

2.0 ADMINISTRATIVE AND LEGAL PROCEDURES

This section identifies and describes the Authority departments and staff that conduct urban runoff management related activities. This section also addresses the roles and responsibilities of these departments and individuals as required by Section C of the Municipal Permit and Section A.3.a of the General Industrial Permit.

2.1 DEPARTMENT ROLES AND RESPONSIBILITIES

As previously described, the Authority was created by state legislation to operate SAN, and in January of 2003, the Authority filed an NOI to comply with the General Industrial Permit. The Authority has elected to assume a lead role with regard to the General Industrial Permit. Airport tenants that conduct industrial activities are also subject to the General Industrial Permit and must comply with the Authority direction regarding stormwater management at SAN. This approach conforms to federal regulations, was the preferred option of the SWRCB, and allows for the implementation of consistent stormwater pollution prevention measures throughout the entire airport site. This approach provides for consistency in the programs that the Authority has developed and implemented to comply with the requirements of the both the General Industrial Permit and the Municipal Permit.

Several Authority departments share responsibility for the implementation of the SAN SWMP, specifically: the Environmental Affairs Department, the Facilities Maintenance Department, the Airside Operations Department, the Facilities Development Department, the Landside Operations Department, the Airport Planning Department, the Real Estate Management Department, and the Aviation Security & Public Safety Department. The Directors and key staff members from these departments are integral to the efforts made to eliminate and reduce the pollutants in stormwater that runs off SAN. Together they ensure the Authority meets compliance with the NPDES Permits.

The Environmental Affairs Department assumes a lead role in performing the following tasks required by the General Industrial Permit:

- Conducting meetings with and training appropriate stakeholders;
- Ensuring the proper implementation of required BMPs;
- Conducting wet and dry season monitoring;
- Conducting wet weather stormwater sampling;
- Conducting annual facility inspections of all industrial areas and activities;
- Preparing and submitting an annual report to the RWQCB;
- Revising and updating the SWMP annually, as necessary.

The Environmental Affairs Department also assumes a lead role in ensuring that the following tasks are conducted as required by the Municipal Permit:

- Prohibiting all identified illicit discharges;
- Prohibiting and eliminating illicit connections to the storm drain system;
- Controlling the discharge of spills, dumping, or disposal of materials other than stormwater to the storm drain system at SAN;
- Controlling the contribution of pollutants in discharges of runoff associated with industrial and construction activity;
- Requiring compliance with Authority ordinances, permits, contracts, or orders related to stormwater management and/or control, and using enforcement mechanisms as necessary to ensure compliance;
- Controlling the contribution of pollutants from one portion of any shared MS4 to another portion of the MS4 through interagency agreements among Copermittees;
- Conducting all inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with local ordinances and permits;
- Requiring the use of BMPs to prevent/reduce the discharge of pollutants to the MS4;
- Requiring and/or preparing documentation of the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 to the MEP.

The Environmental Affairs Department manages or coordinates the management of information and records required by the General Industrial Permit and the Municipal Permit. The Director of Environmental Affairs has been duly authorized by the President/Chief Executive Officer (CEO) as the position having responsibility for overall operation of the facilities and activities regulated by any NPDES Permit applicable to the Authority. As such, the Director of Environmental Affairs signs and certifies all reports and other information required by an NPDES Permit or requested by the USEPA, SWRCB, or RWQCB.

The Environmental Affairs Department assumes overall responsibility for developing, implementing, and revising the SWMP, as necessary. The Environmental Affairs Department conducts all monitoring program activities required in Section B of the General Industrial Permit. The Environmental Affairs Department generally conducts all inspections required by the Municipal Stormwater Permit, with the assistance of the Facilities Maintenance Department and the Airside Operations Department. The Environmental Affairs Department conducts/coordinates the majority of the stormwater education and outreach required by the Municipal Permit, with the assistance of key supervisory or lead staff from the other departments listed above.

The Facilities Maintenance Department conducts many of the municipal activities described in Sections 6 and 7 of this SWMP. The Airside Operations Department staff and the Facilities Maintenance Department staff are generally first on-scene for spills and other facility maintenance and repair issues. The Environmental Affairs Department assumes responsibility for determining the need for and reporting, as necessary, any significant incidents of non-compliance to the appropriate agencies. The Airport Planning Department and the Facilities Development Department are generally responsible for project planning, design, and approval, with assistance as necessary from the Environmental Affairs Department. The Landside Operations Department and the Real Estate Management Department assist the Environmental Affairs Department in coordinating activities with the airport tenants and service providers. The Environmental Affairs Department, the Airside Operations Department, the Landside Operations Department, and the Real Estate Management Department generally assume responsibility for assisting airport tenants and service providers in maintaining compliance with the General Industrial Permit and Municipal Permit. These departments also assist Authority staff and airport tenants in formulating and implementing BMPs to prevent stormwater pollution from their operational areas/activities.

Table 1 presents the departments with roles and responsibilities for implementing various elements of the SAN SWMP. Table 2 presents the key Authority personnel, listed by department, directly involved or assisting in the implementation of the SWMP. Figure 9 presents a current organizational chart for the Authority.

Numerous airport tenants are conducting a variety of airport-related support functions at SAN and this SWMP addresses the industrial/commercial activities conducted by these tenants. All tenants and airport service providers with a Standard Industrial Classification (SIC) that is air transport or related services are considered copermittees with the Authority on the General Industrial Permit. As such, they play a role in ensuring effective implementation of the SAN SWMP. Tenancy agreements between the Authority and airport tenants contain clauses requiring the Airport tenant to abide by all Authority, local, state, and federal laws and regulations. It is the airport tenants' responsibility to comply with the General Industrial Permit and to respond to Authority requests for permit information regarding tenants' facilities, operations, or activities. Each airport tenant or service provider conducting industrial/commercial activities/operations is furnished a copy of this SWMP and is required to comply with the plan. Airport tenants and service providers are also responsible for ensuring that hired contractors or sub-contractors comply with the SWMP.

In its management role for the implementation of the SAN SWMP, the Authority ensures airport tenants comply with the requirements of both the General Industrial Permit and the Municipal Permit. Airport tenants that implement their own stormwater management programs are also required, nonetheless, to comply with the SAN SWMP for operations/activities conducted within the boundaries of the airport.

2.2 LEGAL AUTHORITY

On September 20, 2002, the Authority Board adopted the Authority Code Sections 8.70 to 8.79, known as the "San Diego County Regional Airport Authority Storm Water Management and Discharge Control" and the "Storm Water Code" (Article 8.7).

The Storm Water Code sets forth uniform requirements and prohibitions for dischargers and places of discharge to the stormwater conveyance system, and receiving waters, necessary to adequately enforce and administer all laws and lawful standards and orders or special orders, that provide for the protection, enhancement and restoration of water quality. The Authority seeks to reduce pollution entering San Diego Bay from stormwater discharges and to protect and promote the public health, safety and general prosperity of its tenants, the public and to protect the natural resources and environment with the attainment of the following objectives as stated in the Storm Water Code:

- To reduce stormwater runoff pollution;
- To reduce non-stormwater discharge to the stormwater conveyance system and receiving waters to the maximum extent practicable;
- To comply with all federal and state laws, lawful standards and orders applicable to stormwater and urban runoff pollution control;
- To prohibit any discharge which may interfere with the operation of, or cause damage to the stormwater conveyance system, or contribute to the impairment of the beneficial use or violation of a water quality objective of the receiving waters;
- To prohibit illegal discharges and illicit connections to the stormwater conveyance system and receiving waters; and
- To develop and implement effective educational outreach programs designed to educate the public, Authority employees and tenants on issues of stormwater and urban runoff pollution prevention.

The Storm Water Code provides for the prevention, control, treatment, diversion and regulation of discharges to the stormwater conveyance system and receiving waters, through a program of education and enforcement of general and specific prohibitions and requirements. The Storm Water Code applies to all dischargers and places located on property within the Authority's jurisdiction that discharge stormwater or non-stormwater into any stormwater conveyance system or receiving waters. The President/CEO or his or her designee administers, implements and enforces the provisions of the Storm Water Code. Any person violating any of the provisions or failing to comply with the mandatory requirements of the Storm Water Code is guilty of a misdemeanor unless such violation or failure is declared to be an infraction by the Code.

2.2.1 CERTIFICATION OF LEGAL AUTHORITY

Attached at the front of this SWMP is the signed, certified statement of the Authority General Counsel that the Authority has adequate legal authority to implement and enforce each of the requirements contained in 40 CFR 122.26(d)(2)(i)(A-F) and the Municipal Permit, as required by Municipal Permit Sections C.2 and J.1.a.(3)(b)i.

2.3 ENFORCEMENT

The The Authority's Environmental Affairs Department staff (and other appropriate Authority staff) are required to inspect Authority, airport tenant operations/activities, and construction areas and activities for compliance with all stormwater pollution prevention requirements. If an incidence or evidence of non-compliance is observed, the inspector has the authority to enforce stormwater pollution prevention requirements by utilizing the Authority Storm Water Code. An escalation in enforcement is typically applied by Authority staff to stop and correct incidents of non-compliance, as described below.

Depending on the severity of the violation, enforcement can range from a verbal warning to civil and/or criminal court actions. In addition, if the non-compliance is the result of negligence by Authority staff, the enforcement action may include disciplinary action. If the non-compliance is a result of negligence by a contractor to the Authority, the enforcement action could range from a verbal warning to withholding of contract payment, or to the assessment of fines, or to civil and/or criminal court actions. The Authority enforcement program seeks to accomplish the following goals:

- To limit environmental impacts resulting from non-compliant activities or conditions;
- To educate the regulated community (Authority staff, airport tenants and service providers, and contractors);
- To promote compliance with laws and regulations;
- To return violators to compliance in a timely manner;
- To initiate and conclude enforcement activities in a timely manner;
- To penalize violators, as appropriate, and to deprive violators of any significant benefit gained from violations;
- To prevent any business from having an unfair business advantage through noncompliance;
- To treat similar airport tenants, service providers, and contractors equally and consistently with regard to the same types of violations.

The Authority employs several enforcement mechanisms and penalties to ensure compliance with its ordinances. The levels of enforcement and associated penalties are typically issued at the discretion of the enforcement officer with consideration of relevant circumstances regarding the violation.

The Environmental Affairs Department will conduct follow-up inspections to determine if corrective actions have been taken in accordance with the corrective action orders, the Authority's ordinances, and the minimum BMP requirements. Escalating enforcement procedures, which provide flexibility in the establishment of appropriate compliance time frames, are implemented as needed. If a significant and/or immediate threat to water quality is observed, appropriate actions will be taken to require the responsible party to immediately cease the discharge and/or correct the situation. Typical escalating enforcement procedures include:

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2.3.1 VERBAL WARNINGS

A common initial method of requesting corrective action and enforcing compliance is a verbal warning from the inspector to the responsible party. Verbal warnings are often sufficient to achieve correction of the violation, often while the inspector is present. The inspector will notify the responsible party and the facility/operation supervisor of the violation, and document the violation and the notification to the project supervisor in the inspection file. A specific time frame for correcting the problem and a follow-up inspection date will be documented by the inspector. In judging the degree of severity, the inspector may also take into account any history of similar or repeated violations by the responsible party at this or other sites.

2.3.2 WRITTEN WARNINGS

If the deficiency noted in a verbal warning is not corrected by the next inspection, or if the severity of the violation is such that a verbal warning is not considered sufficient, a written notice will be issued describing the infraction that is to be corrected, the time frame for correction, and the date for a follow-up inspection. A copy of the notice should be given to the responsible party and facility/operation supervisor and placed in the inspection file. If the violation has been corrected to the satisfaction of the inspector, the inspector will document compliance in the inspection file.

2.3.3 DISCIPLINARY ACTIONS

If an Authority employee is the cause of non-compliant activities, the Authority may choose to take disciplinary actions against the employee in accordance with established procedures.

2.3.4 ENFORCEMENT OF CONTRACTS, LEASES, OR USE PERMITS

If a contractor or developer is performing contract work for the Authority, then the Authority may use the provisions within the contract to correct non-compliant activities or conditions. The Authority generally adds language into all contracts that gives the right to refuse payment, stop work (without time penalties), or to revoke the contract if the contractor's performance does not comply with appropriate permits, laws, regulations, and ordinances. Similarly, for tenant projects, the Authority may use provisions within the lease or use permit to correct non-compliant activities or conditions. This mechanism is typically preferred to other legal actions.

2.3.5 CEASE AND DESIST ORDER

If the deficiency noted in an initial warning is not corrected by the follow-up inspection, or if the severity of the violation is such that a warning is not considered sufficient, a Cease and Desist Order (CDO) may be issued. A warning may be insufficient if, for example, there is a significant and/or immediate threat to water quality. CDOs are administrative orders issued to cease and desist all activities that may cause or contribute to a violation and to stop illegal discharges and/or illicit connections. CDOs typically require compliance within a designated time frame and remedial or preventative actions to prevent the violation from recurring. Conditions that would warrant such action may include observation of runoff from an industrial/commercial area/activity that are not reasonably controlled by protective measures or observation of a failure in BMPs resulting in or potentially resulting in a release of pollutants to a degree that may substantially degrade water quality.

2.3.6 NOTICE AND ORDER TO CLEAN, TEST, OR ABATE

These are written and/or verbal orders to perform activities listed in the Authority's Storm Water Code. Activities may include development of a SWPPP, BMP implementation, and testing, monitoring, and/or mitigation.

2.3.7 CIVIL AND CRIMINAL COURT ACTIONS

Civil and criminal court actions may be taken under Section 8.76 of the Storm Water Code, the State Porter-Cologne Water Quality Act, or the Federal Clean Water Act.

Section 8.76(d) of the Storm Water Code makes a violation either a misdemeanor offense or an infraction, at the discretion of the Executive Director. Infractions are punishable by a fine not to exceed \$100 for the first violation and \$250 for the second violation of the same

provision within a year of the first violation. Third violations are misdemeanor offenses subject to a fine and/or imprisonment.

The Authority may use civil and/or criminal court action under the Porter-Cologne Water Quality Act or the Federal Clean Water Act or other applicable statute as an enforcement mechanism. Civil and criminal court actions under the State Porter-Cologne Water Quality Act may result in fines ranging from \$100 to \$15,000 per day per violation and \$10 to \$20 per gallon of polluted discharge. Penalties under the Federal Clean Water Act may result in fines ranging from \$2,500 to \$50,000 per day per violation and/or one to three years of imprisonment for first offenders. Repeat offenders face double the penalties.