., oil/water separator);
- Capturing and hauling wastewater off-site for proper disposal; or
- Applying for a discharge permit from DEQ.
- Deny use of the MS4 system until the illicit discharge is ceased and corrective action is completed.

### **Enforcement Action Options:**

The City of Gladstone may implement provisions of the GMC in conducting enforcement activities related to illicit discharges. Enforcement actions will be progressive in nature, based on whether the discharge was a repeat violation, the amount and type of pollutant discharged, whether the discharge was accidental or intentional and whether the discharge could have been prevented.

Generally, a verbal warning is given (if a responsible party is identified) or a written notification is distributed, requiring an immediate stop to the discharge. Under GMC Chapter 13.15.020(3), the City Administrator and other duly authorized employee shall be permitted to enter properties to inspect, observe, monitor, measure, and sample the municipal storm sewers.

Depending on the nature of the discharge, clean up measures may be conducted by the responsible party or City. If the City conducts clean-up efforts, an additional 20 percent expense will be added to the code for administrative overhead (Chapter 8.04.170). Follow up inspections and monitoring of the site/ source will be conducted by the City.

Samples collected at the time of the observed illicit discharge will inform remediation/clean up efforts and be used to establish any additional fees, fines, posted notices or penalties. Per GMC Chapter 8.04.149, the City Administrator or designee may also abate nuisances through the municipal court or as described in GMC Chapters 8.04.150 to 8.04.200. The following penalties in addition to a verbal and handwritten notice may be enforced per Gladstone Municipal Code in a progressive manner based on whether the discharge was a repeat violation, the amount and type of pollutant discharged, whether the discharge was accidental or intentional and whether the discharge could have been prevented:

#### **13.15.030 Enforcement—Violation—Penalty.**

- (1) The City Administrator or designee shall enforce the provisions of this chapter.
- (2) Failure to comply with any provision of this chapter is a Class “A” Infraction.
- (3) Any person convicted of violating any provision of this chapter may be denied the use of the municipal storm water sewer system until the “illicit discharge” is ceased and corrective action is completed to accomplish the objective of this chapter.

#### **8.04.200 Violation—Penalty.**

Violation of any provision of this chapter shall be a Class “A” infraction.

(1) Each day’s violation of a provision of this chapter constitutes a separate offense.

(2) Cleanup may be conducted by the City at the expense of the responsible party and an additional 20 percent expense will be added (GMC Chapter 8.04.170).

### **Timelines for Compliance:**

Once the source of an illicit discharge is determined, The City must take appropriate action to eliminate the illicit discharge, including an initial evaluation of the feasibility to eliminate the discharge, within 5 working days. If the City determines that the elimination of the illicit discharge will take more than 15 working days due to technical, logistical, or other reasonable issues, the City must develop and implement an action plan to eliminate the illicit discharge in an expeditious manner within 20 working days of source identification.

**Repeat violations:** If the responsible party of an illicit discharge is determined to be a repeat offender, penalties will escalate. Depending on the nature of the discharge and repeat violations, the following may apply:

- Cleanup may be conducted by City at the expense of the responsible party and an additional 20 percent expense will be added (GMC Chapter 8.04.170).
- Any person convicted of violating any provision of this chapter may be denied the use of the municipal storm water sewer system until the “illicit discharge” is ceased and corrective action is completed.
- Issuance of a Class “A” infraction fine per Gladstone Municipal Code.
- Each day that the responsible party is in violation of Gladstone Municipal Code provision constitutes a separate offense.

### **Commercial and Industrial Facilities or Activities:**

Commercial and industrial facilities or activities that address MS4 Permit Schedule A.3.g and result in an enforcement action will utilize this Gladstone IDDE Program and Industrial/Commercial Facilities Enforcement Response Plan.

**Amount and Type of Pollutant Discharged:** For each discharge enforcement, the City will consider the amount and type of the pollutant discharged when determining the enforcement

action. For instance, a large amount of a highly toxic pollutant will result in a greater enforcement action than a discharge of a small amount of a minimally toxic pollutant.

**Accidental or Intentional Discharge:** For each discharge, the City will consider whether the discharge was accidental. Intentional discharges will carry a stronger enforcement action than discharges that are accidental by nature.

**Preventable:** For each discharge, the City will consider whether the discharge was preventable. Discharges that are determined to have been preventable will carry a stronger enforcement action than those are determined to be non-preventable.

**Escalating Enforcement Sequence:**

1. Notice to correct
2. Notice of violation
3. Stop work order
4. Civil penalty
5. Abatement