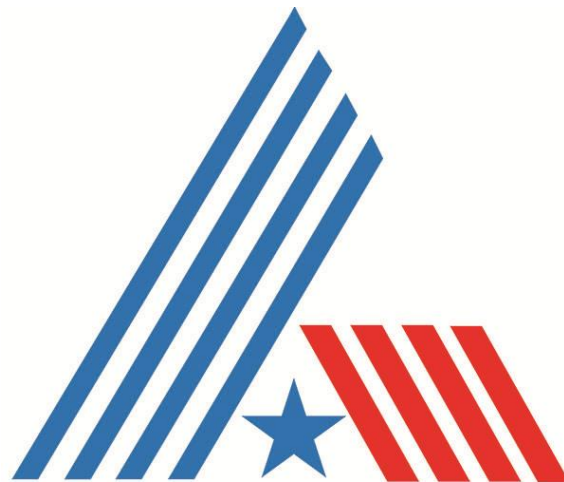


Industrial Facility Inspection Guidelines and Procedures



CITY OF ABILENE

STORMWATER SERVICES

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Industrial Facility Inspection Guideline and Procedures

Table of Contents

	Definitions	Page 3
Part I	Notice of Intent	Page 8
Part II	Notice of “No Exposure Certification” (NEC).....	Page 9
Part III	Industrial and High Risk Runoff Facilities.....	Page 10
Part IV	Multi-Sector General Permit Industrial Facilities.....	Page 10
Part V	Inspector Responsibility.....	Page 11
Part VI	Inspector Quality Assurance Responsibilities.....	Page 12
Part VII	Inspection Authority.....	Page 13
Part VIII	Safety Responsibility.....	Page 13
Part IX	Industrial Facility Pre-Inspection Preparation.....	Page 13
Part X	Industrial Facility Entry.....	Page 14
Part XI	Industrial Facility Opening Conference.....	Page 14
Part XII	Industrial Facility Inspection Procedures.....	Page 15
Part XIII	Industrial Facility Closing Conference.....	Page 17
Part XIV	Industrial Facility Inspection Report.....	Page 17
Part XV	Enforcement.....	Page 18
Part XVI	Appeals, Interpretation, and Variances.....	Page 20
Attachment A	SWP3 Industrial Facility Checklist, Industrial On-Site Inspection Checklist	
Attachment B	Industrial No Exposure Certification Inspection Checklist	
Attachment C	Enforcement Schedule	

Definitions

Administrator: The administrator of the Stormwater Services Division or the administrator's authorized representative(s).

Best management practices (BMP): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the MS4 and waters of the United States. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

City: The City of Abilene, Texas.

Discharge: Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States. This includes household hazardous waste, used motor vehicle fluids, and collected quantities of grass clippings, leaf litter, and animal wastes.

Discharger: Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a industrial facility

Facility: Any facility required by the Federal Clean Water Act to have a permit to discharge stormwater associated with industrial activity.

General Permit: A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Section 26.040, Texas Water Code.

Illicit Connections: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

MSGP: Multi-Sector General Permit

Municipal separate storm sewer system (MS4): The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the city and

designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES): The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the federal Clean Water Act.

NEC: No Exposure Certification

No Exposure Certification: Facility waiver where all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt and/or runoff.

NOI: Notice of Intent

NOT: Notice of Termination

Notice of intent: The notification that is required by the NPDES Stormwater Multi-Sector General Permit, the EPA Region 6 NPDES Stormwater Construction general permit, or any similar general permit to discharge stormwater associated with industrial activity that is issued by the EPA or the TCEQ.

Notice of Termination (NOT): A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage.

NPDES: The National Pollutant Discharge Elimination System.

NPDES permit: A permit issued by EPA (or by the state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Operate: Drive, conduct, work, run, manage, or control.

Operator: Person that is responsible for the management of an industrial facility subject to the provisions of the Multi-Sector General Permit.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

Service Area: The service area, as it is referred to in this subpart, includes all real property within the city limits of the City of Abilene

State: The State of Texas.

Stormwater: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Stormwater discharge associated with industrial activity: The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the categories of industries identified in paragraph (xi) of this definition, the term includes only stormwater discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to stormwater. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in this paragraphs (i) through (xi) of this definition) include those facilities designated under the provisions of 40 CFR § 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity":

- (i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the facility by the appropriate federal Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the Federal Resource Conservation and Recovery Act (RCRA);

(v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified

under paragraphs (i)--(vii) or (ix)--(xi) of this definition are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Federal Clean Water Act;

(x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (ii)--(x) of this definition);

Stormwater pollution prevention plan: A plan required by a permit to discharge stormwater associated with industrial activity, including construction, which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility.

SWPPP: Stormwater pollution prevention plan

Texas Pollutant Discharge Elimination System (TPDES): The program delegated to the State of Texas by the EPA pursuant to 33 USC § 1342(b).

TPDES: The Texas Pollutant Discharge Elimination System.

Waters of the United States: All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Industrial Facility Inspection Guidelines and Procedures

Pursuant to the Texas Pollutant Discharge Elimination System (TPDES) permit (#WQ0004692000) issued by the Texas Commission on Environmental Quality (TCEQ) to the City of Abilene (City) for the Municipal Separate Storm Sewer System (MS4), the City is implementing this Industrial Facility Inspection Guidelines and Procedures. The purpose of this guideline is to satisfy the requirements promulgated in the TPDES permit regarding the implementing of "...programs to identify and control pollutants in storm water discharges to the MS4 from municipal landfills; hazardous waste treatment; facilities that are subject to section 313 of title III of the Superfund Amendment and Reauthorization Act of 1986 (SARA); and any other industrial discharge the co-permittee determines to be contributing a substantial pollutant loading to the MS4". The TPDES permit also requests that the City include in the program "Priorities and procedures for inspections and for establishing and implementing control measures for such discharges...". Industrial facility operations shall be conducted in a manner as to meet the minimum requirements mandated in the TPDES Multi-Sector General Permit Number TXR050000 (General Permit). This General Permit is required by the TCEQ for any facility that operates under a Standard Industrial Classification (SIC) code outlined in the General Permit.

Four objectives should be met during a routine compliance inspection. The inspection should be performed in a manner designed to:

- Determine compliance status with regulations, permit conditions, and other program requirements.
- Verify the accuracy of information submitted by permittee.
- Verify the adequacy of sampling and monitoring conducted by the permittee.
- Gather evidence to support any enforcement actions.

The following schedule shall serve as guidelines and procedures to implementing the TPDES regulations established for industrial facility inspection and monitoring.

Part I. Notice of Intent (NOI)

Operators of regulated industrial facilities within the service area are required to submit a copy of the *Notice of Intent* (NOI) to the Stormwater Services Division (SWSD) in the Public Works Department.

- a. The City of Abilene Ordinance mandates that industrial facilities subject to the TCEQ's Multi-Sector General Permit (MSGP) submit a copy of the NOI to the SWSD.

- i. Subject facilities that are operating without MSGP coverage and qualify for a Notice of Intent will receive sixty (60) days to apply for permit coverage.
 - ii. If the facility does not comply after the initial sixty (60) days a Notice of Violation will be issued and an additional thirty (30) days will be provided to reach compliance.
- b. The City will review the NOI for accuracy and take appropriate actions for any discrepancies discovered.
- c. The SWSD will maintain a list and track all industrial facilities subject to the MSGP, which have submitted an NOI to the TCEQ and/or the City.
- d. The SWSD will maintain a list and track all industrial facilities subject to the MSGP, which have **NOT** submitted an NOI to the TCEQ and/or the City.

Part II. Notice of “No Exposure Certification” (NEC)

Operators of regulated industrial facilities may submit to the city a No Exposure Certification (NEC) if they meet the qualifications established in the MSGP.

- a. Facilities subject to the NEC shall be inspected by a City inspector at a minimum of once per permit term (5 years), as mandated by the City’s MS4 permit.
 - i. Facilities that are operating without MSGP coverage that qualify for a No Exposure Exclusion receive thirty (30) days to comply by applying for an NEC.
 - ii. If the facility does not comply a Notice of Violation will be issued and an additional seven (7) days will be provided to reach compliance.
 - iii. Routine inspections of NEC facilities will focus primarily on whether the facility is meeting the MSGPs NEC requirements.
 - iv. If a facility is discovered to be in non-compliance with NEC requirements the City inspector will consult with the facility operator on how to obtain NEC compliance.
 - 1. The administrator will allow the operator to make changes to meet the NEC requirements through voluntary compliance.
 - 2. Facilities are generally given seven (7) days to obtain compliance.
 - v. If voluntary compliance is determined to not be feasible, the Administrator will utilize enforcement actions on the facility.
 - vi. Non-compliant NEC facilities may be reported to the TCEQ.

- b. The City will inspect NEC documentation for accuracy and take appropriate action for any discovered discrepancies.
- c. The SWSD will maintain a list and track all industrial facilities that operate with a NEC within the service area.

Part III. Industrial and High Risk Runoff Facilities

The TCEQ has mandated that the City of Abilene is to inspect and monitor discharges to the MS4 from municipal landfills, hazardous waste treatment facilities, facilities that are subject to section 313 of Title III of the Superfund Amendment and Reauthorization Act of 1986 (SARA), and any other industrial facility that the City determines to be contributing a substantial pollutant load to the MS4.

- a. The Industrial Waste Manager (IWM), in the City of Abilene's Environmental Lab, will serve as the primary inspector and analytical monitor for the industrial and high-risk facilities. The Environmental Lab has developed departmental procedures for inspections and monitoring of these facilities.
 - i. The IWM will report any observed non-compliance issues to the SWSD.
 - ii. The IWM and the SWSD will collaborate to remedy any non-compliance issues.
- b. An inspector from the SWSD will also perform inspections on the industrial and high-risk facilities. The SWSD will inspect each of these facilities at least once per permit term (5 years).
- c. The IWM and SWSD will maintain a list and track all industrial and high-risk runoff facilities that are subject to this section.

Part IV. Multi-Sector General Permit Industrial Facilities

The City of Abilene's MS4 permit does not require the City to inspect or monitor facilities operating under the General Permit that are not classified as an Industrial and High Risk Runoff facility. However, the City retains the authority to inspect these facilities, at the Administrators discretion, in the same manner as the Industrial and High Risk Runoff facility. As stated above, the City is required to maintain a list of those facilities that are, or should be, operating under the MSGP.

Part V. Inspector Responsibility

The primary role of the SWSD Inspector is to gather site information that can be used to determine the reliability of the permittee's self-monitoring data and evaluate compliance with permit conditions, applicable regulations, and other requirements. The SWSD inspector also plays an important role in case development and support. To fulfill these roles, inspectors are required to know and use policies and procedures for effective inspections and evidence collection; accepted safety practices; and quality assurance standards.

- a. Inspectors must conduct all inspection activities within the legal framework established by the City Ordinance, including:
 - i. Presenting proper credentials.
 - ii. Properly handling confidential business information.
- b. Inspectors also must be familiar with the conditions of the specific permit, CWA, and regulations.
- c. Inspectors must be familiar with general inspection procedures and evidence collection techniques to ensure adequate inspections and to avoid endangering potential legal proceedings on procedural grounds.
- d. Inspectors should observe standard procedures for conducting each inspection element. The elements of the inspection process are common to most NPDES/TPDES compliance inspections. They are grouped by major inspection activities:
 - i. Pre-inspection preparation
 - ii. Entry
 - iii. Opening conference
 - iv. Facility inspection
 - v. Closing conference
 - vi. Inspection report
- e. Inspectors shall receive continuing education, as deemed necessary by the Administrator, and shall include at a minimum:
 - i. Ability to substantiate fact with items of evidence, including samples, photographs, document copies, statements from witnesses, and personal observations.
 - ii. Skill to evaluate what evidence should be collected during routine inspections and follow-up inspections.
 - iii. Capacity to follow chain-of-custody procedures.
 - iv. Capability to collect and preserve evidence consistent with lawmaking regulations.
 - v. Aptitude to write clear, objective, and informative inspection reports.

- f. Inspectors are expected to perform their duties with the highest degree of professionalism. Procedures and standards of conduct listed below have evolved for the protection of the individual and the City of Abilene, as well as industry.
 - i. All inspections are to be conducted within the framework of the City's Code of Ordinance or the City of Abilene "Policies and Procedures Manual" and with due regard for individual rights regardless of race, sex, religion, or national origin.
 - ii. Inspectors are to conduct themselves at all times in accordance with the regulations prescribing employee responsibilities and conduct.
 - iii. The notes of an inspection are to be noted and reported completely, accurately, and objectively.
 - iv. In the course of an inspection, any act or failure to act motivated by reason of private gain is illegal. Actions that could be construed as such should be carefully avoided.
 - v. A continuing effort should be made to improve professional knowledge and technical skill in the inspection field.
- g. The inspector is a representative of the City of Abilene and is often the initial or only contact between the City and the permittee(s). In dealing with facility representatives and employees, inspectors must be professional, tactful, courteous, and diplomatic. A firm but responsive attitude will encourage cooperation and initiate good working relations. Inspectors should always speak respectfully of any product, manufacturer, or person.
- h. Inspectors should dress appropriately, including wearing protective clothing or equipment for activity in which they are engaged.
- i. Inspectors may not accept favors, benefits, or job offers under circumstances that might be construed as influencing the performance of City duties. It is prudent to avoid even the appearance of compromising these situations. If offered a bribe, the inspector must not accept money or goods. Since this act may violate federal, state or city laws, regulations, and may also violate criminal statute, report the incident in detail as soon as possible to the Administrator.

Part VI. Inspector Quality Assurance Responsibilities

The inspector must assume primary responsibility for ensuring the quality and accuracy of the compliance inspection and the integrity of samples collected. While other organizational elements play an important role in quality assurance, it is the inspector who must ensure that all data introduced into an inspection file are complete, accurate, and representative of existing conditions. The inspector must

be aware that following established inspection procedures are critical to the inspection program.

Part VII. Inspection Authority

Under Section 32-242 (Access to industrial facilities and construction sites) of Article VII of the Municipal Drainage Utility – Stormwater Protection, of the City of Abilene Code of Ordinance, facility owners and operators “shall allow the Administrator ready access to applicable sections of public and private premises for the sole purpose of inspection, surveillance, and monitoring for the presence of illegal discharges to the municipal stormwater drainage system, illicit connections to the municipal stormwater drainage system, and assessment of any portions of a regulated facility influenced by stormwater runoff that may adversely affect the municipal stormwater drainage system and/or waters of the United States.”

Part VIII. Safety Responsibility

The inspection of industrial facilities always poses a certain degree of health and safety risk. To avoid unnecessary risks, the inspector should be familiar with all safety obligations and practices. The safety equipment and procedures required for an inspector will be based on standard safety procedures or the facility’s safety procedures.

- a. Inspectors should, at a minimum, do the following:
 - i. Use safety equipment in accordance with available guidance and labeling instructions.
 - ii. Maintain safety equipment in good condition and proper working order.
 - iii. Dress appropriately for the particular activity and wear suitable protective clothing.
 - iv. Use any safety equipment customary in the establishment being inspected (e.g., hard hat, protective gloves, or safety glasses).
 - v. Never enter confined spaces unless properly trained, equipped and permitted.

Part IX. Industrial Facility Pre-Inspection Preparation

Prior to all industrial facility inspections the SWSD inspector shall prepare an Industrial Facility Inspection folder to aid during the inspection. Additionally, the inspector shall gather historical facility data and prepare an inspection protocol for the specific facility.

- a. The folder shall contain, at a minimum, the following information:
 - i. Copy of the NOI or NEC
 - ii. A GIS map of the industrial facility location and the surrounding area, which shall include any outfalls or receiving water bodies, properly marked.
 - iii. Inspection forms applicable to facility
 - 1. SWP3 Industrial Facility Checklist (see attachment A); and
 - 2. Industrial On-site Inspection Checklist (see attachment B).
 - Or
 - 3. Industrial No Exposure Certification Inspection Checklist
 - iv. A copy of the facilities last inspection, if available.
 - v. Chain of Custody forms for sample collections, if applicable.
 - vi. Any other sample collection documentation, if applicable.

- b. The inspector shall perform the following pre-inspection preparation:
 - i. Establish purpose and scope of inspection.
 - ii. Review background information and EPA, TCEQ, or City records, including any permit and permittee compliance files.
 - iii. Develop plan for inspection.
 - iv. Prepare documents and equipment, including appropriate safety equipment.
 - v. Coordinate schedule with laboratory if samples are to be collected.
 - vi. Coordinate schedule with other appropriate regulatory authorities.
 - vii. Contact party responsible for sample transportation, for packing/shipping requirements, or assure inspector has appropriate sampling supplies, if applicable.

Part X. Industrial Facility Entry

The inspector shall identify self and present official credentials to the facilities responsible official(s). The inspector is not to release his credentials or allow the facility to photocopy them. If the inspector is denied entry, they are to contact the SWSD Administrator. Facilities within the city limits of the City of Abilene are required by section 32-242 of the City Ordinance to permit City inspectors on-site to perform the inspections described in this guidance documents.

Part XI. Industrial Facility Opening Conference

The inspector shall conduct a brief opening conference with the facility operator(s) to discuss the objectives and scope of the ensuing inspection.

- a. The inspector shall endeavor to establish a working relationship with facility officials.

- b. The inspector shall at this time review the safety protocol for the facility and perform the inspection in regard to prescribed safety practices.
- c. The inspector shall inquire as to whether the facility had any spills or illicit discharges during the last three years.
 - i. If a spill or illicit discharge has occurred, the inspector shall request a copy of the report and supporting documentation of the occurrence.
 - ii. The inspector shall request, and document, a narrative of the spill or illicit discharge from the facility operator(s).

Part XII. Industrial Facility Inspection Procedures

Stormwater inspections are designed to ensure that regulated facilities comply with MSGP requirements.

- a. Facilities that have a NPDES/TPDES permit for stormwater discharge and a Storm Water Pollution Prevention Plan (SWPPP) will be inspected to ensure the facility is following the specification in each.
 - i. During the inspection, the inspector will review the permit and the SWPPP to determine whether the SWPPP meets the requirements set forth in the MSGP permit.
 - ii. The inspector also shall review records, such as self-inspection reports, to verify that the facility is complying with its permit and the SWPPP.
 - iii. The inspector shall walk the site to verify that the SWPPP is accurate and BMPs are in place and functioning properly. The inspection will be conducted based on the compliance status of the facility, the information needed from the facility, and the type of facility involved.
 - iv. The inspector may review the facilities NPDES/TPDES permit, Spill Prevention, Control and Countermeasure (SPCC) plan, Hazard Communication plan, and/or any other document determined to be applicable to the protection of stormwater in the City of Abilene.
- b. Conduct visual inspection of facilities that have an NPDES/TPDES permit or NEC.
 - i. The inspector shall inspect all of the facilities stormwater outfalls for signs of pollutant discharges and notate any unusual affects.
 - ii. The inspector shall observe the BMPs utilized by the facility to determine if they are in place and functioning properly.

1. The City does not endorse or require specific BMPs; however, the effectiveness of BMPs must be illustrated to the inspector upon request.
 - iii. The inspector shall ascertain whether illicit connections are present at the facility. This could include inspection of local stormwater drains, floor drains, piping, etc.
- c. Review facility records.
- i. If the inspector deems it necessary, the facility is to provide facility records related to the NPDES/TPDES permit to the inspector. These records may include, but not limited to:
 1. Animal inventory records
 2. BMP maintenance records
 3. Spill response reports
 4. Self-inspection reports
 5. Local precipitation records
 6. Records of waste levels in the retention structure
 7. Construction plans or As-built plans for the facility
 8. Waste management documents
 9. Waste disposal records
- d. Inspect monitoring locations, equipment, and operations.
- i. The inspector retains the authority to inspect the monitoring equipment, the location of sampling, and the Standard Operation Procedures for sampling.
- b. Collect samples, if appropriate.
- i. The inspector may elect to collect stormwater samples for analysis if the Administrator has deemed it necessary to substantiate the facilities analytical results.
- c. Review laboratory records for QA/QC.
- i. The inspector retains the authority to review laboratory QA/QC data for analytical results from samples collected at the facility.
- d. Review laboratory procedures to verify analytical methodology and use of approved methods.
- i. The inspector retains the authority to review laboratory procedures to verify that the analytical methods used during analysis are approved EPA methods.
- e. Document inspection activities.
- i. The inspector shall complete the “SWP3 Industrial Facility Checklist” and the “Industrial On-Site Inspection Checklist” prior to leaving the site.

- ii. The inspector shall take field notes and notate any pertinent information discovered during the inspection.

Part XIII. Industrial Facility Closing Conference

At the conclusion of the inspection, the inspector shall conduct a closing conference with the facility official(s). At this time, the inspector shall:

- a. Collect any additional or missing information.
- b. Clarify questions with facility officials.
- c. Prepare necessary receipts of the inspection.
- d. Review inspection findings and inform officials of follow-up procedures.
- e. Issue deficiency notices, if appropriate.

Part XIV. Industrial Facility Inspection Report

The inspector shall organize inspection findings in a report with field notes, inspection checklists, file photographs, and any other relevant information.

- a. This data shall be entered into the City's MS4 Permit Manager software, MSGP Inspection Log, and the MSGP Facilities spreadsheet.
- b. The inspector shall utilize the structure in Attachment D to assist the operator of a permitted facility attain compliance. All non-compliance issues shall be addressed on a City of Abilene Exit Interview Form. A description of the issues shall be provided and corrective actions required shall be specified. Issues of non-compliance shall be designated as violations or areas of concern.
 - i. Areas of concern are issues that are not immediately subject to enforcement and are generally rechecked at the time of the next routine inspection. If areas of concern are not corrected or if the same areas of concern are documented repeatedly they may be addressed as violations.
 - ii. Violations require a follow-up inspection and are subject to enforcement. Violations are underlined on the City of Abilene Industrial Facility Checklist. For a follow-up inspection, the appropriate resources are to be assembled to deal effectively with a specific enforcement problem.
 - 1. Voluntary compliance for violations is initially sought with a seven (7) day time frame for compliance. A shorter time

frame may be given if there is a greater risk for discharge to the MS4 or there is a poor compliance history with the operator.

2. If a Notice of Violation is issued, generally, two (2) days are granted for compliance.
- iii. The Stormwater Services Division retains the authority to notify the local TCEQ representative if the operator is in gross negligence and is unable or unwilling to obtain compliance with the MSGP.
 1. The inspector will provide areas of non-compliance and a brief history of voluntary compliance efforts to the TCEQ representative.
 2. The City inspector will work together with the TCEQ representative on the non-compliance issues at the facility.
- c. The City shall maintain all hard copies for at least three years.
- d. The Administrator may, on a case-by-case basis, review the industrial facility inspection report.

Part XV. Enforcement

Under Section 32-336 (Violations) and 32-337 (Nuisances) of Article VII of the Municipal Drainage Utility – Stormwater Protection, of the City of Abilene Code of Ordinance, the Stormwater Services Division retains the authority to administer Notice of Violations for “a failure to maintain a facility in conformance with this ordinance, or any other violation of this ordinance”. The elements of the enforcement process will be imposed in a tiered approach to allow for facility voluntary compliance, where applicable. If the Administrator determines that a facility is working in gross negligence, refuses to perform voluntary compliance, or is operating in a manner that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or waters of the United States, the initial notice of violation may be escalated immediately to penalties and violations. The Administrator will use the following tiered progression in meting out enforcement actions.

- a. Voluntary compliance
 - i. The City shall retain the authority to instruct an operator of a facility that commits any acts prohibited by Section 32-336, 32-337, or any other violation of the City Ordinance to achieve voluntary compliance as determined by the Administrator.
 - ii. The schedule to obtain voluntary compliance will be assessed on a case-by-case basis by the Administrator.
- b. Penalties and violations

- i. Violations of 32-336, 32-337 or failure to comply with any of its requirements shall constitute a misdemeanor.
 - ii. Any person who violates this subpart or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance to Article 1 of the Code against the person for each violation
 - iii. Each day such violation continues shall be considered a separate offense.
 - iv. The owner or operator of any facility, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties contained in the Code.
- c. Suspension of utility service
 - i. The City shall retain the authority to suspend the City-provided water supply, sanitary sewer connection, and/or municipal stormwater drainage system access for any facility that commits an act prohibited by Article VII of the Code.
 - ii. Violator notification
 - 1. Emergency suspension of utility service shall not require prior notification.
 - 2. Non-emergency suspension of utility service shall require notification from the administrator.
 - iii. Appeals
 - 1. Appeals shall be made in writing and addressed to the Administrator's attention within ten (10) days of notice of suspension.
 - 2. The Director of Public Works shall render a decision within two (2) days upon written receipt of petition.
 - 3. Appeals of the Director of Public Works decision must be submitted for judgment to Municipal Court.
 - iv. The City shall not reinstate suspended services or municipal stormwater drainage system access to the discharger until:
 - 1. The violator presents adequate proof that the non-complying discharge has been eliminated and its cause determined and corrected; and
 - 2. The violator pays the City for all costs the city incurred in suspending and reinstating water service, sanitary sewer connection, and/or municipal stormwater drainage system access.
 - 3. The violator shall be responsible to the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the municipal stormwater drainage system incurred by the City

while responding to, abating and remediating the discharge or threatened discharge.

d. Stop work orders

- i. The City shall retain the authority to issue stop work orders for any facility that commits any act prohibited by Section 32-336, 32-337, or any other violation of the City Ordinance.
- ii. If the Administrator determines that voluntary compliance is not feasible, that a facility is operating in a dangerous or unsafe manner, or that conditions exist at a facility that may lead to an illicit discharge, upon written notice and issuance of a stop work order by the city, such work or conditions shall be immediately terminated or remedied.
- iii. Stop work orders shall be provided to the owner, operator, or responsible party of the facility and shall state the conditions under which work may be resumed.
- iv. When an emergency exists, written notice shall not be required
- v. Following the issuance of a stop work order, the city shall initiate proceedings to revoke any permit issued for the work covered by such stop work order unless the cause of the stop work order is resolved to the city's satisfaction.

e. Revocation of permits

- i. The City retains the authority to revoke any and all permits authorized by the City for violation of the terms and provisions of the City Ordinance, subject to the procedural requirements of the City Code for notice and hearing.
- ii. If a state, federal, or other agency permit is found to be in violation, the City reserves the authority to notify the appropriate agencies of found violations.

Part XVI. Appeals, Interpretation, and Variance

All appeals will be forwarded to the District Court.