

Attachment 2

Key Considerations Regarding the Regional MS4 Permit and the Importance of Trash Enclosures Toward Overall Compliance

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The Regional MS4 Permit is part of the NPDES. It does not explicitly mention "trash enclosures" or require specific design criteria for waste storage areas, however, the language in the Permit does require effective source controls or best management practices (BMPs) to be in place for specific activities and facilities that are known sources of trash and non-stormwater discharges to the municipal storm drain system (e.g., trash enclosures). The municipal storm drain system, or MS4, is defined in the Regional MS4 Permit and includes roads with drainage systems, municipal streets, curbs and gutters, ditches and channels, along with catch basins and storm drains. Thus, BMPs must be in place to prevent discharges from trash enclosure and waste storage areas to the above-mentioned system of conveyances, including into parking lots with connections to the MS4 via area drains or curb cores. The City of Manhattan Beach Municipal Code Section 5.24.030.C.2 requires commercial trash enclosures to have a concrete, asphalt or similar base and drainage to the sanitary sewer, which effectively prevents discharges from trash enclosure and waste storage areas to the MS4. This requirement also necessitates a roof be in place over commercial enclosures as the Los Angeles County Sanitation District requires roofing over areas with exposed drains to the sanitary sewer to protect the Sanitation Districts' sewerage system from excessive hydraulic loads that can be created by stormwater runoff.

Another key consideration is that the City is subject to numeric water quality limitations for the priority pollutants trash and bacteria - of which trash enclosure and storage areas can be a source. The Regional MS4 Permit incorporates numeric water quality limitations for bacteria and trash and requires that Permittees, including the City of Manhattan Beach, prohibit non-stormwater discharges into and through its MS4 (with limited exceptions). Specifically, the City must prohibit any discharges from the MS4 that will cause or contribute to a violation of water quality limitations. Accordingly, Chapter 5.84.040 of the Manhattan Beach Municipal Code prohibits non-stormwater discharges associated with commercial auto facility washing, discharges from storage areas containing grease and oil, as well as any discharges that would cause or contribute to a violation of the municipal NPDES permit. Further, the Regional MS4 Permit requires Permittees to ensure that Good Housekeeping practices are implemented at commercial outdoor storage areas to prevent pollutants from being discharged into the MS4. Manhattan Beach Municipal Code Chapter 5.84.060 requires all owners and occupants of property within the City to implement good housekeeping practices to meet these Regional MS4 Permit requirements including the following:

D. Storage of Oil or Oily Material, Chemicals, Refuse, or Other Pollutionable Materials. *Oil or oily material, chemicals, refuse, or other pollutionable materials shall not be stored or deposited by any person in areas where they may be picked up by rainfall and carried off of the property and/or discharged to the MS4. Any such spill of such materials shall be contained and removed immediately.*

F. Food Wastes. *Food wastes generated by non-residential food service and food distribution sources, including FOG [fats, oils and grease], shall be properly disposed of and in a manner, so such wastes are not discharged to the MS4 or exposed to precipitation or vectors. For*

example, restaurant kitchen mats may not be washed or rinsed into the street or alley.

G. Best Management Practices. *BMPs shall be used in areas exposed to storm water for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.*

Trash enclosure areas require regular cleaning to maintain sanitary conditions, however runoff from the cleaning of trash enclosure areas can lead to water quality exceedances if allowed to drain through the MS4 into the Santa Monica Bay and such discharges are illicit and prohibited per the City of Manhattan Beach Municipal Code Chapter 5.84.040. Without the failsafe, i.e., "passive control", provided by a structural diversion to the sanitary sewer (i.e., covered storage area with drain to sanitary sewer), the City may need to provide additional oversight of commercial facilities to ensure these sites are preventing such illicit discharges to the MS4 during the cleaning of their trash enclosure areas. Increased oversight could be provided in the form of increased inspections of these sites or periodic code enforcement checks. To remain compliant with Regional MS4 Permit provisions, illicit discharges to the MS4 from the washing of trash enclosure areas will need to be enforced against per the Enforcement provisions of Manhattan Beach Municipal Code Chapter 5.84.090.

Select Regional MS4 Permit References

Applicable sections excerpted from the Regional MS4 Permit are referenced below:

Pollutant Discharge Control

- Part III.A of the Regional MS4 Permit states, "Each Permittee for the portion of the MS4 for which it is an owner or operator shall prohibit non-stormwater discharges through the MS4 to receiving waters".
- Part V.A of the Regional MS4 Permit states, "Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited." This section goes on to say that compliance shall be achieved through "timely implementation of control measures and other actions to reduce pollutants in the discharges..."
- Part VI.B of the Regional MS4 Permit specifies that the City as a Permittee must "establish and maintain adequate legal authority...to control pollutant discharges into and from its MS4..." This section goes on to state that a Permittee's legal authority must enable it to:
 - Prohibit and eliminate illicit discharges and illicit connections to the MS4;
 - Control the discharge of spills, dumping, or disposal of materials other than stormwater to its MS4; and
 - Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations.

Requirement to Ensure Effective Source Control for Pollutants Generated at Commercial Facilities

- Part VIII.E.1.c of the Regional MS4 Permit requires that each Permittee "Ensure compliance with municipal policies, procedures, and/or ordinances at industrial and commercial facilities that are critical sources of pollutants in stormwater".
- Part VIII.E.3.c.ii requires that "Each Permittee shall inspect [commercial] facilities to confirm that...the operator is implementing effective source control BMPs for the pollutants generated by the commercial activity."
- Part VIII.E.5 of the Regional MS4 requires that effective source control BMPs be implemented at commercial facilities for certain pollutant-generating activities, including the storage and handling of solid waste and storage area maintenance (e.g., trash

enclosures).

- Effective source controls (BMPs) specified for these activities include:
 - Effective elimination of unauthorized non-stormwater discharges;
 - Implementation of effective spills/leaks prevention and response procedures;
 - Implementation of effective outdoor liquid storage source controls and practices;
 - Implementation of effective facility maintenance practices;
 - Implementation of effective parking/storage area designs and housekeeping/maintenance protocols.

Requirements for Public Facilities and Activities

- Part VIII.H.3 of the Regional MS4 Permit requires that Permittees also implement BMPs to control the discharge of pollutants to the MS4 from their municipally-owned/operated facilities, and requires the selection of effective control measures (BMPs) to prevent discharges from their facilities and municipal activities from causing or contributing to a violation of water quality standards.