

Chapter 8

COMMERCIAL FACILITIES PROGRAM

I. Introduction

The City has developed a Commercial Facilities Program in order to reduce the discharge of pollutants from commercial facilities to urban runoff and the storm drain system. Potential sources of pollutants from commercial facilities include common work activities, accidental spills, improperly stored materials, improper waste disposal, illicit connections, and parking lots. Pollutants, such as oil and grease, soap, vehicle fluids, and chemicals, may be discharged if adequate precautions are not taken. Commercial businesses of concern include vehicle service facilities, food service facilities, mobile cleaners, and retail shops. Retail shopping areas are also a concern particularly if there are paved areas, such as sidewalks, eating areas, and parking lots.

The Commercial Facilities Program is designed to have a positive approach combining outreach, education, and incentives with the more traditional methods of regulation. This type of approach generally results in a more successful program for several reasons. For example, outreach and education help business owners and employees become aware of storm water issues and the fact that urban runoff flows untreated to local creeks, rivers, and Monterey Bay. Business owners and employees become more educated on pollution prevention methods and will better understand why they are being asked to implement Best Management Practices. Recognition for pollution prevention efforts will also be used as additional motivation for a facility, within certain business sectors, to achieve compliance. Regulations enable the City to enforce the program and to take action against violators. All these factors combined generally result in better work practices at commercial facilities and reduced pollutant discharges to the storm drain system.

II. Pollutants of Concern and Target Audience

There are a variety of pollutants of concern associated with commercial facilities. Pollutants of concern include vehicle fluids; metals; oil and grease; soap and detergents; landscaping pesticides and fertilizers; chemicals and solvents; and litter and debris.

The target audiences are commercial facility owners, managers, and employees. Specific commercial facilities targeted include food service and vehicle service facilities due to their potential to discharge pollutants of concern to the storm drain system.

III. Program Elements and Best Management Practices

The City first assessed and determined which elements should comprise the Commercial Facilities Program and then selected the most appropriate Best Management Practices (BMPs) in order to reduce the pollutants of concern described above to the maximum extent practicable.

The Commercial Facilities Program includes the following elements:

- ❖ Outreach and Education
- ❖ Vehicle Service Facilities Program
 - Site Inspections
 - Clean Ocean Business Program
- ❖ Food Service Facilities Program
 - Site Inspections
 - Clean Ocean Business Program
- ❖ Retail and Other Commercial Businesses
- ❖ Mobile Cleaners
 - Education and Outreach

The program elements are described in more detail in the sections below. The selected BMPs are listed and described under each program element.

Outreach and Education

The City is conducting an outreach and education program for the targeted facilities to make them aware of the storm water ordinance requirements and to educate facility owners, managers, and employees on storm water issues and required BMPs. The City is implementing this program with the following steps:

- ◆ Development and distribution of BMPs for vehicle service facilities and food service facilities, and for Retail and Commercial businesses. In addition, the BMPs for Food Service and Vehicle Service Facilities were translated into Spanish;
- ◆ Outreach to local businesses about the City's storm water pollution prevention efforts. Past outreach efforts have included a mailing of the draft BMPs, prior to publication, to each affected business, and a public meeting to answer questions and hear business owners' comments and concerns;
- ◆ Outreach to local business associations including the Chamber of Commerce and the Downtown Association. The City had discussed with both organizations the possibility of writing articles and flyers on storm water regulations and related issues in their newsletters. Both organizations were very receptive to the idea, so the City has and will continue to utilize this avenue whenever significant issues arise.
- ◆ Site visits to businesses in order to educate owners and managers on the Storm Water Ordinance and the required Best Management Practices;
- ◆ Creation of an incentive program for vehicle service facilities entitled the Clean Ocean Business (COB) program. In 2004, the COB program was expanded to include food service facilities;

- ◆ Creation of new web pages, entitled “Environmental Compliance,” on the City’s website which provide detailed information on the allowable and prohibited wastewater and storm water discharges. The BMPs for food service and vehicle service facilities, and retail and commercial businesses are also posted on the website. BMPs for other sectors will be posted on the web site as they are published; and
- ◆ Direct mailings of information on the new Phase II regulations to specific business sectors. An example of this is the City’s November 2002 mailing to all local pressure washers and steam cleaners about the new storm water discharge prohibitions.

In addition, the City conducted staff education on the new Phase II regulations. For example, in October 2002, the Public Works Department sent an informational memo to all City departments explaining the new regulations pertaining to the discharge of wastewater from pressure washing, steam cleaning, and hand scrubbing of outdoor areas. In addition to education, this served to make staff contracting with cleaning services aware of the new regulations so that City contracts could be modified accordingly. In addition, it is beneficial to make staff aware of the new regulations because many employees work “in the field” and are often in a position to notice illegal discharges as they are occurring.

Staff will update the mandatory BMPs for Vehicle Service Facilities, Food Service Facilities, and Retail and Commercial Businesses on an “as needed” basis such as when specific issues arise or there is a need to include additional topics.

BMP #CF-1: Revise the BMPs for Vehicle Service Facilities, Food Service Facilities, and Retail and Commercial Businesses As Needed

Vehicle Service Facilities Program

In 1999, the City’s Environmental Compliance Program began implementing a Vehicle Service Facility Program because these facilities have the potential to discharge harmful pollutants to the storm drain. Vehicle fluids are often spilled or leaked onto shop floors or in outdoor work areas. These fluids, which contain harmful pollutants such as oil and heavy metals, can reach the storm drain if they are not immediately contained and cleaned up. If spills and leaks are left on the pavement, they may be flushed to the storm drains the next time it rains. In addition, routine vehicle cleaning discharges soap and solvents to the storm drain unless the cleaning occurs within the confines of a wash rack that is plumbed to the sanitary sewer.

The Vehicle Service Facility Program is both a regulatory and educational program focusing on both sanitary sewer and storm drain discharges. There currently are approximately 95 vehicle service facilities located in the City. The City has defined “vehicle service facilities” to include the following businesses: auto repair shops, gas stations, car and truck rental companies, auto body repair shops, car washes, detail businesses, companies with vehicle fleets, and dealerships.

BMPs for Vehicle Service Facilities

The City began developing BMPs for Vehicle Service Facilities (VSF) in 2000 as part of implementing a program for these facilities. Initially, the draft BMPs brochure was mailed to

each local vehicle service facility with a letter explaining the program and new regulations. Each facility was invited to attend a public meeting to discuss the draft BMPs, and hear comments and suggestions. After the BMPs were finalized, a copy was mailed to each facility along with a letter stating that educational inspections would soon be conducted in order to help businesses come into compliance.

In May 2003, the BMP brochure was also translated into Spanish in order to ensure that Spanish speaking employees could review the brochure and become familiar with the BMPs.

BMP Brochure Distribution

As mentioned above, once a final BMP brochure was mailed to each vehicle service facility, the City's Environmental Compliance Inspectors followed up with an educational visit at each facility. The BMP brochure was again given to each facility owner or manager. Each year during the annual site inspections (see below), the BMP brochure in both in English and Spanish is made available by the Environmental Compliance Inspectors who carry copies along with them to each site inspection. Both brochures are posted on the City's website.

The BMP brochure for Vehicle Service Facilities is included in Attachment 21. The Spanish translation of the BMP brochure is included in Attachment 22.

Site Visits

Initially, in 1999 and 2000, site visits at vehicle service facilities were used to educate business owners about the new storm water ordinance and the mandatory BMPs. Site visits or inspections at these businesses are conducted annually in order to evaluate their compliance with the sanitary sewer and storm water ordinances, and implementation of the required BMPs. Site visits also serve as an opportunity to educate the facility owner or manager and to answer any questions that they might have. In general, site visits are conducted whenever storm water violations are reported or suspected, and may also be used to check for illicit connections. In cases of suspected illicit connections and violations, dye tests or sampling may be conducted during the site visit. Lastly, site visits are used to evaluate compliance for the annual Clean Ocean Business recognition.

Each of the approximately 95 vehicle service facilities in the City is visited once per year or more by the Environmental Compliance Inspectors and evaluated for both compliance purposes and Clean Ocean Business recognition (as described below).

BMP #CF-2: Conduct Site Inspections for VSF

Clean Ocean Business Program

The City is currently conducting an incentive program, named the Clean Ocean Business (COB) Program, for vehicle service facilities. The program began in 2000 and provides annual recognition for facilities that are in compliance with the City's BMPs, the storm water ordinance, and sanitary sewer ordinance. A facility must also not have any related outstanding violations with the Fire Department or the County Department of Environmental Health.

Site inspections are conducted annually to evaluate a facility's compliance. Typically, the inspections are conducted during the year and recognition is given early in the next calendar year. For example, inspections conducted in 2008 evaluate a facility's compliance for the 2009 COB recognition. Recognition includes local newspaper advertising at least once a year. Additional advertising is conducted as the budget permits because it is additional motivation for the shop owners to try to achieve the COB recognition. The advertising also serves to familiarize the general public about the program and, hopefully, will stimulate people to ask their auto shop if they are a Clean Ocean Business.

Each business is also given two 6-inch, brightly colored decals that are inscribed with "Clean Ocean Business," the current year, and the City's logo. The decals are designed to be highly visible to customers from the shop window or wall. Each year, the background color is changed so that decal can be distinguished from year to year. A sample COB decal is included in Attachment 6. The list of the annually recognized Clean Ocean Businesses is also posted on the City's web site. In addition, when Public Works Department staff holds a public event or has a booth at an event, the list of the current Clean Ocean Businesses is printed, in color, on 8 ½ by 11 inch paper and distributed to the public.

BMP #CF-3: Implement Clean Ocean Business Program for VSF

Food Service Facilities Program

Restaurants and other food service facilities have the potential to discharge food particles, grease, soaps, cleansers, and debris to the storm drain if these businesses don't maintain good housekeeping and proper maintenance of grease traps or interceptors. For example, the cleaning of floor mats and kitchen filters outdoors can result in the discharge of grease and food particles to parking lots, driveways, and street gutters. In addition, grease from leaking tallow drums and overflowing grease traps or interceptors also may reach the street and clog storm drains. Wash water used in the cleaning of outdoor eating areas and sidewalks can carry dirt, debris, soap, and degreasers to the storm drain.

The City's Food Service Facility Program is also both a regulatory and educational program focusing on both sanitary sewer and storm drain discharges. The City has defined a "food service facility" as any restaurant, fast food establishment, cafe, deli, or food preparation facility. The term also includes grocery stores and small markets. Currently, there are approximately 270 food service facilities in the city. Local food service facilities have been routinely inspected for many years by the City's Environmental Compliance Inspectors. Before 1999, inspections were conducted to assess a facility's grease trap or interceptor maintenance and cleaning in order to prevent sanitary sewer line blockages. In 1999, the City developed BMPs for food service facilities in order to incorporate storm water and sanitary sewer pollution prevention requirements into the program.

Currently, annual inspections are conducted at each food service facility in order to evaluate compliance with both the sewer use and storm water ordinances, and the BMPs. In 2007, the City raised the COB minimum standards to include the requirement that a business must not use

polystyrene “to-go” containers in order to qualify as a COB in future years. This was done in order to reduce the amount of non-recyclable material that is deposited in the City’s landfill; to help reduce litter and blight on our beaches; and to help minimize aquatic pollution from these materials which tend to break into smaller and smaller pieces and do not readily biodegrade.

BMPs for Food Service Facilities

When the City developed BMPs for Food Service Facilities (FSF) in 1999, a draft was mailed to each facility and a public meeting was held for facility owners and managers to discuss the draft BMPs, and hear comments and suggestions. After the BMPs were finalized, a copy of the BMP brochure was mailed to each site. The brochure was also translated into Spanish in order to ensure that Spanish speaking employees could review the brochure and become familiar with the BMPs.

The BMP brochure was revised in 2003 to incorporate the new Phase II regulations prohibiting the discharge of wastewater from pressure washing, steam cleaning, and hand scrubbing to the storm drain system. The new brochure was immediately posted on the City’s website, in both English and Spanish, and both versions were distributed during the subsequent round of annual Food Service Facility inspections. The current BMP brochures for Food Service Facilities, in English and Spanish, are included in Attachments 23 and 24 respectively.

BMP Brochure Distribution

As mentioned above, once a final BMP brochure was developed, a copy was mailed to each Food Service Facility along with a letter explaining that the program was being expanded to include mandatory regulations for preventing the discharge of polluted water to the storm drain and sanitary sewer systems. Each year during the annual site inspections (see below), the BMP brochure in both English and Spanish is made available to each facility by the Environmental Compliance Inspectors who carry copies along with them to each site inspection. Both brochures are posted on the City’s website.

Site Visits

Site visits or inspections are currently conducted annually in order to evaluate their compliance with the sanitary sewer and storm water ordinances, and implementation of the required BMPs. Site visits also serve as an opportunity to educate a facility owner or manager and to answer any questions that they might have. In general, site visits are conducted whenever storm water violations are reported or suspected, and may also be used to check for illicit connections. In cases of suspected illicit connections and violations, dye tests or sampling may be conducted during the site visit. Lastly, beginning in 2003, site visits for Food Service Facilities are used to evaluate compliance for annual recognition as a Clean Ocean Business.

Each of the approximately 270 food service facilities in the City is visited once per year or more by the Environmental Compliance Inspectors and evaluated for both compliance purposes and Clean Ocean Business recognition (as described below).

BMP #CF-4: Conduct Site Inspections for FSF

Clean Ocean Business Program

In 2003, the City decided to expand the Clean Ocean Business (COB) Program to include Food Service Facilities. The COB Program is an incentive program that provides annual recognition for facilities that are in compliance with the City's BMPs, the storm water ordinance, and sanitary sewer ordinance. In 2003, the annual site inspections were used to evaluate a facility's compliance and determine recognition for the 2004 calendar year.

The COB program elements and recognition efforts for food service facilities are essentially the same as for vehicle service facilities. As mentioned above, site inspections are conducted annually to evaluate a facility's compliance. Recognition includes local newspaper advertising at least once a year. Additional advertising is conducted as the budget permits because increased advertising is additional motivation for the restaurant or grocery store owners to try to achieve the COB recognition. The advertising also serves to familiarize the general public about the program and, hopefully, will stimulate people to ask their favorite restaurants if they are a Clean Ocean Business.

Each business is also given two 6-inch, brightly colored decals that are inscribed with "Clean Ocean Business," the current year, and the City's logo. The decals are designed to be highly visible to customers from the business window or wall. Each year, the background color is changed so that decal can be distinguished from year to year. A sample COB decal is included in Attachment 7. The list of the annually recognized Clean Ocean Businesses will also be posted on the City's web site. In addition, when Public Works department staff holds a public event or has a booth at an event, the list of the current Clean Ocean Businesses is printed, in color, on 8 ½ by 11 inch paper and distributed to the public.

BMP #CF-5: Implement Clean Ocean Business Program for FSF

Retail and Other Commercial Businesses

There are numerous urban runoff issues associated with retail and commercial businesses. For example, soap and litter may be discharged to the storm drain if sidewalks and plazas are hosed down or cleaned with detergent. The cleaning of parking lots and dumpster areas may release vehicle fluids and other pollutants to the storm drain. The cleaning of building exteriors can cause the discharge of paint particles, cleansers, and solvents to the street or storm drain if precautions are not taken. Floor, carpet, and window cleaning wastes cannot be discharged to the storm drain because they typically contain detergents and particulates, and in some cases solvents. In addition, landscape vegetation clippings and leaves can clog storm drains if they are blown or raked into the street. Retail and commercial businesses also often hire janitorial services and other specialized contractors who conduct cleaning that can cause the discharge of wastewater to the street or storm drain.

In compliance with the Phase II regulations, the City has prohibited the discharge of wastewater to the storm drain system from pressure washing, steam cleaning, and hand scrubbing cleaning of sidewalks and other outdoor areas as of March 10, 2003. This is particularly pertinent to many retail and commercial businesses that strive to keep their sidewalks and storefront areas clean. Many downtown shop owners either hire pressure washing services to clean their sidewalks or

have bought pressure-washing equipment themselves. Therefore, since summer 2002, the City has made efforts to notify and educate business owners of the new regulations. For example, the City contacted both the Downtown Association and the Chamber of Commerce to notify them of the upcoming regulations, and provided articles on the new regulations for both the Downtown Association and the Chamber of Commerce November 2002 newsletters.

BMPs for Retail and Commercial Facilities

In December 2002, the City published a BMP brochure for retail and commercial businesses. The BMPs focus on the issues mentioned above in addition to painting, landscaping concerns such as pesticide use, and the discharge of vehicle wash water.

BMP Brochure Distribution

The City began distributing the BMP brochure in early 2003. The brochure has also been posted on the City's website since early 2003. The Environmental Compliance Inspectors will give the brochure to businesses that staff notice are conducting illegal practices, i.e. discharge of soap or pressure washing wastewater to the storm drain, or when a complaint is received regarding an illegal discharge. The BMP brochure for Retail and Commercial Businesses is included in Attachment 25.

Mobile Cleaners

Mobile cleaning businesses are included in the Commercial Facilities Program because surface cleaning has historically involved the discharge of wash water, containing soap and other pollutants, to the street or storm drain. For example, when fleet washers rinse cars off, the soapy water is typically left to drip onto the parking lot and drain to the nearest storm drain. Carpet cleaning services have, in the past, been seen discharging into neighborhood storm drain inlets. Janitorial services also have been known to dump mop water out in back parking lots or gutters.

Mobile cleaners include a variety of cleaning businesses such as the following: janitorial services, window cleaners, carpet cleaners, fleet washers, auto detailers, and outdoor steam cleaning or pressure washing services (i.e. for sidewalks, plazas and parking lots). Educating and regulating mobile cleaners can be difficult because they often they do not have a local address. Mobile cleaners can be based in neighboring cities or counties, and frequently do not have a City of Santa Cruz business license. However, several years ago, the City compiled a list of local mobile cleaners using the telephone book yellow pages, and information from staff and local businesses that hire mobile cleaners.

Mobile cleaners are not regulated by the City through a specific permit program although these businesses must operate in compliance with the City Municipal Code, including the Storm Water Ordinance, and all mandatory BMPs. Thus, education and outreach efforts are important to ensure that mobile cleaning businesses are informed about the storm water regulations and good operating practices so that they do not cause polluted water to discharge into the storm drain system.

City staff will follow-up on all public complaints or staff observations of illegal discharges by mobile washers. If an illegal discharge is reported by the public or City staff, staff typically calls the business and explains the regulations, and tells the mobile washer that the illegal discharge

must cease immediately. Staff may also call the property or business owner that hired the mobile washer to inform them of the regulations and tell them that their contractor must operate in compliance. However, if illegal discharges are observed a second time, staff will send a written letter to the mobile washer stating that the illegal discharge must cease immediately and that fines may be levied if the illegal discharge continues. The City also requires compliance for all mobile cleaners contracted by the City.

BMP #CF-6: Follow-up on Public Complaints or Staff Observations of Illegal Discharges by Mobile Washers

Education and Outreach

As previously mentioned, the City prohibits the discharge of wastewater to the storm drain system from pressure washing, steam cleaning, and hand scrubbing cleaning of sidewalks and other outdoor areas as of March 10, 2003. This is particularly pertinent to many mobile cleaning businesses that have contracts with retail businesses and restaurants, particularly in the downtown area, to keep their sidewalks and storefront areas clean. Therefore, the City has made efforts to notify mobile cleaning or washing services of the new Phase II regulations since fall 2002.

In October 2002, staff contacted the local pressure washers, steam cleaners, and other cleaning services in the yellow pages both by telephone to explain the new storm water regulations and to obtain their address for the City's mailing list of local mobile cleaners. Staff also contacted cleaning services that have contracts with the City. Staff explained the new regulations regarding the discharge of pressure wash and steam cleaning water to these businesses. In November 2002, the Public Works Department sent a letter to each of these businesses explaining the new regulations in detail. The letter stated that if pressure washing, steam cleaning, and hand scrubbing is conducted outside, the wastewater must be collected and disposed of in the sanitary sewer. In November 2002, the City also provided articles on the new storm water regulations for both the Downtown Association and the Chamber of Commerce newsletters in order to further educate local business owners. In July 2004, a similar letter was again sent to all of the mobile washers on the City's list reminding them of the storm water discharge regulations.

City staff has also made efforts to educate businesses owners, particularly in the downtown Santa Cruz area, on mobile cleaning issues. For example, if City staff receives a complaint that a pressure washer has illegally discharged wash water to the street, staff will often call the property or business owner of where the problem was reported to alert them that their contractor is not operating in compliance and to explain the storm water regulations. This is also an effective way to ensure that pressure washers comply because in general non-compliance jeopardizes their contracts. In addition, in 2006, the Public Works Department and the City's Redevelopment Agency jointly produced a flyer, "Sidewalk Cleaning in Downtown Santa Cruz," to educate business owners on their options for sidewalk cleaning.

BMPs for a variety of cleaning activities, applicable to mobile cleaners, have already been included in the BMP brochures for Retail and Commercial Businesses, Vehicle Service

Facilities, and Food Service Facilities. The City will revise these BMPs in accordance with the sidewalk cleaning regulations.

IV. Program Implementation

City Personnel

The Public Works Department will lead the implementation of the Commercial Facilities Control Program. The Public Works Associate Civil Engineer, the Environmental Projects Analyst, the Laboratory/Environmental Compliance Manager and Environmental Compliance Inspectors all provide support and guidance on program policies. The primary personnel involved in conducting the food and vehicle service facility site visits will be the Environmental Compliance Inspectors, supervised by the Laboratory/Environmental Compliance Manager. Other Public Works divisions, such as Streets and Wastewater Mains crews, are anticipated to have ancillary roles. The Building Division, of the Planning Department, provides support when a business is required to install improvements at their facility.

The City will train employees directly involved in the program and will keep them up-to-date. Table 8-1 below itemizes each BMP and the responsible department or division.

Implementation Timetable and Measurable Goals

Specific measurable goals have been determined for the targeted commercial facilities in the Commercial Facilities Program. A list of the BMPS, measurable goals, and the implementation schedule are detailed in Table 8-1 below.

Table 8-1

BMPs, Measurable Goals, and Implementation Schedule

BMP #	BMPs	Measurable Goals	Responsible Dept. or Division	Implementation Schedule
CF-1	Revise the BMPs for Vehicle Service Facilities, Food Service Facilities, and Retail and Commercial Businesses As Needed	Revise all 3 brochures per sidewalk cleaning regulations and other additional topics if any	Public Works: Engineering Public Works: Environmental Compliance	Year 1
	Vehicle Service Facilities			
CF-2	Conduct Site Inspections for VSF	Conduct annual inspections at 100% of VSF	Public Works: Environmental Compliance	Year 1-5
CF-3	Implement Clean Ocean Business (COB) Program for VSF	Conduct annual recognition for 100% of COBs	Public Works: Environmental Compliance Public Works: Engineering	Year 1-5
	Food Service Facilities			
CF-4	Conduct Site Inspections for FSF	Conduct annual inspections at 100% of FSF	Public Works: Environmental Compliance	Year 1-5
CF-5	Implement Clean Ocean Business (COB) Program for	Conduct annual recognition for 100% of COBs	Public Works: Environmental	Year 1-5

BMP #	BMPs	Measurable Goals	Responsible Dept. or Division	Implementation Schedule
	FSF		Compliance Public Works: Engineering	
	Mobile Cleaners			
CF-5	Follow-up on Public Complaints or Staff Observations of Illegal Discharges by Mobile Washers	Follow-up on 100% of complaints or reports of illegal discharges	Public Works: Environmental Compliance Public Works: Engineering	Year 1-5

Table 8-1: Responsible Department or Division Contact Information

Public Works Department: Engineering
Associate Civil Engineer, (831) 420-5428

Public Works Department: Environmental Compliance Office, Wastewater/Pretreatment Division
Laboratory/Environmental Compliance Manager, (831) 420-6045

V. Program Documentation and Reporting

The City will maintain records to document program implementation and annual progress. The City will report the results of the program in the annual SWMP report to the Regional Water Quality Control Board. The report will include information and a summary of the progress made relative to the measurable goals.