

12. Integrated Waste Management Collection Centers

Integrated Waste Management

Greenwaste Diversion Facilities

Brea Green Recycling

1983 Valencia Avenue
Brea, CA 92823
(714) 529-0100

Tierra Verde Industries

7982 Irvine Boulevard
Irvine, CA 92618
(949) 551-0363

Tierra Verde Industries

(La Pata Greenwaste)
31748 La Pata Road
San Juan Capistrano, CA 92675
(949) 728-0401

CVT Recycling

1071 N Blue Gum Street
Anaheim, CA 92806
(714) 238-3301

Baker Canyon Green Recycling

27910 Baker Canyon Road Silverado Canyon, CA
92676 (714)649-9050 (714) 649-9210

Waste Management of Orange

2050 N Glassell Street
Orange, CA 92865
(714) 282-0200

CR Transfer

11232 Knott Avenue
Stanton, CA 90680
(714) 891-2776

Rainbow Transfer

17121 Nichols Street
Huntington Beach, CA 92647
(714) 847-3581 (949) 552-8784

Sunset Environmental, Inc.

16122 Construction Circle West
Irvine, CA 92606
(949) 552-8784

Hazardous Waste Collection Centers

Household Hazardous Waste Collection Centers (Anaheim)

Location

The Anaheim Regional HHWCC is a public-private partnership between Taormina Industries and the County of Orange and is located at the CVT Public Recycling Center at:

1071 N. Blue Gum Street
Anaheim, CA

Operating Hours

Tuesdays through Saturdays from 9 a.m. to 1 p.m.

(Closed on rainy days, Independence Day, Thanksgiving Day, and Christmas and New Years Days.)

Stop & Swap

When you visit the Anaheim HHWCC, check out the Stop & Swap. It's the place where you can get partially-used home, yard and automotive care products for FREE!

Directions

Between the 91 Freeway & 57 Freeways at the corner of La Palma Avenue and Blue Gum Street.

Household Hazardous Waste Collection Centers

(Huntington Beach)

Location

The Huntington Beach Regional HHWCC is a public-private partnership between Rainbow Disposal and the County of Orange and is located at the Rainbow Disposal facility at:

17121 Nichols Street
Huntington Beach, CA

Operating Hours

Tuesdays through Saturdays from 9 a.m. to 1 p.m.

(Closed on rainy days, Independence Day, Thanksgiving Day, and Christmas and New Years Days.)

Stop & Swap

When you visit the Huntington Beach HHWCC, check out the Stop & Swap. It's the place where you can get partially-used home, yard and automotive care products for FREE!

Directions

Between Beach Blvd. and Gothard off Warner. Next to Rainbow Recycling and Disposal. (Use Gate 6.)

**Household Hazardous Waste Collection Centers
(Irvine)**

Location

The Irvine Regional HHWCC is a result of a partnership between the City of Irvine and the County of Orange and is located next to the City of Irvine Corporate Yard and Animal Shelter and in front of the City of Irvine Dog Park.
6411 Oak Canyon
Irvine, CA

Operating Hours

Tuesdays through Saturdays from 9 a.m. to 1 p.m.
(Closed on rainy days, Independence Day, Thanksgiving Day, and Christmas and New Years Days.)

Stop & Swap

When you visit the Irvine HHWCC, check out the Stop & Swap. It's the place where you can get partially-used home, yard and automotive care products for FREE!

Directions

Off Sand Canyon between the 5 and 405 Freeways. Next to the City Corporate Yard and Animal Shelter.

**Household Hazardous Waste Collection Centers
(San Juan Capistrano)**

Location

The San Juan Capistrano Regional HHWCC is located on County property at the Prima Deshecha Landfill at:
32250 La Pata Avenue
San Juan Capistrano, CA

Operating Hours

Tuesdays through Saturdays from 9 a.m. to 1 p.m.
(Closed on rainy days, Independence Day, Thanksgiving Day, and Christmas and New Years Days.)

Directions

From the 5 Freeway, exit Ortega Highway, go east to La Pata, and turn right. Take La Pata to the landfill entrance.

OC Landfills

Hours of Operation:

Open: Monday through Saturday - Operating hours vary by landfill. Click on each landfill for specific operating hours.
Closed: Major Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas

Landfills

- Frank R. Bowerman Landfill in Irvine (commercial landfill only; no public dumping)
- Olinda Alpha Landfill in Brea (commercial & public dumping)
- Prima Deshecha Landfill in San Juan Capistrano (commercial & public dumping)

Landfill Classification

All three active landfills are permitted as Class III landfills. Class III landfills accept only non-hazardous municipal solid waste for disposal; no hazardous or liquid waste can be accepted.

Frank R. Bowerman Landfill

OPERATING HOURS

Monday through Saturday, 7 a.m. to 4 p.m. for all commercial customers
Transfer Trucks ONLY from 4 p.m. to 5 p.m.

MANAGER

• Mike Giancola

LOCATION

11002 Bee Canyon Access Road, Irvine, CA 92602

COMMERCIAL ACCESS ONLY

Commercial access is available from the Santa Ana Freeway (I-5) or the San Diego Freeway (I-405). Exit at Sand Canyon Avenue. The major cross street is Portola Parkway. [Click here to see map.](#)

ACCEPTABLE WASTE

Only municipal solid waste from commercial haulers and vehicles operating under commercial status is accepted. Commercial status is verified by either showing a business license or current tax return to a fee booth attendant or participating in County's deferred payment account process.

UNACCEPTABLE WASTE

- Asbestos, batteries, brake linings, chemicals, fuel tanks
- Mufflers, paints, poisons, hazardous waste, animal parts
- Body parts, medical wastes, radioactive material
- Auto body shredder wastes, fuels, heavy metals, explosives
- Pesticides, contaminated soil
- Liquid waste (moisture content 50% or greater)
- Nuisance dust

LANDFILL PERMIT

Frank R. Bowerman Landfill is permitted to receive a daily maximum of no more than 8,500 tons per day. The landfill is required to comply with numerous landfill regulations from federal, state and local regulatory agencies. The landfill is subject to regular inspections from the California Integrated Waste Management Board and the Board's Local Enforcement Agency, the California Regional Water Quality Control Board and the South Coast Air Quality Management District to assure compliance with those regulations.

OPEN AND CLOSURE DATES

Frank R. Bowerman Landfill is approximately 725 acres with 326 acres permitted for refuse disposal. The landfill opened in 1990 and is scheduled to close in approximately 2022. The Integrated Waste Management Department is conducting a study that may extend the life and disposal capacity of the landfill. A public park is the planned end use of the site.

SPECIAL PROGRAMS

Biomitigation Program

Landfill capital projects sometimes affect the plant and wildlife species native to the site. The Integrated Waste Management Department strives to restore all impacted sites with plant and animal life indigenous to the area.

This is accomplished through a biological mitigation plan. The plan ensures establishment of a plant community capable of supporting wildlife species of the same diversity and density found in these communities under natural conditions.

Olinda Alpha Landfill

OPERATING HOURS

Monday through Saturday, 7 a.m. to 4 p.m. for all customers
Transfer Trucks ONLY from 6 a.m. to 7 a.m.

MANAGER

• Dave Lowry

LOCATION

1942 North Valencia Avenue, Brea, CA 92823

COMMERCIAL ACCESS

Commercial hauler access is available using the Orange/57 Freeway. Exit at Imperial Highway to Valencia Avenue. Click here to see map.

PUBLIC ACCESS

Orange County citizens only, others call 1-714-834-4000.

Public access is available using the Orange/57 Freeway. Exit at Lambert Road to Valencia Avenue. Click here to see map.

SPECIAL WASTE

Tires are accepted at Olinda Alpha for \$86.90 per ton.

ACCEPTABLE WASTE

Municipal solid waste from commercial haulers and the public.

UNACCEPTABLE WASTE

- Asbestos, batteries, brake linings, chemicals, fuel tanks
- Mufflers, paints, poisons, hazardous waste, animal parts
- Body parts, medical wastes, radioactive material
- Auto body shredder wastes, fuels, heavy metals
- Explosives pesticides, contaminated soil
- Liquid waste (moisture content 50% or greater)
- Nuisance dust

LANDFILL PERMIT

Olinda Alpha is permitted to receive a daily maximum of no more than 8,000 TPD.

The landfill is required to comply with numerous landfill regulations from federal, state and local regulatory agencies. The landfill is subject to regular inspections from the California Integrated Waste Management Board and the Board's Local Enforcement Agency, the California Regional Water Quality Control Board and the South Coast Air Quality Management District to assure compliance with those regulations.

OPEN AND CLOSURE DATES

Olinda Alpha is approximately 562 acres with about 420 acres permitted for refuse disposal. The landfill opened in 1960. Currently the landfill is scheduled to close in December 2013. The Integrated Waste Management Department is conducting a study that may extend the life and disposal capacity of the landfill. The proposed end use after landfill closure is a county regional park.

Prima Deshecha Landfill

OPERATING HOURS

Monday through Saturday, 7 a.m. to 4 p.m. for all customers
Commercial Trucks and Dump Trucks ONLY from 4 p.m. to 5 p.m.

MANAGER

- Dick Harabedian

LOCATION

32250 La Pata Avenue, San Juan Capistrano, CA 92675

LANDFILL ACCESS

Public access is for Orange County citizens only, others call 1-714-834-4000.

Commercial and public access is available using the Santa Ana Freeway (I-5), exiting at Ortega Highway to La Pata Avenue.

Click here see map.

SPECIAL WASTE

Limited amount of dewatered sewage sludge is accepted.

ACCEPTABLE WASTE

Municipal solid waste from commercial haulers and the public.

UNACCEPTABLE WASTE

- Asbestos, batteries, brake linings, chemicals
- Fuel tanks, mufflers, paints, poisons
- Hazardous waste, animal parts, body parts
- Medical wastes, radioactive material

- Auto body shredder wastes, fuels, heavy metals
- Explosives, pesticides, contaminated soil
- Liquid waste (moisture content 50% or greater)
- Nuisance dust

LANDFILL PERMIT

Prima Landfill is permitted to accept up to 4,000 tons of waste per day (TPD). The landfill is required to comply with numerous landfill regulations from federal, state and local regulatory agencies. The landfill is subject to regular inspections from the California Integrated Waste Management Board and the Board's Local Enforcement Agency, the California Regional Water Quality Control Board and the South Coast Air Quality Management District to assure compliance with those regulations.

OPEN AND CLOSURE DATES

Prima is approximately 1,530 acres with 1,000 acres permitted for refuse disposal. The landfill was opened in 1976 and is scheduled to close in approximately 2067. A General Development Plan is being prepared for Prima Deshecha Landfill which indicates end use as a regional park.

Integrated Waste Management

Recycling Programs

Please know that some cities have unincorporated "communities" within their boundaries. Unincorporated communities are listed below the incorporated cities.

CITY	INCORPORATED/ UNINCORPORATED AREA	RESIDENTIAL PROGRAM TYPE
Aliso Viejo	Unincorporated	2 cart system. Residents place recyclables and trash in separate carts. Manual yard waste collection.
Anaheim	Incorporated	3 cart system. Residents place mixed recyclables, trash & yard waste in separate carts.
Anaheim	Unincorporated	3 cart system. Residents place mixed recyclables, trash & yard waste in separate carts.
Brea	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Buena Park	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
Costa Mesa	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
Coto de Caza	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Cowan Heights	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Cowan Ranch	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Cypress	Incorporated	2 cart system. Residents place recyclables and trash in separate carts.
Dana Point	Incorporated	2 cart system. Residents place recyclables and trash in separate carts. Manual yard waste collection.
El Modena	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Emerald Bay	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Foothill Trabuco	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Fountain Valley	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
Fullerton	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility. Manual yard waste collection.
Fullerton	Unincorporated	Residents use own containers for regular trash. Hauler-provided

Garden Grove	Incorporated	cart for recyclables. Manual yard waste collection. It depends on resident location, Midway City Sanitation has 2 cart system and GG Disposal has 3 cart system.
Huntington Beach	Incorporated	Residents use own containers. Sorting is done at a Material Recover Facility.
Irvine	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Irvine Coast	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
La Habra	Incorporated	2 cart system. Residents place recyclables and trash in separate carts.
La Habra	Unincorporated	2 cart system. Residents place recyclables and trash in separate carts.
La Palma	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
Ladera	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Laguna Beach	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Laguna Hills	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Laguna Laurel	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Laguna Niguel	Incorporated	2 cart system. Residents place recyclables and trash in separate carts. Manual yard waste collection.
Laguna Woods	Incorporated	2 cart system. Residents place trash and newspaper in separate carts.
Lake Forest	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Las Flores	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Los Alamitos	Incorporated	2 cart system. Residents place recyclables and trash in separate carts.
Lemon Heights	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Midway City Sanitary District	Incorporated	2 cart system. Residents place recyclables and trash in separate carts.
Mission Viejo	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Modjeska Canyon	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Newport Beach	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
North Tustin	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Olive	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Orange	Incorporated	3 cart system. Residents place mixed recyclables, trash & yard waste in separate carts.
Orange	Unincorporated	3 cart system. Residents place mixed recyclables, trash & yard waste in separate carts.
Orange Park Acres	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Panorama Heights	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Placentia	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Placentia	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Rancho Santa Margarita	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.

Rossmoor	Unincorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
San Clemente	Incorporated	2 cart system. Residents place recyclables and trash in separate carts. Manual yard waste collection.
San Juan Capistrano	Incorporated	3 cart system. Residents place recyclables, yard waste, and trash in separate carts.
San Joaquin Hills	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Santa Ana	Incorporated	3 cart system. Residents place recyclables, yard waste, and trash in separate carts.
Santa Ana Heights	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Seal Beach	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Silverado Canyon	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Stanton	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
Stanton	Unincorporated	Residents use own containers for regular trash. Hauler-provided cart for recyclables.
Sunset Beach	Unincorporated	Multi-family bins only.
Trabuco Canyon	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Tustin	Incorporated	Residents use own containers. Sorting is done at a Material Recovery Facility.
Villa Park	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Westminster	Incorporated	2 cart system. Residents place recyclables and trash in separate carts.
Yorba Linda	Incorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.
Yorba Linda	Unincorporated	3 cart system. Residents place recyclables, trash, and yard waste in separate carts.

13. Waste Oil Collection Centers

Help Prevent Ocean Pollution:

Recycle at Your Local Used Oil Collection Center

Did you know that just one quart of oil can pollute 250,000 gallons of water?

A clean ocean and healthy creeks, rivers, bays and beaches are important to Orange County. However, not properly disposing of used oil can lead to water pollution. If you pour or drain oil onto driveways, sidewalks or streets, it can be washed into the storm drain. Unlike water in sanitary sewers (from sinks and toilets), water in storm drains is not treated before entering the ocean. Help prevent water pollution by taking your used oil to a used oil collection center.

Included in this brochure is a list of locations that will accept up to five gallons of used motor oil at no cost. Many also accept used oil filters. Please contact the facility before delivering your used oil. This listing of companies is for your reference and does not constitute a recommendation or endorsement of the company.

Please note that used oil filters may not be disposed of with regular household trash. They must be taken to a household hazardous waste collection or recycling center in Anaheim, Huntington Beach, Irvine or San Juan Capistrano. For information about these centers, visit www.oilandfills.com.

Please do not mix your oil with other substances!

For more information, please call the Orange County Stormwater Program at (714) 567-6363 or visit www.watersheds.com.

For information about the proper disposal of household hazardous waste, call the Household Waste Hotline at (714) 834-6752 or visit www.oilandfills.com.



For additional information about the nearest oil recycling center, call the Used Oil Program at 1-800-CLEANUP or visit www.cleanup.org.



The Ocean Begins at Your Front Door

PROJECT
POLLUTION
PREVENTION

Used Oil Collection Centers

ALISO VIEJO

Big O Tires
27812 Aliso Creek Rd, Suite E-100
(949) 362-4225

Econo Lube N' Tune
22932 Glenwood Dr. (949) 643-9667

Jiffy Lube
27832 Aliso Creek Road (949) 362-0005

Pep Boys

26881 Aliso Creek Road (949) 362-9254

DANA POINT

Dana Point Fuel Dock
34661 Puerto Pl. (949) 496-6113

EZ Lube Inc.
34242 Doheny Park Rd. (949) 477-1223

LAGUNA BEACH

USA Express Tire & Service Inc.
350 Broadway (949) 494-7111

LAKE FOREST

Big O Tires
20742 Lake Forest Dr. (949) 443-4155

EZ Lube
26731 Rancho Parkway (949) 465-9912

Firestone Store
24421 Rockfield Blvd. (949) 581-2660

Jiffy Lube
20781 Lake Forest Dr. (949) 583-0470

Kragen Auto Parts
24601 Raymond Way (949) 829-8292

MISSION VIEJO

AAA Complete Auto Care & Tire
27913 Center Street (949) 347-8200

Autobahn West
25800 Jeronimo Rd. Suite 401
(949) 770-2312

Auto Zone
22942 Los Alisos (949) 830-8181

Econo Lube & Tune
25902 El Paseo (949) 582-5483

Jiffy Lube
27240 La Paz Rd. (949) 455-0470

Kragen Auto Parts
24510 Alicia Pkwy. (949) 951-9175

Mission Viejo Chevron
27742 Crown Vly Pkwy. (949) 364-0137

Oilmax 10 Minute Lube
25800 Jeronimo Rd. #300
(949) 859-9271

Ramona Auto Service
27210 La Paz Rd. (949) 583-1233

RANCHO SANTA MARGARITA

Jiffy Lube
23401 Antonio Parkway
(949) 589-7447

SAN CLEMENTE

EZ Lube
525 Avenida Pico (949) 940-1850

Kragen Auto Parts
1113 S. El Camino Real
(949) 492-9850

Kragen Auto Parts
400 Camino de Estrella
(949) 240-9195

San Clemente Car Wash & Oil
1731 N. El Camino Real
(949) 847-4924

SAN JUAN CAPISTRANO

Saturn of San Juan Capistrano
33033 Camino Capistrano
(949) 248-5411

Texaco Xpress Lube
27201 Ortega Hwy. (949) 489-8008

Pep Boys
22671 Lake Forest Dr. (949) 855-9593

Ryan's Foothill Ranch Transmission
20622 Pascal Way (949) 770-6888

USA Express Tire & Service
24561 Trabuco Rd (949) 454-8001

LAGUNA NIGUEL

Econo Lube N Tune
27912 Forbes Rd. (949) 364-5833

Laguna Niguel Auto Center
26042 Cape Dr. #12 (949) 582-2191

LAGUNA HILLS

David J Phillips Buick
24888 Alicia Pkwy. (949) 831-0434

EZ Lube
24281 Moulton Pkwy. (949) 830-9840

EZ Lube
26921 Moulton Pkwy (949) 751-3436

Kragen Auto Parts
26562 Moulton Ave. (949) 831-0434

Firestone Store
24196 Laguna Hills Mall
(949) 581-4700

14. Using Pest Control Products

HOMEOWNERS TIPS PROTECTING WATER

Before Buying Pest Control Products

- Identify the pest.
- Decide if pest control products are the best control measure or if there are alternatives available.
- Are integrated pest management guidelines available for this pest?
- Read the product label.

Is the pest listed on the label?
Is it the best product for the pest?

Before Mixing Your Sprayer

- Read the label carefully.
- Buy only enough pesticide to treat the area affected by the pest.
- Check the weather and don't apply if it's windy or about to rain.
- Measure the area you're treating.
- Calculate how much spray to mix.
- Wear long sleeve shirt, long pants, shoes and any other protective equipment listed on the label and follow all the label precautions.
- Be prepared for spills and know how to clean them up.

When You're Ready To Spray

- Mix and load spray in an area where any spilled pesticide will not be able to drain or be washed away into storm drains, ditches, streams, ponds or other bodies of water.
- Mix sprayer on grass, not the sidewalk or driveway.
- Mix only as much as needed.

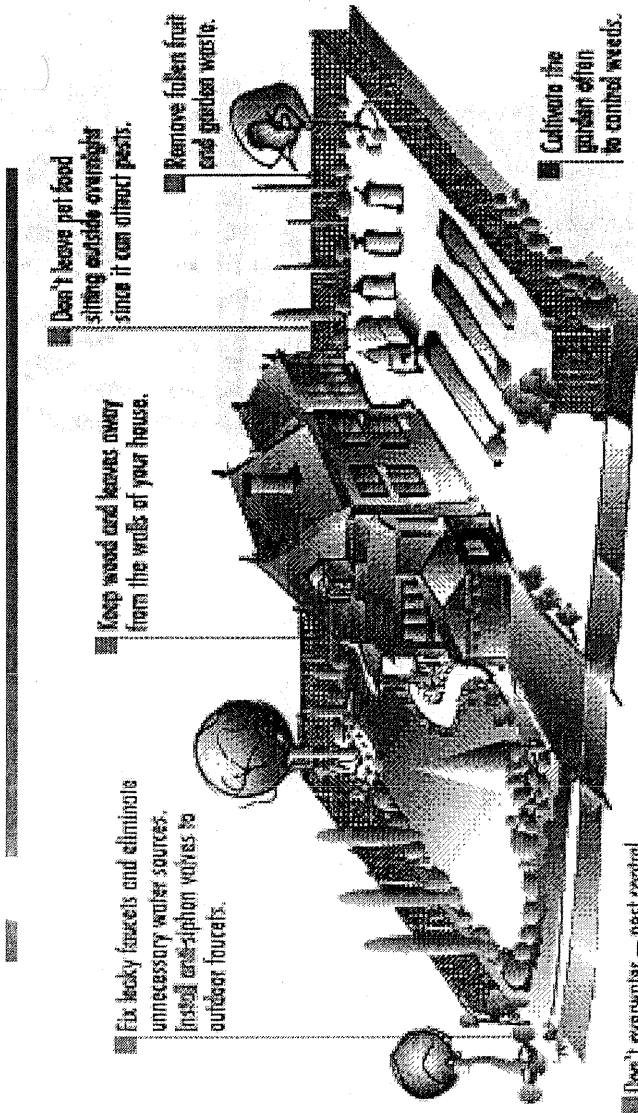
When You're Spraying

- AVOID spraying in or near storm drains, ditches, streams, and ponds!
- Leave an untreated strip around these areas to protect the water.

When You're done

- Never dump leftovers down any drain. Save for a future application.
- Triple-rinse sprayer and apply rinsewater to treated area.
- Take any old or unwanted pesticides to a Household Hazardous Waste Collection Center (714) 834-5752.

**Using Pest Control Products.
It's Your Responsibility To Do It Right!**



Don't overwater - pest control products and fertilizer runoff can be washed into drains and waterways.

Clean up debris that may harbor pests. Remove weak or dying plants.

Repair all window/door screens and seal any cracks or openings in walls.

Tightly cover garbage cans.

Healthy and well-fed plants are a good defense against insect pests.

Cultivate the garden often to control weeds.

Remove fallen fruit and garden waste.

Keep wood and leaves away from the walls of your house.

Don't leave pet food sitting outside overnight since it can attract pests.

Fix leaky faucets and eliminate unnecessary water sources. Inspect and-often valves to outdoor faucets.

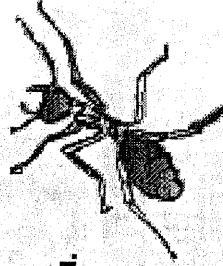
IPM... OUTSMARTING PESTS WHILE PROTECTING WATER

With Integrated Pest Management (IPM), homeowners use common sense and nature to make it difficult for pests to survive. IPM techniques include cultural practices (such as mulching to prevent weeds), encouraging natural enemies (good bugs), and judicious use of pest control products.

- First, identify your pest problem. To find the best solution, you need to pin down the problem. Consult gardening books, your county cooperative extension office or your local nursery.
- Decide how much pest control is necessary. If you can live with some pest damage, you can avoid intensive pest control product treatments.

- Choose an effective option. Try various types of controls first: washing bugs off plants, pruning diseased parts of plants. If you need to use pest control products, choose one that targets the problem and poses the least hazard.

- Finally, it's easier to prevent pests than to control them.



Think ahead.

This brochure is being distributed in order to reduce the impacts of pesticides on water quality. It was produced with support from the Orange County Storm Water Program, the Coalition for Urban/Rural Environmental Stewardship (CURES) and a 319(h) grant from the State Water Resources Control Board.

Orange County Storm Water Program Participants:

- Anaheim Public Works/Engineering (714) 765-5176
- Brea Engineering (714) 990-7666
- Buena Park Public Works (714) 562-3655
- Costa Mesa Public Services (714) 754-5248
- Cypress Engineering (714) 229-6752
- Dana Point Public Works (949) 248-3562
- Fountain Valley Public Works (714) 593-4400 x347
- Fullerton Engineering Dept (714) 738-6853
- Garden Grove Development Services (714) 741-5554
- Huntington Beach Public Works (714) 536-5432
- Irvine Public Works (949)724-6515
- La Habra Public Services (562) 905-9792
- La Palma Public Works (714) 523-1140 x102
- Laguna Beach Municipal Services (949) 497-0711
- Laguna Hills Engineering (949) 707-2600
- Laguna Niguel Public Works (949) 362-4337
- Lake Forest Public Works (949) 461-3480
- Los Alamitos Community Dev (562) 431-3538 x301
- Mission Viejo Public Works (949) 470-3095
- Newport Beach Public works (949) 644-3311
- Orange Public Works (714) 744-5551
- Placentia Engineering (714) 993-8131
- San Clemente Engineering (949) 361-6100
- San Juan Capistrano Engineering (949) 493-1171
- Santa Ana Public Works (714) 647-3380
- Seal Beach Engineering (562) 431-2527 x318
- Stanton Public Works (714) 379-9222 x204
- Tustin Public Works Engineering (714) 573-3150
- Villa Park Engineering (714) 998-1500
- Westminster Public Works Eng. (714) 898-3311 x215
- Yorba Linda Engineering (714) 961-7170 x174
- O.C. Storm Water Program (714) 567-6363
- 24 Hour Water Pollution Hotline (714) 567-6363 or
ashbyk@pfrd.co.orange.ca.us

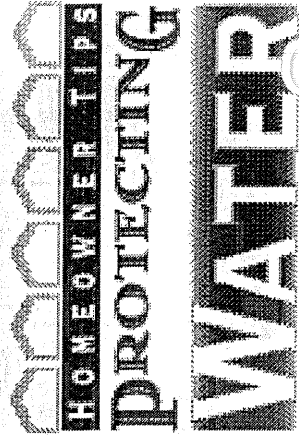
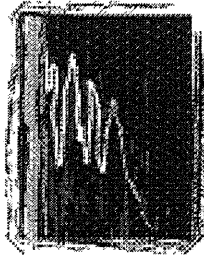
Chemical and Hazardous Material Spill Emergencies 911
Other Important Phone Numbers:

- For Additional Brochures (714) 567-6363
- UC Masters & Coop Extension (714) 708-1646
ucmastergardeners@yahoo.com

O.C. Household Hazardous Waste Information (714) 834-6752
or www.oc.ca.gov/IWMD

Information on agriculture chemicals, pesticides and possible alternatives, O.C. Agriculture Commissioner (714) 447-7115

Original graphics developed with support from:
Coalition For Urban/Rural Environmental Stewardship (CURES)
Western Crop Protection Association (WCPA)
Responsible Industry for a Sound Environment (RISE)



**15. County of Orange Management Guidelines for the Use of
Fertilizers and Pesticides**

COUNTY OF ORANGE
PUBLIC FACILITIES & RESOURCES DEPARTMENT

**MANAGEMENT GUIDELINES
FOR THE USE OF FERTILIZERS AND PESTICIDES**

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REFERENCES

GLOSSARY

California Code of Regulations, Title 3, Division 6 (3 CCR)

The State of California Code regulating pesticides and pest control operations.

California Fertilizer Association (CFA)

An organization promoting progress in the fertilizer industry in the interest of an efficient and profitable agricultural community. Activities of CFA include developing and disseminating new information to its members and others; supporting production-oriented research programs to identify maximum yield systems for farmers; promoting argonomic topics at our schools, colleges and universities; and maintaining open communications among the industry, universities and other state and federal agencies.

Chemical Labels

As required by federal law, manufacturers of pesticides must provide chemical labels on the containers of all pesticides distributed. These labels include all necessary information on the chemical constituents of the pesticide, including recommendations and instructions for use, toxicity classification and the appropriate warning statements and emergency procedures in case of acute exposures. As required by state law, labels must be kept in good, readable condition and be attached to all pesticide containers at all times.

Drainage Area Management Plan (DAMP)

A document required under the municipal NPDES stormwater permits issued to the co-permittees by Santa Ana and San Diego Regional Water Quality Control Boards.

Equivalent Training

A term referring to public agency employees dealing with the application of pesticides who have not received a qualified applicator's license (QAL) from the State of California, but who has completed a training course in pesticide application offered by the County of Orange.

Eutrophication

A decrease in dissolved oxygen in a body of water to such an extreme extent that plant life is favored over animal life. For example, a lake that is overgrown in algae on the surface is likely in a state of eutrophication.

Integrated Pest Management

The trend in vegetation management that supports moving away from reliance on pesticides and toward an integrated approach of limited pesticide use with more environmentally friendly pest control techniques.

Maximum Extent Practicable (MEP)

MEP means taking into account equitable considerations of competing factors, including, but not limited to, the gravity of the problem, fiscal feasibility, public health risks, societal concern and social benefit.

GLOSSARY (cont'd)

Materials Data Safety Sheet (MSDS)

Similar to chemical labels and also required by federal law, these sheets should contain all information necessary for the safe handling of pesticides. They include chemical identifications, hazardous ingredients, physical data, fire and explosion data, health hazards, reactivity data, spill or leak cleanup procedures, special protection and special precautions.

National Pollutant Discharge Elimination System (NPDES)

The national program under the Clean Water Act for controlling discharges from point sources directly into Waters of the United States.

Permittee

A permittee to an NPDES permit that is responsible for permit conditions relating to the discharge for which it its operator. As used in the Stormwater Permit Implementation Agreement, permittees are the County of Orange, the 33 cities of Orange County and the Orange County Flood Control District.

Pest Control Advisor (PCA)

Certification obtained from the State of California after demonstrating adequate knowledge of pests, pesticides and the implications of pesticide use. A recommendation for pesticide use must be obtained from a PCA before public agencies may approve any pesticide applications.

Qualified Applicator's License (QAL)

A license obtained from the State of California after demonstrating adequate knowledge of the proper techniques for handling, storing, transporting and applying pesticides. Workers must obtain a QAL before being permitted to apply or supervise application of Category 1 pesticides.

Qualified Fertilizer Specialist

A person designated by the governing public agency who is knowledgeable of the proper techniques for handling, storing, transporting and applying fertilizers as defined in the Management Guidelines for Use of Fertilizers and Pesticides. This person shall be able to sample, inspect, test and make analyses of fertilizers that are in use or being considered for use in the agency's jurisdiction to such an extent to adequately determine their compliance with the management guidelines.

Restricted Materials Permit

A permit that must be acquired by any public agency before application of the pesticides listed as restricted by the State of California in the Code of Regulations ("CCR"), Title 3, Division 6. In Orange County, this permit must be obtained from the County Agricultural Commissioner.

GLOSSARY (cont'd)

State Code

In this report, referring to CCR, Title 3, Division 6, and noted as "3 CCR."

Storm Drain

Pipe or channel structure designed to convey only stormwater runoff for purposes of flood protection. Federal regulations use the term "storm sewer." Use of the word "sewer" for a stormwater conveyance structure should be discouraged, since the word "sewer" also includes sanitary sewers and combined sewers which carry human waste.

Toxicity Classification

The California Department of Food and Agriculture groups pesticides into three categories according to their toxicity or potential to cause injury to people. Category 1 pesticides are the most hazardous and their use is normally restricted, while Category 3 pesticides are the least toxic to people and are generally less hazardous.

EXECUTIVE SUMMARY

This document was prepared to establish guidelines for the management of fertilizers and pesticides. The main objective of these guidelines is to safeguard to "the maximum extent practicable"* against unnecessary discharges of fertilizers and pesticides into surface and groundwater systems and to establish safe and reasonable standards for handling those materials. The guidelines are based on state and federal laws, environmental policies and "best management practices" established by various public and private agencies. Through this document, it is envisaged that these practices will establish a set of uniform standards and procedures.

1.0 INTRODUCTION

1.1 Status of Fertilizer and Pesticide Use

Fertilizers and pesticides are a primary tool of vegetation management. Used properly, fertilizers provide important nutrient supplies for vegetation and agriculture, and pesticides help to protect those resources from potential harm.

Used improperly, fertilizers and pesticides can become an impairment to surface and groundwater supplies. Careless application, mixing, transportation, storage and disposal allow chemicals to enter surface and groundwater through runoff and infiltration; the same handling problems endanger human health through exposure to toxic chemicals; soil degradation often results from overuse and misuse of pesticides and fertilizers. Even under ideal conditions, there is still a high level of risk, and consequently, there is a need for considerable professional planning and management.

1.2 Management Options

Because of the risk involved in using fertilizers and pesticides, the development of management guidelines for use of fertilizers and pesticides is an essential element of the DAMP. These guidelines are designed not only to comply with the NPDES Stormwater Program, but also to minimize any threat to human health and environmental resources from improper use of fertilizers and pesticides. It is envisaged that consideration of these guidelines by the permittees will cause public agencies to re-evaluate their approach to using fertilizers and pesticides and move toward reducing dependence on them.

The guidelines that follow are intended for the use of the Permittees, although they may ultimately be used on a broader scale. They are based on the laws, management guidelines and "best management practices" established by other federal, state and local agencies. They recognize that the safe management of fertilizers and pesticides is a shared responsibility between the field worker and management. These guidelines address the concern for fertilizer and pesticide use at a basic level, and if followed, they should reasonably prevent environmental damage to the highest degree possible.

1.3 Definitions

For the purpose of these guidelines, fertilizers may be referred to as "nutrients" or "soil nutrients," and the term "pesticides" will encompass all herbicides, insecticides, fungicides and rodenticides. The California Food and Agricultural Code and the California Code of Regulations, Title 3 (3 CCR)*, constitute the laws and regulations referenced in this plan. They are referenced often and usually referred to as the "State Code."* Also, Permittees will be referred to as "public agencies," and employees working for these public agencies who handle fertilizers & pesticides will be referred to as "workers" or "public employees."

2.0 FERTILIZER MANAGEMENT

2.1 Definition and Scope of Guidelines

Fertilizers are nutrients applied to soil to provide a better growing environment for plants. The fertilizers most commonly in use in Southern California today are nitrogen- and phosphorus-based. Both leach into soils easily in the presence of water and have become a water quality concern, causing algal blooms and eutrophication* and, in some cases, causing levels to exceed federal drinking water standards.

However, fertilizers also play the important role of promoting vegetation growth that protects soil from erosion and enhances landscape aesthetics. Because there is a necessity for soil nutrients and because there is a potential for adverse effects on local waterways due to the loss of these nutrients through runoff and infiltration, management guidelines are necessary as a means of reducing the loss of fertilizers into water supplies.

2.2 General Considerations

2.2.1 State and Federal Law

Because most fertilizers are not as toxic as pesticides, state and federal lawmakers have not developed regulations for their use. Fertilizers are not usually considered an immediate danger to public health or safety. However, the California Fertilizer Association (CFA)*, a Sacramento-based organization, has developed complete management guidelines for fertilizer use and the State Department of Food and Agriculture has recommendations for use of nitrate-based fertilizers, both of which are available for consultation.

2.2.2 General Recommendations

1. Public agencies should periodically have soils tested before applying fertilizers to be certain that application is appropriate for and compatible with soil conditions. The samples should be analyzed by a qualified specialist for fertilizer applications*, and workers should follow the recommendations.
2. Public agencies should choose to use organic fertilizers such as compost, peat and mulch wherever possible to increase soil porosity and water retention.
3. Workers should apply only the minimum amount of fertilizer needed and incorporate it directly into the soil around the plant, where possible, to minimize potential surface runoff.
4. Workers should not apply fertilizers in the rain or on the same day that rain is expected.
5. Workers should immediately cleanup any spill of fertilizers.

6. Storage facilities should be covered and have impermeable foundations so that potential spills don't have the opportunity to runoff into surface water or leach into groundwater systems.
7. Fertilizers that may be carried by the wind should be stored in areas away from open loading spaces and entrances of storage warehouses.
8. Fertilizers should be securely covered in the vehicle before being taken to application sites so that none can spill or fly out during transport.
9. Use slow release fertilizers -- such as water soluble nitrogen fertilizers, coated fertilizers and fertilizers of limited solubility -- whenever possible to minimize the possibility of leaching.

2.3 Planning for Use of Fertilizers

2.3.1 Soil Testing

Most fertilizers travel quickly through water. Therefore, fertilizers will leach through soil and potentially contaminate groundwater more quickly after excess watering or irrigation, after heavy rains and where the water table is high. For this reason, soil testing is an important management technique to determine the safest fertilizer application rate.

The California Landscape Contractors Association (CLCA) has a complete list of organizations in Southern California that offer soil testing and analyzing for fertilizer use. To get a copy of that list, CLCA can be contacted at (916) 448-2522. If a reliable soil analyst is not already known, it is advisable for public agencies to consult CLCA and research a specialist who can make recommendations for fertilizer use.

2.3.2 Application Rates

The amount of fertilizer needed for different applications depends on a number of factors. For specific recommendations, a qualified specialist should be consulted. The following are some factors to be considered:

- The vegetation's ability to use fertilizer;
- The amount of nutrients already in the soil, including fertilizer that may still be present from a previous application;
- The amount of soil nutrients that will or can be obtained from natural processes;
- The expected loss of nutrients from the soil; and
- The temperature at the time of application.

2.3.3 Timing

For vegetation with different growth patterns, fertilizers should be applied at different times and in different quantities. The vegetation being managed should be researched and fertilizers applied only according to the amounts and at the time intervals recommended by a qualified specialist for fertilizer applications. This should minimize the waste of fertilizer and reduce any risk of water contamination.

2.4 Application Methods of Fertilizers

This section details the most common methods for application of fertilizers. These are not the only acceptable methods of fertilizer application. Every application has its own circumstances and variables to consider. A qualified fertilizer specialist should be consulted to recommend the most appropriate application method.

2.4.1 Banding of Fertilizer

Probably the most common and safest application method, this involves physically working small amounts of fertilizer into the soil in a band beneath and around the sides of a seed. It allows new roots to efficiently use the nutrients and minimizes potential nutrient loss to surface runoff. However, given the labor involved, banding may not be practical for most public agency fertilizer applications.

2.4.2 Foliar Fertilization

This is fertilizer applied in solution form that is absorbed through leaves and stems. The method can reduce nutrient leaching into the soil when applied correctly and can be performed at the same time as pesticides application to avoid spraying twice. In this case, the guidelines for pesticide applications must also apply.

2.4.3 Broadcast Application

By this method, dry or liquid fertilizer is uniformly spread over the soil surface. This is often done mechanically, an example being the "drop spreader" which is usually an inverted triangle hopper. The simplest of mechanical applicators, the drop spreader is commonly mounted on wheels and pushed by hand or pulled by vehicle to drop fertilizer out of the bottom of the triangle.

Other types of broadcast applicators include spray booms for liquid fertilization or "spinning disks" mounted on a moving vehicle that throw dry fertilizer into the air. It should be noted that these latter methods do not offer much control over fertilizer drift in adverse weather conditions.

2.4.4 Fertigation

Although not likely to be used by public agencies for fertilizer applications, this method is common among Californian farmers who incorporate fertilizers into irrigation water. The potential for nutrient leaching using this method, though, appears to be high.

2.5 Storage and Handling of Fertilizers

2.5.1 General Description

When stored and handled properly, fertilizers present no hazard to the users' health. Public employees responsible for the storage and handling of fertilizers should be aware that some fertilizers have properties that can result in dangerous chemical reactions if mixed with other substances or under unusual circumstances. For example, ammonium nitrate may become explosive if it becomes mixed in diesel fuel; a dehumidifier may be necessary for storage areas where sensitive fertilizers are stored. Also, because most fertilizers tend to be corrosive, concrete structures are preferred for fertilizer storage facilities.

2.5.2 Dry Fertilizer

In most cases, dry fertilizers are safe to store, transport and handle. However, because some fertilizers have unique, potentially dangerous properties, it is advisable for public agencies to consult a qualified fertilizer specialist for the safest storage and handling procedures for specific fertilizers.

2.5.3 Liquid Fertilizer

Fertilizers in liquid form are potentially more hazardous than dry fertilizer. Public employees responsible for storage and handling need to be aware of the specific properties of each liquid fertilizer in use, including corrosivity and tolerable temperature and pressure ranges. Protective equipment may be necessary for workers handling fertilizers such as sulfuric or phosphoric acid. A qualified fertilizer specialist should be consulted for recommending the safest handling and storage procedures for specific liquid fertilizers.

3.0 PESTICIDE MANAGEMENT

3.1 Definition and Scope of Guidelines

Pesticides are designed to kill or restrict the growth of plants and organisms, and thus, are potentially dangerous chemicals. Increasing scientific concern for their safe use and heightened public awareness of health concerns has led to more and more regulations in the United States at both the state and federal level. Pesticide use by public agencies often involves applications to keep flood control channels and roadways clear or to minimize health and safety hazards of disease-bearing rodents and insects. Any of these applications can drain into stormwater basins if not controlled properly. Although safety concerns and the cost of complying with new regulations have encouraged some public agencies to cut back on the use of pesticides, use is still common, and their management is therefore essential.

3.2 General Considerations

3.2.1 State and Federal Law

The California Department of Food and Agriculture and the federal Toxic Substances Control Act (TSCA) have set forth extensive rules and regulations that must be met by all public agencies. At an absolute minimum, public agencies must comply with these laws or be subject to the penalties described in the statutes.

3.2.2 Chemical Labels and Materials Safety Data Sheets (MSDS)

1. Without exception, chemical labels* provided by the manufacturer of each pesticide are the first source of recommendations and instructions for chemical use. Whenever a chemical is to be used by a worker or a contractor of a public agency, the user needs to be intimately familiar with the label instructions and requirements.

As described in the State Code (Ch. 2, Subch. 1, Art. 10), the label must appear on the immediate container of the chemical and include, in prominent, bold type, the appropriate warning or caution statement according to its toxicity classification*. If a chemical is transferred to another container, a copy of the label should be transferred with it.

Workers should never handle a container that doesn't have a warning label attached, and the supervisor in charge should be immediately advised of the situation. If a label is badly damaged, the supervisor should replace it.

2. Workers using pesticides should have readily available the Materials Safety Data Sheets (MSDS)* for each chemical they are using. Although the MSDS is a form that may vary in appearance for different chemicals, the information is the same, as required by law. Similar to the chemical labels, these sheets contain information necessary to handle each chemical safely, and all workers should be familiar with the information.

MSDS sheets include chemical identifications, hazardous ingredients, physical data, fire and explosion data, health hazards, reactivity data, spill or leak cleanup procedures, special protection and special precautions.

3.2.3 General Recommendations

1. Public agencies should maintain a complete list of all chemicals and their uses.
2. Public agencies should thoroughly investigate and consider all alternatives to pesticide use.
3. Workers should use pesticides only according to label instructions.
4. Work crews should bring to the work site only the amount of chemical to be used during the application and use only the minimum amount the chemical necessary.
5. Workers should consider weather conditions that could affect application (for example, they shouldn't spray when winds are exceeding 5 mph, when raining or when rain is likely).
6. Workers should consider area drainage patterns (for example, they shouldn't apply near wetlands, streams and lakes or ponds unless it is for an approved maintenance activity).
7. Workers should consider soil conditions before applying pesticides (for example, they shouldn't apply to bare or eroded ground).
8. Workers should triple-rinse empty pesticide containers before disposal and use the leftover wash as spray.
9. Workers should never clean or rinse pesticide equipment and containers in the vicinity of storm drains*.
10. Pesticides should only be stored in areas with cement floors and in areas insulated from temperature extremes.
11. Workers should secure chemicals and equipment during transportation to prevent tipping or excess jarring in a part of the vehicle completely isolated from people, food and clothing.

12. Workers or their supervisors should inspect pesticide equipment, storage containers and transportation vehicles daily.
13. Public agencies should adopt a plan for dealing with potential accidents before they happen.
14. Workers should immediately clean up any chemical spill according to label instructions and notify the appropriate supervisors and agencies.

3.3 Planning for Use of Pesticides

3.3.1 Selection of Appropriate Pesticides

1. Pesticides are to be used only after recommendation from a state-licensed or certified pest control advisor.
2. Public agencies should also seek advice for appropriate pesticide use from the Orange County Agricultural Commission, from other professional pesticide handlers and/or through professional publications. The County Agricultural Commission can be contacted at (714) 447-7100.
3. A special effort should be made to limit use of restricted pesticides and all other Category One pesticides.

3.3.2 Certification, Licensing and Permitting

1. Pesticides are only to be applied by or under the direct supervision of an individual with a qualified applicators license (QAL)* for pesticide applications or by workers with equivalent training*.
2. Chemicals listed as "restricted" in the State of California may be used only under a restricted materials permit* (StateCode Ch. 2, Subch. 4) to be issued by the Orange County Agricultural Commission. The permit must be renewed annually for continued use. For more information, contact the Commission at (714) 447-7100.
3. All other guidelines concerning permits, licensing and certification requirements to be followed before pesticide application are detailed in the State Code, Chapter 3, Subchapter 1.

3.3.3 Employee Training

1. Public agency employees must know the information on the chemical label and its MSDS before using pesticides in any capacity. In addition, they should (a) know the immediate and long-term health hazards posed by chemicals to be used, the common symptoms of chemical poisoning and the ways poisoning could occur, and (b) know the safe work practices to be followed, including the appropriate protective clothing, equipment, mixing, transportation, storage, disposal and spill cleanup procedures that apply to the specific chemicals being used.
2. In addition to the training and annual continuing education required for licensing and certification (3 CCR, Ch. 3, Subch.3, Art. 2), public employees are encouraged to participate in continuing pesticide education programs whenever the programs are available.

3.3.4 Accident Mitigation

Public agencies using pesticides should have plans for dealing with potential accidents before they happen. These plans should consider:

1. Labels and MSDS Sheets -- All workers handling pesticides must be familiar with these instructions. The steps for accident mitigation are spelled out on chemical labels and MSDS sheets.
2. Spill Cleanup Kits -- Any time pesticides are being handled, there should be a cleanup kit on hand in case of an accident. This means there should always be a cleanup kit located in pesticide storage areas, on vehicles used to transport pesticides and on location where the chemicals are being applied. Although these kits may vary in what they contain depending on the chemical type and the situation, at a minimum they should include:
 - spill-control procedures
 - a five gallon drum with sealable lid
 - a dust pan and broom
 - a squeegee
 - a shovel
 - protective goggles, gloves, boots, coveralls
 - a tarp (for covering dry spills)
 - detergent and water (check label or MSDS for proper use)
 - barricade tape, florescent traffic safety cones or string to cordon off an area
 - large sponges, containment booms or some other absorbent material

3. Cleanup Procedures -- Spilled pesticides must be prevented from entering the local surface and/or groundwater supplies. Specific recommendations for spill cleanup should be available on each chemical label or MSDS. Specific recommendations for the sequence of procedures may also vary depending on the situation. However, generally, in case of a spill, the responsible worker(s) should:

EVALUATE the accident and quickly determine the most immediate concerns (medical and/or environmental).

CONTAIN OR CONTROL the spill.

NOTIFY the supervisor in charge who should, in turn, notify the proper authorities. If contact cannot be made, dial 911.

ISOLATE the area with fluorescent traffic safety cones, ropes or some other cordoning device to be sure that no one walks, wanders or drives through the spill area.

CLEAN UP the spill as best as possible following label instructions and using the appropriate spill cleanup kit.

EVALUATE any damage that may have occurred resulting from the spill (property damage, health damage, equipment damage, etc.) and make notes on all relevant details and circumstances before leaving the scene.

PREPARE A COMPLETE REPORT detailing the incident immediately after leaving the scene upon returning to the work place and submit it to the immediate supervisor.

3.3.5 Emergency Medical Care

Accident situations requiring emergency medical care are likely to involve acute exposure to potentially toxic chemicals. Instructions for handling these exposures appear on the chemical label. Workers should:

1. Be aware of the symptoms of acute exposures for each chemical being used.
2. Have a predetermined strategy for dealing with exposure scenarios, including knowing (a) the label recommendations for dealing with acute exposures and (b) the nearest medical facility where emergency care is available.

3.3.6 Equipment and Equipment Maintenance

All equipment for the handling of pesticides should be inspected and cleaned by workers before each use to ensure that there are no problems that could lead to chemical leaks, spills or accidents during the day's work (State Code Ch. 3, Subch. 3, Art. 2).

3.3.7 Groundwater and Surface Water Protection

Similar to the discussion of leaching in fertilizer management, the main factors determining the rate at which pesticides enter groundwater and surface water systems are chemical mobility, solubility and persistence and the soil type. For example, potentially dangerous chemicals are likely to have a high solubility and an extremely long half-life, and they are not likely to be easily absorbed into the soil. Therefore, chemicals that decompose rapidly may be preferred. However, note that to choose a chemical that may need to be applied two or three times as often may not make sense from a transportation and application risk standpoint.

Because of these factors, regardless of the category of chemicals being used, pesticide advisors should always test the soil for compatibility with specific chemicals before recommending pesticides for a specific area.

Furthermore, because the effect of these uses is not always immediately apparent, public agencies should periodically test areas that could be particularly vulnerable to contamination or deterioration. The results of these tests should be kept on public record.

3.4 Application of Pesticides

3.4.1 Supervision

1. In cases where supervision of pesticide applications is required by the State Code, supervision must be handled by a state-licensed or certified pesticide applicator. For all other pesticide applications, supervision may be handled by workers with equivalent training.
2. Public agencies that contract pesticide applications should periodically inspect contracted work crews to be certain that contractors are following proper management guidelines. Public agencies handling their own applications should likewise inspect their work crews on a regular basis to ensure that safety standards are being met.

3.4.2 Proper Techniques

1. Read the label carefully and follow application instructions exactly. Be absolutely certain that the right chemical is being used for the right job before applying.
2. To prevent potentially harmful runoff, only the absolute minimum amount of pesticides should be used to ensure vegetation safety.
3. Recommendations for best weather conditions to prevent pesticide spray drift are outlined in State Code Chapter 2, Subchapter 4, Article 2.

3.4.3 User Safety and Protection

1. Public agencies should have on hand equipment for application of pesticides should include eye protection, gloves, respiratory gear and impervious full-body, chemical resistant clothing when called for by the chemical label.
2. Even when wearing respiratory gear or masks, when dealing with spray applications of pesticides, workers should avoid directly inhaling in the spray mist.
3. Workers should avoid working alone, especially at night.
4. Workers should clean equipment, clothing and self thoroughly after each application.
5. State laws regarding re-entry into fields that have recently been treated with pesticides should be followed (State Code Chapter 3, Subchapter 3, Article 3).
6. Public agencies are responsible for knowing and informing workers about the specific pesticides being used including how they are properly handled, the dangers involved and the proper training and safety procedures.
7. Public agencies are responsible for keeping updated records and a complete list of the pesticides being used in their jurisdiction. This should include the chemicals, amount in storage, amount of applications, dates and location of applications and pests controlled with each application.
8. Public agencies should keep all relevant label and MSDS information for each chemical updated and readily available at all times to workers handling the materials.

3.5 Storage, Disposal and Transportation

3.5.1 Proper Storage

1. Storage areas should be away from living areas and in a covered area that is well-insulated from temperature extremes; they should have a cement floor and good ventilation. Also, storage areas should be clearly marked according to state standards and be securely locked at all times when not in use.
2. Public agencies should ensure that chemical labels on pesticides being stored or used are kept in good condition and attached to all containers holding pesticides (State Code Ch. 3, Subch. 2, Art. 4).
3. Workers should ensure that storage equipment and containers are inspected daily for leaks or defects before being taken on the job. Containers should also be inspected and before storing at the end of the day.

3.5.2 Proper Disposal

1. Workers should make certain that chemical containers are triple-rinsed before disposal (State Code Ch. 3, Subch. 2)
2. It is recommended that cleaned containers be sent back to the manufacturer for recycling whenever possible. However, once triple-rinsed, most haulers will take them to most landfills.
3. Workers should use left over rinse water as spray.
4. Public agencies should ensure that surplus or out-of-date chemicals are given to a licensed hazardous waste hauler for disposal.

3.5.3 Safe Transportation Methods

1. Workers should ensure that all pesticides containers are tightly sealed and secured from tipping or excess jarring (State Code Ch. 3, Subch. 2, Art. 4).
2. Transportation compartments on vehicles should be isolated from the compartment carrying people, food and clothing and should be securely locked (State Code Ch. 3, Subch. 2, Art. 4).
3. Workers should transport only the amount of pesticide needed for the day to the site.
4. Workers should be certain that the appropriate chemical labels and MSDS sheets, a spill cleanup kit, the location of emergency medical care and a first aid kit are always brought along when transporting pesticides.

5. Public agencies should encourage all vehicles used for pesticide transportation to include radio communications for contacting help in case of a spill or some other emergency.

4.0 INTEGRATED PEST MANAGEMENT*

4.1 Background on Pesticide Use

For most of the last 50 years, the trend in vegetation management has been toward a greater reliance on pesticides. The result has been not only a tremendous increase in the use of many dangerous chemicals, but also an enormous increase in the number of pests that are resistant to the pesticides being produced. In essence, as more pesticides have been produced, more resistant strains of pests have evolved. Worse, recent studies have shown that the end result of this global trend has been no net gain in vegetation survival rates.

With these realizations becoming well known, vegetation managers are now moving away from their reliance on pesticides and toward an integrated approach that combines limited pesticides use with more environmentally-friendly pest control techniques.

4.2 Scope of Guidelines

For public agencies in Orange County, IPM practices should be preferred to the sole use of pesticides as the primary means of vegetation management. These techniques are designed to prevent overuse and to reduce reliance on them. IPM should be considered by all public agencies or their contractors before intensive use of pesticides.

The goal of IPM is not to eliminate all pests, but to keep their populations at a manageable number. Pesticides are part of IPM techniques, but they are used in small quantities and only after all other alternatives have been reviewed.

4.3 Alternatives to Pesticides

Some of the alternatives to pesticides that may be considered as part of an IPM program include:

1. Introduction of natural predators such as ladybugs, lacewings, garter snakes and toads. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.
2. Selected removal or rotation of vegetation habitat to eliminate the breeding places of specific pests.
3. Weeding, hoeing and trapping manually. Pruning and thinning of trees is also an effective means of preventing epidemic tree insects and diseases.

Also, at certain times of the year and under certain environmental conditions, certain pests can be expected. Therefore, timely planting or well-timed use of small quantities of pesticides may avoid the need for some chemical use.

REFERENCES

- California Department of Food and Agriculture, Nitrate Working Group. **Nitrate and Agriculture in California**. 1989.
- California Department of Food and Agriculture, Pesticides and Pest Control Operations. **Barclays Official California Code of Regulations - 1992**.
- California Fertilizer Association. **Guidelines for Protection of Water Quality at Retail Fertilizer Facilities**. 1988.
- California Fertilizer Association, Soil Improvement Committee. **Western Fertilizer Handbook**. 1985.
- California Regional Water Quality Control Board, Santa Ana Region. **Stormwater Management Manual for Puget Sound**. 1990.
- California Regional Water Quality Control Board, Santa Ana Region. **Order No. 90-71, NPDES No. CA 8000180**. 1990.
- California Regional Water Quality Control Board, Santa Ana Region. **Order No. 96-31, NPDES No. CAS618030**. 1996.
- California Regional Water Quality Control Board, Santa Ana Region. **Order No. 90-38, NPDES No. CA 0108740**. 1990.
- California Regional Water Quality Control Board, Santa Ana Region. **Order No. 96-03, NPDES No. CAS0108740**. 1996.
- City of Mission Viejo. **Specifications for the Maintenance of Municipal Landscapes of Mission Viejo**. 1989.
- City of San Clemente, Parks Div. **Herbicides & Pesticides Safety Manual** 1991.
- City of Tustin. **Hazard Communication Employee Training**. 1992.
- County of Orange, Environmental Resources Division. **Drainage Area Management Plan, Final Draft**. 1991.
- County of Orange, Environmental Resources Division. **Drainage Area Management Plan**. 1993.
- County of Orange, Environmental Resources Division. **Management of Pesticides, Herbicides and Fertilizers: A Survey to Help Establish Guidelines**. 1992.

REFERENCES (cont'd)

Environmental Impact Profiles. Environmental Impact Report: **Vegetation and Pest Management Program for Orange County Flood Control District**, 1974.

Fitzgerald, Wendy S. (California Department of Water Resources, Flood Project Analysis). **Levee Management Plans, Sutter Yard**, 1989-90.

Monsanto Agricultural Co. **A Natural Balance: Restoring Native Habitats** 1991.

United States Department of Agriculture. **Final Environmental Impact Statement: Vegetation Management in the Coastal Plain/Piedmont, Volumes 1-3**. 1989.

University of California, Division of Agricultural Sciences. **Safe Handling of Agricultural Pesticides**. 1978.

University of California, Division of Agriculture and Natural Resources. **The Safe and Effective Use of Pesticides**. 1990.

16. County of Orange Water Quality Ordinance

COUNTY OF ORANGE WATER QUALITY ORDINANCE

ARTICLE 1. GENERAL PROVISIONS

Sec. 9-1-10. Adoption of the Water Quality Ordinance.

Pursuant to the Orange County Flood Control Act, section 36-2, subdivision (b), paragraphs (17) and (18), and section 36-2.5 of West's Annotated California Water Code Appendix, which, among other things, authorize the District to "regulate, prohibit, or control the discharge of pollutants, waste, or any other material into the district's facilities..." and "[to] establish compliance with any federal, state, or local law, order, regulation, or rule..." there is hereby adopted a Water Quality Ordinance.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-20. Purpose.

The purpose of the Water Quality Ordinance is to prescribe regulations as mandated by the Clean Water Act [33 USC Sec. 1251 et seq., as amended] to effectively prohibit non-stormwater discharges into the storm sewers and to reduce the discharge of pollutants. Human activities, such as agriculture, construction and the operation and maintenance of an urban infrastructure may result in undesirable discharges of pollutants and certain sediments, which may accumulate in local drainage channels and waterways and eventually may be deposited in the waters of the United States. This Ordinance will improve water quality by controlling the pollutants which enter the network of storm drains throughout Orange County.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-30. Definitions.

(a) *Authorized Inspector* shall mean the person designated by the Director of Public Facilities and Resources Department and persons designated by and under his/her instruction and supervision, who are assigned to investigate compliance and detect violations of this Ordinance.

(b) *Co-permittee* shall mean the County of Orange, the Orange County Flood Control District, and all the municipalities within Orange County which are responsible for compliance with the terms of the NPDES Permit.

(c) *County* shall mean the County of Orange, California.

(d) *DAMP* shall mean the Orange County Drainage Area Management Plan, as the same may be amended from time to time.

(e) *Development project guidance* shall mean DAMP Chapter VII and the Appendix thereto, entitled Best Management Practices for New Development Including Non-Residential Construction Projects, and all subsequent amendments thereto.

(f) *Discharge* shall mean any release, spill, leak, pump, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or disposal of any liquid, semi-solid or solid substance.

(g) *Discharge exception* shall mean the group of activities not restricted or prohibited by this Ordinance, including only:

Discharges composed entirely of stormwater; discharges subject to regulation under current EPA or Regional Water Quality Control Board issued NPDES permits, State General Permits, or other waivers, permits or approvals granted by an appropriate government agency; discharges from property for which best management practices set forth in the development project guidance are being implemented and followed; discharges to the stormwater drainage system from potable water line flushing, fire fighting activities, landscape irrigation systems, diverted stream flows, rising groundwater, and de minimis groundwater infiltration to the stormwater drainage system (from leaks in joints or connections or cracks in water drainage pipes or

conveyance systems); discharges from potable water sources, passive foundation drains, air conditioning condensation and other building roof runoff, agricultural irrigation water runoff, water from crawl space pumps, passive footing drains, lawn watering, noncommercial vehicle washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges; discharges of reclaimed water generated by a lawfully permitted water treatment facility; street wash waters when related to cleaning and maintenance by, or on behalf of, the District; discharges authorized pursuant to a permit issued under Article 6 hereof; discharges allowable under the domestic sewage exception; discharges for which the discharger has reduced to the extent feasible the amount of pollutants in such discharge; and, discharges authorized pursuant to federal or state laws or regulations.

In any action taken to enforce this division, the burden shall be on the person who is the subject of such action to establish that a discharge was within the scope of this discharge exception.

(h) *District* shall mean the Orange County Flood Control District.

(i) *Domestic sewage exception* shall mean discharges which are exceptions to this division and excluded from the definition of prohibited discharge, as defined herein, including only:

Discharges composed entirely of accidental spills of untreated sanitary wastes (commonly called domestic sewage) and other wastes, but limited solely to wastes that are controlled by and are within publicly owned wastewater treatment system collection facilities, immediately prior to the accidental spill.

(j) *Enforcing Attorney* shall mean the District Attorney acting as counsel to the District or his/her designee, which counsel is authorized to take enforcement action as described herein. For purposes of criminal prosecution, only the District Attorney or his/her designee shall act as the Enforcing Attorney.

(k) *EPA* shall mean the Environmental Protection Agency of the United States of America.

(l) *Hearing Officer* shall mean the person designated by the Director of the Public Facilities and Resources Department who shall preside at the administrative hearings authorized by this division and issue final decisions on matters raised therein.

(m) *Illicit connection* shall mean any man-made conveyance or drainage system, pipeline, conduit, inlet or outlet, through which the discharge of any pollutant to the stormwater drainage system occurs or may occur. The term "illicit connection" shall not include legal nonconforming connections or connections to the stormwater drainage system that are hereinafter authorized by the agency with jurisdiction over the system at the location at which the connection is made.

(n) *Invoice for Costs* shall mean the actual costs and expenses of the District, including but not limited to administrative overhead, salaries and other expenses recoverable under State law, incurred during any inspection conducted pursuant to Article 2 of this division, or where a notice of noncompliance, administrative compliance order or other enforcement option under Article 5 of this division is utilized to obtain compliance with this division.

(o) *Legal nonconforming connection* shall mean connections to the stormwater drainage system existing as of the adoption of this division that were in compliance with all federal, state and local rules, regulations, statutes and administrative requirements in effect at the time the connection was established, including but not limited to any discharge permitted pursuant to the terms and conditions of an individual discharge permit issued pursuant to the Industrial Waste Ordinance, County Ordinance No. 703.

(p) *New Development* shall mean all public and private residential (whether single family, multi-unit or planned unit development), industrial, commercial, retail, and other nonresidential construction projects, or grading for future construction, for which either a discretionary land use approval, grading permit, building permit or nonresidential plumbing permit is required.

(q) *Nonresidential plumbing permit* shall mean a plumbing permit authorizing the construction and/or installation of facilities for the conveyance of liquids other than stormwater, potable water, reclaimed water or domestic sewage.

(r) *NPDES permit* shall mean the currently applicable municipal discharge permit(s) issued by the Regional Water Quality Control Board, Santa Ana and San Diego Regions, which establish waste discharge requirements applicable to storm runoff within the District.

(s) *Person* shall mean any natural person as well as any corporation, partnership, government entity or subdivision, trust, estate, cooperative association, joint venture, business entity, or other similar entity, or the agent, employee or representative of any of the above.

(t) *Pollutant* shall mean any liquid, solid or semi-solid substances, or combination thereof, including and not limited to:

(1) Artificial materials (such as floatable plastics, wood products or metal shavings).

(2) Household waste (such as trash, paper, plastics, cleaning chemicals, yard wastes, animal fecal materials, used oil and fluids from vehicles, lawn mowers and other common household equipment).

(3) Metals and nonmetals, including compounds of metals and nonmetals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, cyanide, phosphorus and arsenic) with characteristics which cause an adverse effect on living organisms.

(4) Petroleum and related hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease).

(5) Animal wastes (such as discharge from confinement facilities, kennels, pens, and recreational facilities, including, stables, show facilities, and polo fields).

(6) Substances having a pH less than 6.5 or greater than 8.6, or unusual coloration, turbidity or odor.

(7) Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and use of super chlorinated water for potable water line flushing).

(8) Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon.

(9) Materials which contain base/neutral or acid extractable organic compounds.

(10) Those pollutants defined in section 1362(6) of the Federal Clean Water Act; and

(11) Any other constituent or material, including but not limited to pesticides, herbicides, fertilizers, fecal coliform, fecal streptococcus or enterococcus, or eroded soils, sediment and particulate materials, in quantities that will interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the State.

(u) *Prohibited discharge* shall mean any discharge, which contains any pollutant, from public or private property to (i) the stormwater drainage system; (ii) any upstream flow, which is tributary to the stormwater drainage system; (iii) any groundwater, river, stream, creek, wash or dry weather arroyo, wetlands area, marsh, coastal slough, or (iv) any coastal harbor, bay, or the Pacific Ocean. The term "prohibited discharge" shall not include discharges allowable under the discharge exception.

(v) *Significant redevelopment* shall mean the rehabilitation or reconstruction of public or private residential (whether single family, multi-unit or planned unit development), industrial, commercial, retail, or other nonresidential structures, for which either a discretionary land use approval, grading permit, building permit or nonresidential plumbing permit is required.

(w) *State general permit* shall mean either the State general industrial stormwater permit or the State general construction permit or any other State general permit that has been or will be adopted and the terms and requirements of any such permit of either or both. In the event the U.S. Environmental Protection Agency revokes the in-lieu permitting authority of the State Water

Resources Control Board, then the term State general permit shall also refer to any EPA administered stormwater control program for industrial and construction activities.

(x) *Stormwater drainage system* shall mean street gutter, channel, storm drain, constructed drain, lined diversion structure, wash area, inlet, outlet or other facility, which is a part of a tributary to the county-wide stormwater runoff system and owned, operated, maintained or controlled by the County of Orange, the Orange County Flood Control District or any co-permittee city, and used for the purpose of collecting, storing, transporting, or disposing of stormwater.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 2. ILLICIT CONNECTIONS AND PROHIBITED DISCHARGES

Sec. 9-1-40. Prohibition on illicit connections and prohibited discharges.

(a) No person shall:

(1) Construct, maintain, operate and/or utilize any illicit connection.

(2) Cause, allow or facilitate any prohibited discharge.

(3) Act, cause, permit or suffer any agent, employee, or independent contractor, to construct, maintain, operate or utilize any illicit connection, or cause, allow or facilitate any prohibited discharge.

(b) The prohibition against illicit connections shall apply irrespective of whether the illicit connection was established prior to the date of enactment of this division; however, legal nonconforming connections shall not become illicit connections until the earlier of the following:

(1) For all structural improvements to property installed for the purpose of discharge to the stormwater drainage system, the expiration of five (5) years from the adoption of this division.

(2) For all nonstructural improvements to property existing for the purpose of discharge to the stormwater drainage system, the expiration of six (6) months following delivery of a notice to the owner or occupant of the property, which states a legal nonconforming connection has been identified. The notice of a legal nonconforming connection shall state the date of expiration of use under this division.

A reasonable extension of use may be authorized by the Director of the Public Facilities and Resources Department or the authorized inspector upon consideration of the following factors:

(1) The potential adverse effects of the continued use of the connection upon the beneficial uses of receiving waters;

(2) The economic investment of the discharger in the legal nonconforming connection; and

(3) The financial effect upon the discharger of a termination of the legal nonconforming connection.

(c) A civil or administrative violation of section 9-1-40(a) shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an illicit connection or to cause, allow or facilitate any prohibited discharge.

(d) If an Authorized Inspector reasonably determines that a discharge, which is otherwise within the discharge exception, may adversely affect the beneficial uses of receiving waters, then the Authorized Inspector may give written notice to the owner of the property or facility that the discharge exception shall not apply to the subject discharge following expiration of the thirty-day period commencing upon delivery of the notice. Upon expiration of the thirty-day period any such discharge shall constitute a violation of section 9-1-40(a).

(e) If a request for an extension of use is denied, the owner or occupant of property on which a legal nonconforming connection exists may request an administrative hearing, pursuant to the procedures set forth in Article 5, subsections 9-1-70(f) through (j), for an extension of the period allowed for continued use of the connection.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 3. CONTROLS FOR WATER QUALITY MANAGEMENT

Sec. 9-1-50. New development and significant redevelopment.

(a) All new development and significant redevelopment within the unincorporated and incorporated areas of the county shall be undertaken in accordance with the DAMP, including but not limited to the development project guidance.

(b) Prior to the issuance by the District of a grading permit, building permit or nonresidential plumbing permit for any new development or significant redevelopment, the public facilities and resources department and/or planning and development services department shall review the project plans and impose terms, conditions and requirements on the project in accordance with section 9-1-50(a). If the new development or significant redevelopment will be approved without application for a grading permit, building permit or nonresidential plumbing permit, the public facilities and resources department and/or planning and development services department shall review the project plans and impose terms, conditions and requirement on the project in, accordance with section 9-1-50(a) prior to the issuance of a discretionary land use approval or, at the District's discretion, prior to recordation of a subdivision map.

(c) Notwithstanding the foregoing sections 9-1-50(a) and (b), compliance with the development project guidance shall not be required for construction of (1) a (one) single family detached residence or (2) improvements, for which a building permit is required, to a (one) single-family detached residence unless the public facilities and resources department and/or planning and development services department determines that the construction may result in the discharge of significant levels of a pollutant into a tributary to the stormwater drainage system.

(d) Compliance with the conditions and requirements of the DAMP shall not exempt any person from the requirement to independently comply with each provision of this division.

(e) If the public facilities and resources department and/or planning and development services department determines that the project will have a de minimis impact on the quality of stormwater runoff, then it may issue a written waiver of the requirement for compliance with the provisions of the development project guidance.

(f) The owner of a new development or significant redevelopment project, or upon transfer of the property, its successors and assigns, shall implement and adhere to the terms, conditions and requirements imposed pursuant to section 9-1-50(a) on a new development or significant redevelopment project.

(1) Each failure by the owner of the property, or its successors or assigns, to implement and adhere to the terms, conditions and requirements imposed pursuant to section 9-1-50(a) on a new development or significant redevelopment project shall constitute a violation of this division.

(g) The public facilities and resources department and/or planning and development services department may require that the terms, conditions and requirements imposed pursuant to section 9-1-50(a) be recorded with the County Recorder's office by the property owner. The signature of the owner of the property or any successive owner shall be sufficient for the recording of these terms, conditions and requirements and a signature on behalf of the District shall not be required for recordation.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-51. Cost recovery.

The District shall be reimbursed by the project applicant for all costs and expenses incurred by the public facilities and resources department and/or planning and development services department in the review of new development or significant redevelopment projects for

compliance with the DAMP. The public facilities and resources department and/or planning and development services department may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the project applicant.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-52. Litter control.

No person shall discard any waste material including but not limited to common household rubbish or garbage of any kind (whether generated or accumulated at a residence, business or other location), upon any public property, whether occupied, open or vacant, including but not limited to any street, sidewalk, alley, right-of-way, open area or point of entry to the stormwater drainage system.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 4. INSPECTIONS

Sec. 9-1-60. Scope of inspections.

(a) *Right to inspect.* Prior to commencing any inspection as hereinbelow authorized, the Authorized Inspector shall obtain either the consent of the owner or occupant of the property or shall obtain an administrative inspection warrant or criminal search warrant.

(b) *Entry to inspect.* The Authorized Inspector may enter property to investigate the source of any discharge to any public street, inlet, gutter, storm drain or the stormwater drainage system located within the jurisdiction of the District.

(c) *Compliance assessments.* The Authorized Inspector may inspect property for the purpose of verifying compliance with this division, including but not limited to (i) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property, (ii) identifying point(s) of discharge of all wastewater, process water systems and pollutants, (iii) investigating the natural slope at tee location, including drainage patterns and man-made conveyance systems, (iv) establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system, (v) locating any illicit connection or the source of prohibited discharge, (vi) evaluating compliance with any permit issued pursuant to Article 6 hereof, and (vii) investigating the condition of any Legal Nonconforming Connection.

(d) *Portable equipment.* For purposes of verifying compliance with this division, the Authorized Inspector may inspect any vehicle, truck, trailer, tank truck or other mobile equipment.

(e) *Records review.* The Authorized Inspector may inspect all records of the owner or occupant of property relating to chemicals or processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, State general permits, stormwater pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, prohibited discharges, a legal nonconforming connection or any other source of contribution or potential contribution of pollutants to the stormwater drainage system.

(f) *Sample and test.* The Authorized Inspector may inspect, sample and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system Discharge for the purpose of determining the potential for contribution of pollutants to the Stormwater Drainage System. The Authorized Inspector may investigate the - integrity of all storm drain and sanitary

sewer systems, any Legal Nonconforming Connection or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. The Authorized Inspector may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

(g) *Monitoring.* The Authorized Inspector may erect and maintain monitoring devices for the purpose of measuring any discharge or potential source of discharge to the stormwater drainage system.

(h) *Test results.* The owner or occupant of property subject to inspection shall, on submission of a written request to the Authorized Inspector receive copies of all monitoring and test results conducted at the property.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 5. ENFORCEMENT

Sec. 9-1-70. Administrative remedies.

(a) *Notice of noncompliance.* The Authorized Inspector may deliver to the owner or occupant of any property, or to any Person responsible for an Illicit Connection or Prohibited Discharge a Notice of Noncompliance. The Notice of Noncompliance shall be delivered in accordance with section 9-1-70(e) of this division.

(1) The notice of noncompliance shall identify the provision(s) of this division, or the applicable permit which has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions against the owner, occupant and/or person.

(2) The notice of noncompliance shall state a compliance date that must be met by the owner, occupant and/or person; provided, however, that the compliance date may not exceed ninety (90) days unless the Authorized Inspector extends the compliance deadline an additional period not exceeding ninety (90) days where good cause exists for the extension.

(b) *Administrative compliance orders.*

(1) The Authorized Inspector may issue an Administrative Compliance Order. The Administrative Compliance Order shall be delivered in accordance with section 9-1-70(e) of this division. The Administrative Compliance Order may be issued to:

a. The owner or occupant of any property requiring abatement of conditions on the property that cause or may cause a prohibited discharge or an illicit connection in violation of this division;

b. The owner of property subject to terms, conditions or requirements imposed on a project in accordance with section 9-1-50(a) to ensure adherence to those terms, conditions and requirements.

c. A permittee subject to the requirements of any permit issued pursuant to Article 6 hereof to ensure with terms, and requirements of the permit.

d. Any person responsible for an illicit connection or prohibited discharge.

(2) The administrative compliance order may include the following terms and requirements:

a. Specific steps and time schedules for compliance as reasonably necessary to eliminate an existing prohibited discharge or to prevent the imminent threat of a prohibited discharge, including but not limited to a prohibited discharge from any pond, pit, well, surface impoundment, holding or storage area;

b. Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection;

c. Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact stormwater runoff;

d. Any other terms or requirements reasonably calculated to prevent imminent threat of or continuing violations of this division, including, but not limited to requirements for compliance with best management practices guidance documents promulgated by any federal, State of California or regional agency;

e. Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of any permit issued pursuant hereto.

(c) *Cease and desist orders.*

(1) The Authorized Inspector may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 9-1-70(e) of this division. A cease and desist order may direct the owner or occupant of any property and/or other person responsible for a violation of this division to:

a. Immediately discontinue any illicit connection, or prohibited discharge to the stormwater drainage system;

b. Immediately container divert any flow of water off occurring in violation of any provision of this division;

c. Immediately discontinue any other violation of this division.

d. Clean up the area affected by the violation.

(2) The Authorized Inspector may direct by cease and desist order that: (1) the owner of any property, or his successor-in-interest, which property is subject to any conditions or requirements issued pursuant to section 9-1-50(a); or, (2) any permittee under any permit issued pursuant to Article 6 hereof:

a. Immediately cease any activity not in compliance with the conditions or requirements issued pursuant to section 9-1-50(a) or the terms, conditions and requirements of the applicable permit.

(d) *Recovery of costs.* The Authorized Inspector may deliver to the owner or occupant of any property, any permittee or any other person who becomes subject to a notice of noncompliance or administrative order, an invoice for costs. An invoice for costs shall be delivered in accordance with section 9-1-70(e) of this division. An invoice for costs shall be immediately due and payable to the District for the actual costs incurred by the District in issuing and enforcing any notice or order.

(1) If any owner or occupant, permittee or any other person subject to an invoice for costs fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with section 9-1-70(f), then the enforcing attorney may institute collection proceedings.

(e) *Delivery of notice.* Any notice of noncompliance, administrative compliance order, cease and desist order or invoice of costs to be delivered pursuant to the requirements of this division shall be subject to the following:

(1) The notice shall state that the recipient has a right to appeal the matter as set forth in subsections 9-1-70(f) through (j) of this division.

(2) Delivery shall be deemed complete upon (a) personal service to the recipient; (b) deposit in the U.S. mail, postage pre-paid for first class delivery; or (c) facsimile service with confirmation of receipt.

(3) Where the recipient of notice is the owner of the property, the address for notice shall be the address from the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the County.

(4) Where the owner or occupant of any property cannot be located after the reasonable efforts of the Authorized Inspector, a Notice of Noncompliance or Cease and Desist Order shall be deemed delivered after posting on the property for a period of ten (10) business days.

(f) *Administrative hearing for notices of noncompliance, administrative compliance orders, invoices for costs and adverse determinations.* Except as set forth in section 9-1-70(h), any person receiving a notice of noncompliance, administrative compliance order, a notice of legal nonconforming connection, an invoice for costs, or any person who is subject to any adverse

determination made pursuant to this division, may appeal the matter by requesting an administrative hearing. Notwithstanding the foregoing, these administrative appeal procedures shall not apply to criminal proceedings initiated to enforce this division.

(g) *Request for administrative hearing.* Any person appealing a notice of noncompliance, an administrative compliance order, a notice of legal nonconforming connection, an invoice for costs or an adverse determination shall, within thirty (30) days of receipt thereof, file a written request for an administrative hearing, accompanied by an administrative hearing fee as established by separate resolution, with the Office of the Clerk of the Orange County Board of Supervisors, with a copy of the request for administrative hearing mailed on the date of filing to the Director, Public Facilities and Resources Department. Thereafter, a hearing on the matter shall be held before the Hearing Officer within sixty (60) days of the date of filing of the written request unless, in the reasonable discretion of the Hearing Officer and pursuant to a written request by the appealing party, a continuance of the hearing is granted.

(h) *Administrative hearing for cease and desist orders and emergency abatement actions.* An administrative hearing on the issuance of a cease and desist order or following an emergency abatement action shall be held within five (5) business days following the issuance of the order or the action of abatement, unless the hearing (or the time requirement for the hearing) is waived in writing by the party subject to the cease and desist order or the emergency abatement. A request for an administrative hearing shall not be required from the person subject to the cease and desist order or the emergency abatement action.

(i) *Rearing proceedings.* The Authorized Inspector shall appear in support of the notice, order, determination, invoice for costs or emergency abatement action, and the appealing party shall appear in support of withdrawal of the notice, order, determination, invoice for costs, or in opposition to the emergency abatement action. Except as set forth in section 9-1-30(g) (definition of discharge exception), the District shall have the burden of supporting any enforcement or other action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for explanation of the case.

(j) *Final decision and appeal.* The final decision of the Hearing Officer shall issue within ten (10) business days of the conclusion of the hearing and shall be delivered by first-class mail, postage prepaid, to the appealing party. The final decision shall include notice that any legal challenge to the final decision shall be made pursuant to the provisions of Code of Civil Procedure sections 1094.5 and 1094.6 and shall be commenced within ninety (90) days following the final decision. The administrative hearing fee paid by a prevailing party in an appeal shall be refunded.

(1) Notwithstanding this section 9-1-70(j), the final decision of the Hearing Officer in any proceeding determining the validity of a cease and desist order or following an emergency abatement action shall be mailed within five (5) business days following the conclusion of the hearing.

(k) *District abatement.* In the event the owner of property, the operator of a facility, a permittee, or any other person fails to comply with any provision of a compliance schedule issued to such owner, operator, permittee or person pursuant to this division, the Authorized Inspector may request the Enforcing Attorney to obtain an abatement warrant or other appropriate judicial authorization to enter the property, abate the condition and restore the area. Any costs incurred by the District in obtaining and carrying out an abatement warrant or other judicial authorization may be recovered pursuant to section 9-1-71(d).

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-71. Nuisance.

Any condition in violation of the prohibitions of this division, including but not limited to the maintenance or use of any illicit connection or the occurrence of any prohibited discharge,

shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to Government Code section 38771.

(a) *Court order to enjoin or abate.* At the request of the Director, Public Facilities and Resources Department or his/her designee, the Enforcing Attorney may seek a court order to enjoin and/or abate the nuisance.

(b) *Notice to owner and occupant.* Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the Director, Public Facilities and Resources Department or his/her designee, shall provide notice of the proposed injunction or abatement to the owner and occupant, if any, of the property where the nuisance or threatened nuisance is occurring.

(c) *Emergency Abatement.* In the event the nuisance, constitutes an imminent danger to public safety or the environment, the Authorized Inspector may enter the property from which the nuisance emanates, abate the nuisance and restore any property affected by the nuisance. To the extent reasonably practicable, informal notice shall be provided to the owner and occupant prior to abatement. If necessary to protect the public safety or the environment, abatement may proceed without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

(1) An imminent danger shall include, but is not limited to, exigent circumstances created by the dispersal of pollutants, where the same presents a significant and immediate threat to the public safety or the environment.

(2) Notwithstanding the authority of the District to conduct an emergency abatement action, an administrative hearing pursuant to section 9-1-70(h) hereinabove shall follow the abatement action.

(d) *Reimbursement of costs.* All costs incurred by the District in responding to any nuisance, all administrative expenses and all other expenses, recoverable under State law, shall be recoverable from the person(s) creating, causing, committing, allowing or maintaining the nuisance.

(e) *Nuisance lien.* All costs shall become a lien against the property from which the nuisance emanated and a personal obligation against the owner thereof in accordance with Government Code sections 38773.1 and 38773.5. The owner of record of the property subject to any lien shall be given notice of the lien prior to recording as required by Government Code section 38773.1.

(1) At the direction of the Director, Public Facilities and Resources Department or his/her designee, the Enforcing Attorney is Authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for a money judgement or by delivery to the County Assessor of a special assessment against the property in accord with the conditions and requirements of Government Code section 38773.5.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-72. Criminal sanctions.

(a) *Prosecutor.* The Enforcing Attorney may act on the request of the Director, Public Facilities and Resources Department or his/her designee, to pursue enforcement actions in accordance with the provisions of this division.

(b) *Infractions.* Any person who may otherwise be charged with a misdemeanor under this division may be charged, at the discretion of the Enforcing Attorney, with an infraction punishable by a fine of not more than \$100.00 for first violation, \$200.00 for a second violation, and a fine not exceeding \$500.00 for each additional violation occurring within one (1) year.

(c) *Misdemeanors.* Any person who negligently or knowingly violates any provision of this division, undertakes to conceal any violation of this division, continues any violation of this division after notice thereof, or violates the terms, conditions and requirements of any permit, shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than six (6) months, or both.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-73. Consecutive violations.

Each day in which a violation occurs and each separate failure to comply with either a separate provision of this division, an administrative compliance order, a cease and desist order, or a permit issued pursuant to this division, shall constitute a separate violation of this division punishable by fines or sentences issued in accordance herewith.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-74. Non-exclusive remedies.

Each and every remedy available for the enforcement of this division shall be non-exclusive and it is within the discretion of the Authorized Inspector or Enforcing Attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this division.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-75. Citations.

Pursuant to Penal Code section 836.5, the Authorized Inspector shall have the authority to cause the arrest of any person, committing a violation of this division. The person shall be released and issued a citation to appear before a magistrate in accordance with Penal Code sections 853.5, 853.6, and 853.9, unless the person demands to be taken before a magistrate. Following issuance of any citation the Authorized Inspector shall refer the matter to the Enforcing Attorney.

Each citation to appear shall state the name and address of the violator, the provisions of this division violated, and the time and place of appearance before the court, which shall be at least ten (10) business days after the date of violation. The person cited shall sign the citation giving his or her written promise to appear as stated therein. If the person cited fails to appear, the Enforcing Attorney may request issuance of a warrant for the arrest of the person cited.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-76. Violations of other laws.

Any person acting in violation of this division also may be acting in violation of the Federal Clean Water Act or the State Porter-Cologne Act and other laws and also may be subject to sanctions including civil liability. Accordingly, the Enforcing Attorney is authorized to file a citizen suit pursuant to Federal Clean Water Act section 505(a), seeking penalties, damages, and orders compelling compliance, and other appropriate relief. The Enforcing Attorney may notify EPA Region IX, the Santa Ana or San Diego Regional Water Quality Control Boards, or any other appropriate state or local agency, of any alleged violation of this division.

(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-77. Injunctions.

At the request of the Director, Public Facilities and Resources Department or his/her designee, the Enforcing Attorney may cause the filing in a court of competent jurisdiction, of a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this division.

(a) *Order for reimbursement.* Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the District of all costs incurred in enforcing this division, including costs of inspection, investigation and monitoring, the costs of

abatement undertaken at the expense of the District, costs relating to restoration of the environment and all other expenses as authorized by law.
(Ord. No. 3988, § 1, 7-22-97)

Sec. 9-1-78. Other civil remedies.

(a) The Director, Public Facilities and Resources Department or his/her designee may cause the Enforcing Attorney to file an action for civil damages in a court of competent jurisdiction seeking recovery of (i) all costs incurred in enforcement of this division, including but not limited to costs relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses as authorized by law, and consequential damages, (ii) all costs incurred in mitigating harm to the environment or reducing the threat to human health, and (iii) damages for irreparable harm to the environment.

(b) The Enforcing Attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the stormwater drainage system from any violation of this division where the same has caused damage, contamination or harm to the environment, public property or the stormwater drainage system.

(c) The remedies available to the District pursuant to the provisions of this division shall not limit the right of the District to seek any other remedy that may be available by law.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 6. PERMITS

Sec. 9-1-80. Procedure.

(a) *Discharge permit procedure.*

(1) *Permit.* On application of the owner of property or the operator of any facility, which property or facility is not otherwise subject to the requirements of a State General Permit or a National Pollution Discharge Elimination System Permit regulating storm water discharges, the Director, Public Facilities and Resources Department or his/her designee, or the Authorized Inspector, may issue a permit authorizing the release of nonstormwater discharges to the stormwater drainage system if:

- a. The discharge of material or constituents is reasonably necessary for the conduct of otherwise legal activities on the property, and
- b. The discharge will not cause a nuisance, impair the beneficial uses of receiving waters, or cause any reduction in established water quality standards.

(2) *Application.* The applicant shall provide all information requested by the Director, Public Facilities and Resources Department or his/her designee, for review and consideration of the application, including but not limited to specific detail as to the activities to be conducted on the property, plans and specifications for facilities located on the property, identification of equipment or processes to be used on-site and other information as may be requested in order to determine the constituents, and quantities thereof, which may be discharged if permission is granted.

(3) *Permit issuance.* The permit shall be granted or denied by the Director, Public Facilities and Resources Department or his/her designee, no later than sixty (60) days following the completion and acceptance of the application as determined by the Director, Public Facilities and Resources Department or his/her designee.

a. The applicant shall be notified in person or by first-class mail, postage prepaid, of the action taken.

(4) *Permit conditions.* The permit may include terms, conditions and requirements to ensure compliance with the objectives of this division and as necessary to protect the receiving waters, including but not limited to:

- a. Identification of the Discharge location on the property and the location at which the Discharge will enter the Stormwater Drainage System;
- b. Identification of the constituents and quantities thereof to be discharged into the Stormwater Drainage System;
- c. Specification of pollution prevention techniques and structural or nonstructural control requirements as reasonably necessary to prevent the occurrence of potential discharges in violation of this division;
- d. Requirements for self-monitoring of any discharge;
- e. Requirements for submission of documents or data, such as technical reports, production data, discharge reports, self-monitoring reports and waste manifests; and
- f. Other terms and conditions appropriate to ensure compliance with the provisions of this division and the protection of receiving waters.

(5) *General permit.* In the discretion of the Director, Public Facilities and Resources Department or his/her designee, the permit may, in accordance with the conditions identified in section 9-1-80(a)(4) hereinabove, be prepared as a general permit applicable to a specific category of activities. If a general permit is issued, any person intending to discharge within the scope of the authorization provided by the general permit may do so by filing an application to discharge with the Director, Public Facilities and Resources Department or his/her designee. No discharge within the scope of the general permit shall occur until such application is so filed.

a. Notwithstanding the foregoing in this section and section 9-1-80(a)(5), the Director, Public Facilities Resources Department or his/her designee, in his discretion, may eliminate the requirement that an application for a general permit be filed for any specific activity for which a general permit has been issued.

(6) *Permit fees.* The permission to discharge shall be conditioned upon the applicant's payment of the District's costs, in accordance with a fee schedule adopted by separate resolution, as follows:

a. For individually issued permits, the costs of reviewing the permit application, preparing and issuing the permit, and the costs reasonably related to administrating this permit program.

b. For general permits, the costs of reviewing the permit application, that portion of the costs of preparing the general permit which is reasonably attributable to the permittee's application for the general permit, and the costs reasonably related to administering the general permit program. Notwithstanding the foregoing, no fee shall be charged for a general permit issued pursuant to section 9-1-80(a)(5)a.

(b) *Permit suspension, revocation or modification.*

(1) The Director, Public Facilities and Resources Department or his/her designee may suspend or revoke any permit when it is determined that:

a. The permittee has violated any term, condition or requirement of the permit or any applicable provision of this division; or

b. The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is no longer appropriate to except the discharge from the prohibitions on prohibited discharge contained within this division; or

c. The permittee fails to comply with any schedule for compliance issued pursuant to this division; or

d. Any regulatory agency, including EPA or a Regional Water Quality Control Board having jurisdiction over the discharge, notifies the District that the discharge should be terminated.

(2) The Director, Public Facilities and Resources Department or his/her designee, may modify any permit when it is determined that:

a. Federal or state law requirements have changed in a manner that necessitates a change in the permit; or

b. The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is appropriate to modify the permit's terms, conditions or requirements; or

c. A change to the permit is necessary to ensure compliance with the objectives of this division or to protect the quality of receiving waters.

The permittee, or in the case of a general permit, each person who has filed an application pursuant to section 9-1-80(a)(5), shall be informed of any change in the permit terms and conditions at least sixty (60) days prior to the effective date of the modified permit. In the case of a general permit issued pursuant to section 9-1-80(a)(5)a., any change in the permit terms and conditions shall be published in a newspaper of general circulation within the County at least sixty (60) days prior to the effective date of the modified permit.

(3) The determination that a permit shall be denied, suspended, revoked or modified may be appealed by a permittee pursuant to the same procedures applicable to appeal of an administrative compliance order hereunder. In the absence of a judicial order to the contrary, the permittee may continue to discharge pending issuance of the final administrative decision by the hearing officer.

(c) *Permit enforcement.*

(1) *Penalties.* Any violation of the terms, conditions and requirements of any permit issued by the Director, Public Facilities and Resources Department or his/her designee, shall constitute a violation of this division and subject the violator to the administrative, civil and criminal remedies available under this division.

(d) *Compliance.* Compliance with the terms, conditions and requirements of a permit issued pursuant to this division shall not relieve the permittee from compliance with all federal, state and local laws, regulations and permit requirements, applicable to the activity for which the permit is issued.

(1) *Limited permittee rights.* Permits issued under this division are for the person identified therein as the "permittee" only, and authorize the specific operation at the specific location identified in the permit. The issuance of a permit does not vest the permittee with a continuing right to discharge.

(2) *Transfer of permits.* No permit issued to any person may be transferred to allow:

a. A discharge to the stormwater drainage system at a location other than the location stated in the original permit; or

b. A discharge by a person other than the person named in the permit, provided however, that the District may approve a transfer if written approval is obtained, in advance, from the Director, Public Facilities and Resources Department or his/her designee.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 7. INTERAGENCY COOPERATION

Sec. 9-1-90. Federal Clean Water Act.

(a) The District intends to cooperate with other agencies with jurisdiction over stormwater discharges to ensure that the regulatory purposes underlying stormwater regulations promulgated pursuant to the Clean Water Act (33 U.S.C. s 1251 et seq.) are met.

(b) The District may, to the extent authorized by law, elect to contract for the services of any public agency or private enterprise to carry out the planning approvals, inspections, permits and enforcement authorized by this division.

(c) The District may, upon designation by any city within the county, and at no cost to District, be named as an Authorized Inspector for that city.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 8. MISCELLANEOUS

Sec. 9-1-100. General provisions.

(a) *Compliance disclaimer.* Full compliance by any person or entity with the provisions of this division shall not preclude the need to comply with other local, state or federal statutory or regulatory requirements, which may be required for the control of the discharge of pollutants into stormwater and/or protection of stormwater quality.

(b) *Severability.* If any provision of this division or the application of the division to any circumstance is held invalid, the remainder of the division or the application of the division to other persons or circumstances shall not be affected.

(c) *Headings.* Headings of the sections of this division are inserted for convenience only and shall have no effect in the application of this division.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 9. JUDICIAL REVIEW

Sec. 9-1-110. Procedure.

The provisions of sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any act taken pursuant to this division. Parties seeking judicial review of any action taken pursuant to this division shall file such action within ninety (90) days of the occurrence of the event for which review is sought.

(Ord. No. 3988, § 1, 7-22-97)

ARTICLE 10. FATS, OILS AND GREASE DISPOSAL

Sec. 9-1-120. Intent and purpose.

It is the intent of this section to establish regulations for the disposal of FO&G and other insoluble waste discharges from Food Facilities within the unincorporated areas of Orange County. The purpose is to facilitate the maximum beneficial public use of the sanitary sewer systems while at the same time attempting to prevent blockages of those sanitary sewer systems as a result of the discharge of FO&G, and to specify appropriate FO&G disposal requirements for Food Facilities to protect the public health and safety.

(Ord. No. 03-002, § 2, 1-7-03)

Sec. 9-1-121. Definitions.

A. *Food Facility* as defined in California Uniform Retail Food Facilities Law (CURFFL) section 113785, shall mean any commercial entity within the unincorporated areas of the County, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or equipment that uses or produces FO&G, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL section 113785.

B. *Limited food preparation establishments* shall mean establishments engaged only in reheating, hot holding or assembly of ready to eat food products. It does not include any operation that changes the form, flavor, or consistency of food. For purposes of this Ordinance, a limited food preparation establishment is not considered to be a Food Facility.

C. *Change in operations* shall mean any change in the ownership, food types, or operational procedures that have the potential to increase by fifty (50) percent the amount of fats, oils, or grease used or generated by food preparation.

D. *Food grinder* shall mean any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by-products for the purpose of disposing it in the sanitary sewer system.

E. *Fat, Oil and Grease (FO&G)* shall mean any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

F. *Grease Control Device* shall mean any grease interceptor, grease trap or other mechanism or equipment, which attaches to wastewater plumbing fixtures and lines, the purpose of which is to trap/collect FO&G prior to it being discharged into the sanitary sewer system.

A Grease Interceptor is a two (2) or three (3) compartment device that is generally required to be located, according to the Uniform Plumbing Code, underground between a Food Facility and the connection to the sanitary sewer system. These devices can be large (in excess of seven hundred fifty (750) gallons) and primarily use gravity to separate FO&G from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FO&G removed and disposed of in a proper manner on a regular interval to be effective.

Interceptors shall be structurally intact, including acceptable internal plumbing, manhole inspection covers, baffles between chambers, and a structure not compromised by intruding tree roots, etc.

A Grease Trap is a device much smaller than a Grease Interceptor and services up to a maximum of four (4) individual fixtures. Grease Traps need to be emptied more often than Grease Interceptors to be effective due to their small size. Grease Traps have limited effect and should only be used in those cases where the use of a Grease Interceptor is determined to be impossible or impracticable.

G. *Remodeling* shall mean a physical change exceeding a cost of fifty thousand dollars (\$50,000.00) to a Food Facility that requires a building permit, and involves any one (1) or combination of the following:

- (1) Under-slab plumbing in the food processing area;
- (2) A thirty (30) percent increase in the net public seating area;
- (3) A thirty (30) percent increase in the size of the kitchen area; or
- (4) Any change in the size or type of food preparation equipment.

H. *Grease Disposal Mitigation Fee* shall mean a fee charged to an Owner/Operator of a Food Facility when there are physical limitations to the property that make the installation of the usual and customary Grease Interceptor for the Food Facility under consideration, impossible or impracticable.

I. *Sewer Lateral* shall mean a building sewer (sanitary) as defined in the Uniform Plumbing Code.

J. *Director* shall mean the Director, Planning and Development Services Department, or his or her designee.

K. *County* shall mean the County of Orange.
(Ord. No. 03-002, § 2, 1-7-03)

Sec. 9-1-122. Grease control device required.

A. All fixtures, equipment and drain lines located in the food preparation and clean up areas of Food Facilities that are sources of FO&G discharge shall be connected to an approved grease control device unless otherwise determined in accordance with the provisions of this section. Dishwashers or other fixtures discharging emulsifying agents (e.g., detergents) shall be connected to the sanitary sewer system such that their potential to adversely impact the operation of the grease control device operation is minimized.

B. Unless it is impossible or impracticable, grease interceptors shall be used in all new Food Facilities where it is necessary to install a grease control device, and shall have a minimum capacity of seven hundred fifty (750) gallons. New Food Facilities shall follow sizing criteria for larger devices as specified by Resolution of the Board of Supervisors.

C. All existing Food Facilities undergoing remodeling or a change in operations shall be required to install grease control devices with each chamber readily and easily capable of cleaning and inspection of each chamber from the surface and shall include a downstream sample box in accordance with the Uniform Plumbing Code as determined by the Director.

D. Property owners of commercial properties shall be required to install and maintain approved grease control devices serving multiple Food Facilities that are located on a single parcel, in accordance with subsection "C" above and the Uniform Plumbing Code.

E. No Certificate of Use and Occupancy shall be issued for a Food Facility that is required to have an approved grease control device, until such device has been installed, inspected and approved by the Director.

F. The Director may establish additional guidelines to supplement this Ordinance regarding, but not limited to:

1. Design, construction and inspection standards of grease control devices;
2. The management, operation and maintenance standards for grease control devices;
3. Kitchen best management practice to prevent FO&G from entering the devices;
4. Grease control device cleaning, reporting, inspection and enforcement standards; and
5. standards for the collection and disposal of FO&G by appropriate entities.

G. Upon the effective date of this Ordinance, the installation of food grinders in the plumbing system of new Food Facilities shall be prohibited. Furthermore, all Food Grinders shall be removed from all existing Food Facilities by June 30, 2003.

H. Upon the effective date of this Ordinance, the introduction of any additives into a Food Facility's wastewater system for the purposes of emulsifying FO&G, is prohibited without the specific written authorization from the sanitary sewer agency that has jurisdiction over the sanitary sewer system that services the Food Facility.

(Ord. No. 03-002, § 2, 1-7-03)

Sec. 9-1-123. Maintenance requirements.

Within six (6) months of the effective date of this Ordinance, all existing and newly installed grease control devices shall be maintained in a manner consistent with a maintenance plan approved by the Director.

A. No FO&G that has accumulated in a grease control device shall be allowed to pass into any sewer lateral, sanitary sewer system, storm drain, or public right-of-way during maintenance activities.

B. Each new and existing Food Facility with a grease control device shall have an approved maintenance plan which specify the minimum maintenance frequency for removal of all accumulated FO&G from the grease control device, which shall be determined as follows:

1. For new Food Facilities, the minimum maintenance frequency for interceptors shall be as follows:

TABLE INSET:

Type of Establishment	Minimum Maintenance Frequency
Take out only	Every 45 days
With wok stoves, deep fryers or more than one griddle	Every 20 days
Take out & seating	Every 60 days

With wok stoves, deep fryers or more than one griddle	Every 30 days
Seating only	Every 90 days
With wok stoves, deep fryers or more than one griddle	Every 60 days

2. For existing Food Facilities with a Grease Interceptor, the maintenance plan shall be determined in one of the following methods:

- i. In the same manner as for new Food Facilities under paragraph 1 above; or
- ii. The owner/operator of a Food Facility in existence on the effective date of this Ordinance, may submit an application to the Director requesting that a maintenance plan other than that identified in subsection 1 above, be imposed on that Food Facility, due to the fact that the Food Facility has been following a regular maintenance cycle in the past, and based on the particular Food Facility operation, the current regular maintenance plan is adequate to guard against FO&G passing into the sanitary sewer system. Upon a determination by the Director that an acceptable Grease Control Device maintenance plan is being followed that meets the minimum requirements set forth in the Uniform Plumbing Code, then it may be used as the approved maintenance plan for that particular Food Facility.
- iii. In the event it is determined that a Food Facility, as a result of a change in operations, is using a Grease Interceptor that is smaller in capacity than would be required for that Food Facility under this Ordinance, the Director may allow said Food Facility to continue to operate with the smaller Grease Interceptor, provided the Food Facility prepares a maintenance plan acceptable to the Director that requires more frequent servicing than would otherwise be required if the proper sized Grease Interceptor was installed.

C. Notwithstanding "B." above, if any Grease Interceptor at any time contains floating oil/grease in the final chamber, or sludge in any chamber that is within two (2) inches of the discharge elbow, the owner and/or operator of the Food Facility shall have the Grease Interceptor serviced such that all fats, oils, grease, sludge, and other materials are completely removed from the Grease Interceptor after which the Interceptor shall be refilled with cold water.

D. Notwithstanding "B." and "C." above, all existing Food Facilities with a Grease Interceptor shall be serviced not less than every one hundred eighty (180) days. Grease Traps shall be cleaned of all material on a daily basis.

E. The owner and/or operator of a Food Facility with an approved Grease Control Device, shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal off/from the grease control device, disposal carrier and disposal site location for no less than two years. The owner and operator of a Food Facility shall, upon request, make the manifests, receipts and invoices available to any County Health Care or Code Enforcement representative, or his or her designee, representative of a local sanitation agency that has jurisdiction of the sanitary sewer system that services the Food Facility, or any authorized inspector that has jurisdiction under the Water Quality Ordinance.

F. The owner and/or operator of a Food Facility with a Grease Control Device shall allow any County Health Care or Code Enforcement representative or a representative of the local sanitation agency that has jurisdiction of the sanitary sewer system that services the Food Facility, or any authorized inspector that has jurisdiction under the Water Quality Ordinance, access to the Food Facility premises, during normal business hours, for purposes of inspecting the Food Facility's Grease Control Devices, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the Grease Control Devices.

(Ord. No. 03-002, § 2, 1-7-03)

Sec. 9-1-124. Exceptions--Grease disposal mitigation fee.

Commencing on July 1, 2003, new Food Facilities that are permitted to operate without an installed Grease Interceptor shall be required to pay an annual Grease Disposal Mitigation Fee.

A. A Grease Disposal Mitigation Fee shall only be allowed after all other Grease Control Devices have been considered for installation. This mitigation fee shall be established by and paid to the local sanitary sewer agency, and shall be based on the estimated annual increased cost of maintaining the private sewer lateral pipelines for removal of FO&G attributable to the Food Facility as a result of no Grease Control Device being installed.

The Food Facility owner or operator shall pay the Grease Disposal Mitigation Fee annually, no later than July 30 of each year.

B. The Grease Disposal Mitigation Fee may be waived or reduced on a no less than annual basis when the Food Facility owner or operator demonstrates to the satisfaction of the local sanitary sewer agency that they had used BMP on a regular basis to reduce the introduction of grease into the SSS.

C. The Grease Disposal Mitigation Fee may not be waived or reduced when the Food Facility's private sewer lateral pipeline has failed and resulted in a wastewater backup within or surrounding the Food Facility during the twelve (12) months prior to the waiver request.

(Ord. No. 03-002, § 2, 1-7-03)

Sec. 9-1-125. Appeals.

Any decision of the Director, other than a decision pursuant to section 9-1-126 of this division, may be appealed by any owner or operator of a Food Facility affected by said decision, to the Planning Commission.

(Ord. No. 03-002, § 2, 1-7-03)

Sec. 9-1-126. Violations.

A. The owner and operator of a Food Facility shall be in violation of this Ordinance if he or she:

1. Fails to install an approved Grease Control Device as required by this Ordinance;
2. Makes any false statement, representation, record, report, plan or other document that is filed with the County;
3. Tampered with or knowingly renders inoperable any Grease Control Device required under this Ordinance;
4. Fails to clean, maintain or remove grease from a Grease Control Device within the required time for such cleaning, maintenance or grease removal;
5. Fails to keep up-to-date and accurate records of all cleaning, maintenance, and grease removal for the Food Facility's Grease Control Device and upon request to make those records available to any County Health Care or Code Enforcement representative, or his or her designee, any representative of a local sanitation agency that has jurisdiction over the sanitary sewer system that services the Food Facility, or any authorized inspector that has jurisdiction under the Water Quality Ordinance;
6. Refuses a County Health Care or Code Enforcement representative, or his or her designee, a representative of a local sanitary sewer agency that has jurisdiction over the sanitary sewer system that services the Food Facility, or any authorized inspector that has jurisdiction under the Water Quality Ordinance, reasonable access to the Food Facility for the purposes of inspecting, monitoring, or reviewing the Grease Control Device manifests, receipts and invoices of all cleaning, maintenance, grease removal off/from the Grease Control Device, and/or to inspect the Grease Control Device;

7. Disposes of, or knowingly allows or directs FO&G to be disposed of, in an unlawful manner;
 8. Fails to remove all food grinders located in the Food Facility by June 30, 2003;
 9. Introduces additives into a wastewater system for the purposes of emulsifying fats, oils and grease without the written, specific authorization from the sanitary sewer agency that has jurisdiction of the sanitary sewer system that services the Food Facility; or
 10. Fails to pay the Grease Disposal Mitigation Fee as specified in section 9-1-124, above when due.
- B. Violations under this section shall be subject to the procedures, penalties and remedies set out in sections 1-1-34 et. Seq. and 9-1-10 et. Seq. of the Codified Ordinances of the County of Orange, California, as amended from time to time. All costs for the investigations, enforcement actions, and ultimate corrections of violations under this section, incurred by the County of Orange, shall be reimbursed by the owner/operator of the Food Facility.
(Ord. No. 03-002, § 2, 1-7-03)

Sec. 9-1-127. Invalidity of provisions.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unenforceable.
(Ord. No. 03-002, § 2, 1-7-03)

17. City of Lake Forest Municipal Code
Chapter 15.14 Stormwater Quality Management Ordinance

CITY OF LAKE FOREST
Chapter 15.14 STORMWATER QUALITY MANAGEMENT

Section 15.14.010 Purpose and intent.

This chapter implements the Federal Water Pollution Control Act (the "Clean Water Act" or "CWA"), 33 U.S.C. Sections 1251-1387, and the California Water Code by prohibiting the discharge of any pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") required by CWA Section 402, 33 U.S.C. Sections 1342, and prohibits nonstormwater discharges into the municipal separate storm sewer system ("MS4"). (Ord. 76 § 2 (part), 1997)

Section 15.14.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this chapter. Words and phrases not ascribed a meaning by this chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board -- Santa Ana or San Diego, as appropriate, as such permits may be amended from time to time.

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants in discharges. BMPs include, but are not limited to, public education and outreach, proper planning of development projects, proper clean-out of catch basins, and proper waste handling and disposal.

"Chapter" means Chapter 15.14 of Title 15 of the Lake Forest Municipal Code.

"City" means the City of Lake Forest.

"DAMP" means the Orange County Drainage Area Management Plan, as the same may be amended from time to time.

"Development project guidance" means DAMP Chapter VII and the Appendix thereto, entitled Best Management Practices for New Development Including Non-Residential Construction Projects, as the same may be amended from time to time.

"Development" means any construction, rehabilitation, redevelopment, or reconstruction for which either discretionary land use approval or a permit is required, for any public or private residential (whether single-family, multi-unit or planned unit development); industrial; commercial; retail; and other nonresidential projects, including public agency projects; or mass grading for future construction.

"Director" means the Director of Public Works of the City and persons designated by and under the Director's instruction and supervision.

"Discharge," when used without qualification, means the discharge of a pollutant.

"Discharge of a pollutant" means any addition of any pollutant to waters of the United States, to the City's MS4, or any addition of any pollutant to waters of the contiguous zone from any point source other than a vessel or other floating craft which is being used as a means of transportation.

"EPA" or "US EPA" means the Environmental Protection Agency of the United States of America.

"Hazardous substances" means those substances designated as hazardous substances under Section 311(b)(2)(A) of the Federal Water Pollution Control Act, which are listed in the table at 40 C.F.R. Section 116.4, and other applicable law.

"Hearing Officer" means the Director or the Director's designee, who shall preside at the administrative hearings authorized by this chapter and issue final decisions on matters raised therein.

"Illicit connection" means any device or artifice, excluding roof drains and other similar connections, into the municipal separate storm sewer system, without a permit, through or by which an illicit discharge may be discharged.

"Illicit discharge" means any discharge to the MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges which are exempt or conditionally exempt in accordance with any applicable order of the RWQCB-LA. The term illicit discharge shall not include the following types of nonstormwater discharges, unless the California Regional Water Quality Control Board, Santa Ana and San Diego Regions determine that these discharges cause specific receiving water limit violations:

1. Discharges composed entirely of stormwater;
2. Discharges covered by NPDES permits or written clearances issued by a regional board or the State Water Quality Control Board;
3. Discharges from potable water line flushing and other potable water sources;
4. Fire hydrant flushing and testing flows;
5. Air conditioning condensation;
6. Landscape irrigation, lawn and garden watering, and other irrigation waters;
7. Passive foundation and footing drains;
8. Water from crawl space pumps;
9. Dechlorinated swimming pool discharges;
10. Noncommercial vehicle washing;
11. Diverted stream flows;
12. Rising ground waters and natural springs;
13. Ground water infiltration (as defined at 40 CFR 35.2005(20)) and uncontaminated pumped ground water;
14. Flows from riparian habitats and wetlands;
15. Street wash water and run-off from fire fighting activities;
16. Waters not otherwise containing wastes as defined in California Water Code Section 10350(d); and,
17. Other types of discharges approved by a regional board with jurisdiction.

"Invoice for costs" means the actual costs and expenses of the City, including, but not limited to administrative overhead, salaries, attorney fees, and other expenses recoverable under applicable law, incurred during any inspection, investigation or proceeding conducted pursuant to this chapter, where a notice of violation, administrative compliance order or other enforcement option under Sections 15.14.080 to 15.14.150 is used to obtain compliance with this chapter.

"Municipal separate storm sewer system" or "MS4" or "City's storm drain system" means a conveyance or system of conveyances, including municipal streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities owned, operated, maintained, or controlled by City and used for the purpose of collecting, storing, transporting, or disposing of stormwater into waters of the United States (as defined at 40 CFR Section 122.2).

"Permit" or "National Pollutant Discharge Elimination System (NPDES) Permit" means an authorization, license, or equivalent control document issued by the US EPA, the State Water Resources Control Board, or a Regional Water Quality Control Board, and includes a NPDES general permit and the permit issued by the Regional Water Quality Control Board -- Santa Ana or San Diego Region, applicable to stormwater runoff in the City.

"Person" means any individual, firm, association, partnership, corporation, partnership, consortium, local, State, or Federal government agency, political subdivision, trust, estate, cooperative association, joint venture, business entity, or other similar entity, or the agent, employee, or representative of any of the above.

"Pollutant" means a "pollutant" as defined in Section 502(6) of the Clean Water Act, 33 U.S.C. Section 1362(6) or Water Code Section 13373, or other applicable law, which is

discharged into water. "Pollutant" shall not mean uncontaminated stormwater, potable water, or reclaimed water generated by a lawfully permitted water treatment facility, or any substance, the discharge of which into the MS4, through best management practices, has been reduced to the maximum extent practicable, and shall not include those nonstormwater discharges set forth in the definition of "illicit discharge" above, unless the California Regional Water Quality Control Board determines that these discharges cause specific receiving water limit violations. "Pollutant" shall also include:

1. Artificial materials (such as floatable plastics, wood products, or metal shavings);
2. Household waste (such as trash, paper, and plastics; cleaning chemicals; yard wastes; animal fecal materials; used oil and fluids from vehicles, lawn mowers, and other common household equipment);
3. Metals and nonmetals, including compounds of metals and nonmetals, (such as cadmium, lead, zinc, copper, silver, nickel, chromium, cyanide, phosphorus, and arsenic), with characteristics which cause an adverse effect on living organisms;
4. Petroleum and related hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease);
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, and recreational facilities, including stables, show facilities, or polo fields);
6. Substances having a pH less than 6.5 or greater than 8.6, or unusual coloration, turbidity, or odor;
7. Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator, or battery fluids; construction equipment washing; concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and use of super chlorinated water for potable water line flushing);
8. Materials causing an increase in biochemical oxygen demand, chemical oxygen demand, or total organic carbon;
9. Materials which contain base/neutral or acid extractible organic compounds;
10. Any other constituent or material, including but not limited to pesticides, herbicides, fertilizers, fecal coliform, fecal streptococcus, or enterococcus, or eroded soils, sediment, and particulate materials, in quantities that will interfere with or adversely affect the beneficial uses of the receiving waters, flora, or fauna of the State.

"Private property" means any real property, irrespective of ownership, other than real property owned by a government agency.

"Responsible party" means the person(s) identified in and responsible for compliance with the provisions of a stormwater pollution prevention plan or stormwater pollution control plan, and includes the owner and operator of the property to which the plan relates.

"State general permit" means either the State general industrial stormwater permit or the State general construction permit and the terms and requirements of either or both. In the event the EPA revokes the in-lieu permitting authority of the State Water Resources Control Board, then the term State general permit shall also refer to any EPA-administered stormwater control program for industrial and construction activities.

"Stormwater" means runoff from rain or storm activity, snow melt runoff, and surface runoff and drainage.

"Stormwater pollution control plan" means the plan as required by the City.

"Stormwater pollution prevention plan" means the plan as required by State general permit.

"Watercourse" means any natural or artificial channel for passage of water. (Ord. 76 § 2 (part), 1997)

Section 15.14.030 Prohibition of illicit connections and illicit discharges.

A. The discharge of pollutants into MS4 is prohibited. All discharges of material other than stormwater must be in compliance with NPDES Permit No. CAS063339 or any other NPDES permit issued by the State of California.

B. No person shall:

1. Construct, use, maintain, operate, and/or continue to utilize an illicit connection;
2. Cause, allow, or facilitate an illicit discharge;
3. Act, cause, permit, or suffer any agent, employee, or independent contractor to construct, maintain, operate, or utilize an illicit connection, or cause, allow, or facilitate an illicit discharge;
4. Use MS4 or watercourses for the discharge/disposal of wastes (including, but not limited to yard trimmings, cut grass, or paint clean-up);
5. Throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, kept, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, or other component of the MS4, 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 immediately prior to and for the purposes of collection are exempt from this prohibition.

C. This prohibition expressly includes, without limitation, all illicit connections regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 76 § 2 (part), 1997)

Section 15.14.040 Reduction of pollutants in stormwater.

A. Discharges of stormwater containing pollutants which have not been reduced to the maximum extent practicable are prohibited.

B. Any person engaged in activities which will or may result in pollutants entering the MS4 or watercourses shall undertake all practicable measures to reduce such pollutants.

C. With written concurrence of the Regional Board, the City may exempt in writing other nonstormwater discharges which are not a source of pollutants to the MS4 or watercourses. (Ord. 76 § 2 (part), 1997)

Section 15.14.050 Development.

A. On and after September 30, 1997, all development within the City shall be undertaken in accordance with:

1. Any conditions and requirements established by an applicable NPDES permit which are reasonably related to the reduction or elimination of pollutants in stormwater from the project site.
2. A stormwater pollution prevention plan, which shall be prepared in accordance with State general permit.
3. A stormwater pollution control plan, which shall be prepared in accordance with City requirements and approved by the Director of Public Works/City Engineer, or his designee. Any such decision by the Director may be appealed to the City Council in accordance with Sections 2.04.100 through 2.04.130 of this Code.
4. Any condition and/or requirements established by the City to protect specific watersheds or drainage basins.

B. Prior to the issuance by the City of any discretionary land use approval or permit for any development, the property owner shall submit to and obtain the approval of the Director for a stormwater pollution control plan.

C. Proof of compliance with any general NPDES permit shall be required in a form acceptable to the City.

D. Notwithstanding subsections (A) and (B) of this section, a stormwater pollution control plan shall not be required for a development of one (1) single-family detached residence unless the Director determines that such development construction may result in the discharge of significant levels of a pollutant into the MS4.

E. Compliance with the conditions and requirements of a stormwater pollution control plan shall not exempt any person from the requirement to comply independently with each provision of this chapter.

F. Each application for a stormwater pollution control plan shall name a responsible party for the project.

G. The owners of lots included in a development project, their successors and assigns and each named responsible party (collectively "owners") shall implement and adhere to the terms, conditions, and requirements of the approved stormwater pollution control plan. Each failure or violation by the owners to implement and adhere to the terms, conditions, and requirements of an approved stormwater pollution control plan shall constitute a separate violation of this chapter. The Director may require that the stormwater pollution control plan be recorded with the County Recorder's office by the property owner.

H. Prior to the issuance by the City of a grading permit, building permit, or nonresidential plumbing permit for any new development or significant redevelopment, the Director shall review the project plans and impose terms, conditions, and requirements on the project or permit in accordance with this chapter and the DAMP. If the new development or significant redevelopment will be approved without application for a grading permit, building permit, or nonresidential plumbing permit, the Director shall review the project plans and impose terms, conditions, and requirements on the project in accordance with the development project guidance of DAMP Chapter VII and the Appendix prior to the issuance of a discretionary land use approval or, at the City's discretion, prior to recordation of a subdivision map. Any decision by the Director to impose terms, conditions, and requirements pursuant to this section may be appealed to the City Council in accordance with Sections 2.04.100 through 2.04.130 of this Code.

I. The costs and expenses of the City incurred in the review, approval, or revision of any stormwater pollution control plan or other related requirements (or in the approval or revision of any such) shall be set by resolution of the City Council and shall be assessed to the owners and shall be due and payable to the City. The City may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit and the balance, if any, refunded to the depositor. (Ord. 78 §§ 1, 2, 1997; Ord. 76 § 2 (part), 1997)

Section 15.14.060 Best management practices and requirements.

A. Authorization to Adopt and Enforce Best Management Practices. The Director may adopt requirements establishing appropriate best management practices ("BMPs") for any activity, operation, or facility which may cause or contribute to pollution or contamination of the MS4. If relevant BMPs have been promulgated by the City or any Federal, State of California, and/or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the MS4 or watercourses, every person undertaking such activity or operation, or owning or operating such facility shall comply with such BMPs.

B. Responsibility to Implement Best Management Practices. Any person engaged in activities or operations or owning facilities or property which will or may result in pollutants entering the MS4, or watercourses, as determined by the Director, shall implement applicable BMPs to the extent they are technologically and economically achievable to prevent and/or reduce such pollutants. (Ord. 76 § 2 (part), 1997)

Section 15.14.070 Compliance with general permits.

Each industrial discharger associated with any construction activity, or any other discharger described in any NPDES or NPDES general permit as may be adopted by the EPA, the State Water Resources Control Board or the California Regional Water Quality Control Board, Santa Ana or San Diego Region, shall comply with and undertake all other activities required by any applicable NPDES general permit with regard to such discharges. (Ord. 76 § 2 (part), 1997)

Section 15.14.080 Elimination of illicit discharges.

A. Discharge. The Director shall require a person responsible for an illicit discharge to discontinue the illicit discharge immediately, or by a specified date, discontinue the discharge, and to require such person to take any necessary measures to eliminate the source of the illicit discharge.

B. Connection. The Director shall require a person responsible for an illicit connection to the MS4 to eliminate or secure approval for the illicit connection by a specified date.

C. Establishment of Discharge or Connection. Regardless of whether the illicit connection or illicit discharge was established or approved prior to the effective date of the ordinance codified in this chapter, it shall be subject to abatement pursuant to this chapter.

D. Required Remediation. Whenever the City finds that an illicit discharge is taking place or has occurred which may result in or has resulted in pollution of the MS4, the City shall require the responsible person to cease the illicit discharge and the pollution within a specified time. (Ord. 76 § 2 (part), 1997)

Section 15.14.090 Watercourse protection.

Every person owning property through which a watercourse passes, or the occupant of such property, shall keep and maintain the property reasonably free of trash, debris, vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, all existing structures within or adjacent to the watercourse shall be maintained so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The said owner or occupant shall not remove healthy bank vegetation beyond that actually necessary for said maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. (Ord. 76 § 2 (part), 1997)

Section 15.14.100 Prohibited acts.

No person shall commit or cause to be committed any of the following acts, unless a permit has first been obtained:

- A. A discharge of a pollutant into any pipe or channel to a watercourse/MS4;
 - B. Modify the natural flow of water in MS4;
 - C. Deposit in, plant in, or remove any material from an MS4 including its banks, except as required for maintenance;
 - D. Construct, alter, enlarge, connect to, change, or remove any structure in an MS4;
- or,

E. Place any loose or unconsolidated material along the side of or within an MS4, or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being transported by stormwaters passing through an MS4. (Ord. 76 § 2 (part), 1997)

Section 15.14.110 Scope of inspections.

A. Entry. The Director or his/her designee shall be authorized to enter public or private property to investigate the source or potential source of a suspected illicit discharge to an MS4 or watercourses located within the City at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. The Director or his/her designee shall attempt to secure permission from the owner of the property before entering any private property pursuant to this section. If the property owner refuses consent or facts and circumstances reasonably justify the failure to seek such consent, the Director or his/her designee may request an inspection warrant to be issued by a judge of a court upon a finding of cause in accordance with California Code of Civil Procedure Section 1822.50 et seq. At the time of entry, the Director or designee shall furnish the owner of the property with a copy of this chapter of the Code.

B. Compliance Assessments. The Director may inspect public or private property for the purpose of verifying compliance with this chapter, including but not limited to:

1. Identifying products produced, processes conducted, chemicals used, and materials stored on or contained within the property;
2. Identifying point(s) of discharge of all wastewater, process water systems, and pollutants;
3. Investigating the natural slope at the location, the runoff coefficient, drainage patterns, and man-made conveyance systems (including roads with drainage systems, catch basin, curbs, gutters, man-made channels, and storm drains);
4. Establishing the location of all points of discharge from the property, whether by surface runoff or through an MS4;
5. Locating any illicit connection or the source of any illicit discharge;
6. Evaluating compliance with any stormwater pollution control plan; and,
7. Evaluating compliance with any permit issued pursuant to this chapter.

C. Records Review. The Director or his/her designee may examine and copy such records as may be necessary to determine compliance with the provisions of this chapter. The Director or his/her designee shall attempt to secure permission from the owner of the property before entering any private property pursuant to this section and before commencing with the inspection and copying of records. If the property owner refuses consent or facts and circumstances reasonably justify the failure to seek such consent, the Director or his/her designee may request an inspection warrant to be issued by a judge of a court upon a finding of cause in accordance with California Code of Civil Procedure Section 1822.20 et seq. At the time of entry, inspection, and copying, the Director or designee shall furnish the owner of the property with a copy of this chapter of the Code.

D. Sample and Test. The Director may inspect, sample, and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the MS4. The Director may investigate the integrity of all storm drain and sanitary sewer systems or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. The Director may take photographs or videotape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

E. Monitoring. The Director may undertake monitoring and analysis including both the construction and maintenance of devices at the owners' expense, or require the owner or person in charge of day-to-day operations of the property to undertake construction and

maintenance of devices, at the owners' expense, for the purpose of measuring any discharge or potential source of discharge to the MS4.

F. Test Results. The owner or occupant of property subject to inspection shall provide copies of test results to the City. On submission of a written request to the Director, such person shall be entitled to receive copies of test results conducted by the Director. (Ord. 78 §§ 3, 4, 1997; Ord. 76 § 2 (part), 1997)

Section 15.14.120 Remedies for violation.

A. Notice of Violation. The Director shall serve a notice of violation to the owner and/or occupant of any public or private property, as to which an illicit connection or illicit discharge exists. The notice of violation shall:

1. Identify the provision(s) of this chapter, the applicable stormwater pollution prevention plan, stormwater pollution control plan, or permit alleged to have been violated; and,
2. State that continued noncompliance may result in civil, criminal, or administrative enforcement actions against the owner and/or occupant; and,
3. State a compliance date that must be met by the owner and/or occupant; and,
4. Describe the manner of abatement required; and,
5. Order remediation work.

B. The notice of violation may include where deemed applicable by the Director, the following terms and requirements:

1. Specific steps and time schedules for compliance as reasonably necessary to prevent threatened or future unauthorized illicit discharges, including but not limited to, the threat of an illicit discharge from any pond, pit, well, surface impoundment, holding, or storage area; and,
2. Specific steps and time schedules for compliance as reasonably necessary to prevent further violations; and,
3. Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection; and,
4. Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact stormwater runoff; and,
5. Any other terms or requirements reasonably calculated to prevent continued or threatened violations of this chapter including, but not limited to, requirements for compliance with BMPs guidance documents promulgated by any Federal agency, the State of California, or the City; and,
6. Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions, and requirements of the stormwater quality management plan, a stormwater pollution prevention plan, stormwater pollution control plan, or permit issued pursuant hereto, or this chapter.

C. Cease and Desist Orders.

1. The Director shall issue a cease and desist order where the public safety requires the same, directing the owner and/or occupant of any public or private property and/or any other person responsible for a violation of this chapter to:

- a. Immediately discontinue any illicit connection, or illicit discharge to the MS4;
- b. Immediately contain or divert any flow of nonstormwater off the property, where the flow is occurring in violation of any provision of this chapter;
- c. Immediately discontinue any other violation of this chapter;
- d. Clean up the area affected by the violation.

2. The Director may direct by cease and desist order that the owner or other person in charge of day-to-day operations or any permittee under any applicable permit, immediately cease any activity not in compliance with the terms, conditions, and requirements of the applicable plan, permit, or this chapter.

D. Recovery of Costs. The Director shall serve an invoice for costs upon the owner and/or occupant of any public or private property, or any other responsible person who is subject to a notice of violation or a cease and desist order. An invoice for costs shall be immediately due and payable to the City. If any owner or person in charge of day-to-day operations, permittee, or responsible party, or any other person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this chapter, then the City may institute collection proceedings.

E. Service of Notices. Any notice of violation, administrative compliance order, cease and desist order, or invoice of costs (collectively, "order") shall be served pursuant to the requirements of this chapter shall be subject to the following:

1. Each order shall state that the recipient has a right to appeal the matter as set forth in this chapter.

2. The order shall include the address of the affected property and be addressed to the owner as shown on the most recently issued equalized assessment roll or as may otherwise appear in the current records of the City.

3. If the owner or occupant of affected property cannot be located after the reasonable efforts of the Director, the order shall be deemed served ten (10) business days after posting on the property. (Ord. 76 § 2 (part), 1997)

Section 15.14.130 Appeals.

Any person aggrieved by the issuance of an order may appeal from the issuance of such order to the City Manager in accordance with the following:

A. Any such appeal shall be filed within fifteen (15) days of the date of service of the order by the Director upon the appealing party;

B. No such appeal shall be valid for any purpose unless it is timely filed and unless a filing and processing fee is paid contemporaneously with the filing thereof in an amount as set by City Council resolution;

C. That upon the timely filing of such an appeal, the City Clerk shall set a time and place for a hearing on such appeal as expeditiously as is possible;

D. At the time of such hearing, the City Manager shall permit any interested person to present any relevant testimony bearing on the matters involved in the issuance of the order which is the subject of the appeal. The City Manager need not follow the strict provisions of the rules of evidence as utilized in a judicial proceeding but shall follow the substance of such rule to the end that the decision rendered is based upon reliable relevant evidentiary material. The City Manager's decision shall be final and conclusive and subject only to judicial review.

The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any act taken pursuant to this chapter. Parties seeking judicial review of any action taken pursuant to this chapter shall file such action within ninety (90) days of the occurrence of the event for which review is sought. (Ord. 76 § 2 (part), 1997)

Section 15.14.140 Penalties.

In addition to any administrative enforcement action, it shall be unlawful and a misdemeanor, subject to punishment in accordance with Sections 1.01.200 to 1.01.260 of this Code, for any person to violate any provision of this chapter or to violate any provision, condition, or restriction of a permit issued pursuant to this chapter. (Ord. 76 § 2 (part), 1997)

Section 15.14.150 Violations deemed a public nuisance.

Any violation of this chapter or any provision, condition, or restriction of a permit issued pursuant to this chapter constitutes a public nuisance subject to abatement by the City.
(Ord. 76 § 2 (part), 1997)

**18. City of Lake Forest Municipal Code
Section 8.30.149A Article XIII. Erosion Control**

Section 8.30.149A Article XIII. Erosion Control

Section 8.30.150 Erosion control system.

A. The faces of cut and fill slopes and project site shall be prepared and maintained to control against erosion in accordance with this subsection. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval by the Building Official.

B. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, riprap, or other devices or methods, as approved by the Building Official, shall be employed to control erosion and provide safety during the rainy season from October 15th to April 15th.

C. No grading work in excess of two hundred (200) cubic yards will be allowed between October 15th and April 15th on any single grading site under permit unless an erosion control system has been approved or waived by the Building Official.

D. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to prevent storm flows from carrying sediment and debris outside the project boundaries. Watering shall not be used to clean streets except for fine material not otherwise removed by sweeping or other mechanical means.

E. Unless otherwise approved by the Building Official, the owner shall be required to retain a civil engineer who will be responsible for the design of all erosion control improvements and initial approval of the installation of permanent and semi-permanent erosion control devices during each rainy season until the work authorized by the grading permit is given final approval. The owner shall retain the civil engineer to periodically review the field condition and modify, as needed, the design of the permanent and semi-permanent erosion control devices during the rainy season. Installation and maintenance of all erosion control devices shall be the responsibility of the owner.

F. Desilting facilities shall be provided at drainage outlets from the graded site.

G. Desilting basins shall be designed to provide a minimum desilting capacity equal to the current city standards.

H. Desilting basins shall be constructed around the perimeter of projects whenever feasible when it provides improved maintenance access from paved roads during wet weather.

I. Desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report, prepared by the soil engineer, which includes the type of field testing performed, location, and results of testing shall be submitted to the Building Official for approval upon completion of the desilting basins.

J. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.

K. Erosion protection shall consist of effective planting of all slopes in excess of five (5) feet high unless otherwise approved by the Building Official. Slopes exceeding fifteen (15) feet high may require an adequate sprinkler system, as determined by the Building Official.

Protection for the slopes shall be installed as soon as practicable which may be prior to rough grade approval. Effective planting shall be installed, fully germinated and effectively cover the required slopes prior to final approval unless otherwise approved by the Building Official.

L. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading throughout the rainy season.

M. All removable protective devices shown shall be in place at the end of each working day when the five (5) day rain probability forecast exceeds forty (40) percent.

N. Graded areas around the tract perimeter must drain away from the face of slopes at the conclusion of each working day.

O. In addition to the requirements specified above, the permittee shall perform all work in accordance with the water quality requirements.

P. Any violation of an applicable federal or state-issued stormwater permit, or failure to conform to the County's water quality requirements prepared pursuant to such a permit or pursuant to this chapter or to Chapter 15.14 of the Lake Forest Municipal Code; or failure to comply with stormwater related provisions of a County-issued grading permit or of a grading plan prepared to secure such a permit, is also a violation of this chapter. (Ord. 140 § 2(8), 2003; Ord. 107 § 1 (part), 1999)

Section 8.30.152 Erosion control plans.

Erosion control plans prepared in accordance with subarticle 13 of the grading manual shall be submitted to the Building Official for approval by September 15th each year for projects under grading permit. The erosion control plan may be waived for grading projects on single residential lot projects providing that an erosion control system, meeting the approval of the Building Official, has been installed, placed, planted, or constructed before October 15th. (Ord. 107 § 1 (part), 1999)

Section 8.30.154 Erosion and sediment control and water quality requirement system maintenance.

A. After each rainstorm, silt and debris shall be removed from check berms and desilting basins and the basins pumped dry.

B. After each rainstorm, the performance of the erosion control system shall be evaluated and revised and repaired as necessary.

C. Devices shall not be moved or modified without the approval of the Building Official.

D. The contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

E. The contractor and permittee or project owner shall be responsible for continual maintenance of the devices during the rainy season. In the event of failure or refusal by the contractor, permittee, or project owner to properly maintain the devices, the Building Official may cause emergency maintenance work to be done to protect adjacent private and public property. The cost shall be charged to the owner and shall include an initial mobilization cost plus the cost of doing the work as provided in this chapter.

F. In the event the Building Official must cause emergency maintenance work to be done, the Building Official may revoke the grading permit in writing. The grading permit shall not be renewed until an erosion control system and/or other systems necessary to comply with water quality requirements approved by the Building Official are installed and a fee of one-half the amount required for the original grading permit paid by the owner. The Building Official may waive installation of an erosion control system after April 15th.

G. If any grading subject to Section 8.30.030, Grading Permits, of this Grading Code has commenced on private property without a valid grading permit, the property owner may be required to prepare and implement an erosion control plan as well as other plans required under the water quality requirements which have been approved by the Building Official. In the event of failure by the property owner to install an approved erosion control system and/or other systems necessary to comply with water quality requirements, the Building Official may cause emergency work to be done to protect adjacent private and public property. The procedures of Section 8.30.044, Hazardous Conditions, of this

Grading Code need not apply for emergency erosion control work between October 1st and April 30th. The cost shall be charged to the owner in accordance with subsection E of this section. (Ord. 140 § 2(9), 2003; Ord. 107 § 1 (part), 1999)