

COVID-19 FAQ

SHOPPING CART DISINFECTING AND STORMWATER REGULATION

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This question was posed by a retailer during a recent RCC webinar on COVID-19 and environmental compliance: *How do stormwater regulations affect disinfecting shopping carts?* There are many questions around this topic, and the following set of FAQs unpacks them.

HOW IS STORMWATER REGULATED?

Stormwater is regulated under the federal Clean Water Act (CWA) through the National Pollution Discharge Elimination System (NPDES) and generally delegated to states. NPDES is a system of permits that protect water bodies by putting limits and conditions on pollutant discharge, including non-point-source stormwater discharges.

HOW DO STORMWATER REGULATIONS APPLY TO RETAIL?

Three types of activities that affect stormwater are regulated: Construction, Industrial and Municipal/Urban. The regulation of construction activities is the most applicable to retail when retailers build or remodel stores and parking lots. The industrial stormwater section of the CWA is triggered by SIC code and is the least applicable to retail. However, because distribution and transportation centers have SIC codes that meet the regulatory definition of industrial facilities, they are subject to industrial stormwater regulations. In most urban and suburban areas, municipalities have an NPDES permit from their state for stormwater discharges.

WHAT TYPE OF ACTIVITIES ARE TYPICALLY REGULATED UNDER INDUSTRIAL STORMWATER REGULATIONS?

Under the Industrial stormwater regulations, certain activities, such as vehicle fueling and washing and outside storage of materials, are regulated and can trigger the need for a permit, usually a general permit. Pressure washing of building exteriors with *clean water* (no detergents or cleaning agents) is one activity that *is allowed* under most general permits for warehouse, distribution and transportation facilities.

HOW DOES A MUNICIPALITY'S STORMWATER PERMIT AFFECT STORES?

The permits issued to municipalities regulate pollutants in stormwater runoff like vehicle oils and grease, grit and sediment, litter and other pollutants, whether from public streets or private properties. The municipal stormwater permits require the cities to enact ordinances regulating activities and stormwater management practices on private property, including commercial to control these pollutants. Some ordinances are very specific and prescriptive, while others are quite general and prohibit any activities that adversely affect water quality. Stores are subject to the local ordinance requirements.

CAN A STORE PRESSURE WASH CARTS IN THE PARKING LOT?

You may be able to pressure wash shopping carts with clean water only and allow it to discharge to the storm drain, but you should check with the local municipality, stormwater utility or wastewater department. If you are pressure washing with a disinfectant, detergent or other cleaning agent, you must capture the wastewater and properly dispose of it. This is typically done with a vacuum truck. Pressure washing services with vacuum truck capability are typically only available in metropolitan areas. Aside from rules and prohibitions, pressure washing in parking lots is a highly visible activity and may generate scrutiny from the public or media.

It's possible that state or local orders or other requirements related to the COVID-19 pandemic could require the disinfection of shopping carts. They could possibly specify the frequency and type of disinfectant chemicals to be used. It seems unlikely, however, that a health department would specify exactly how and where carts are disinfected. However, even if a health inspector or agency were to specify the disinfection of carts *outdoors*, the store would still be obligated to comply with environmental regulations, including stormwater regulations. Health inspectors may not be aware of or understand environmental stormwater regulations. You would need to find a way to comply with both.

CAN DISINFECTION ACTIVITIES OF ANY TYPE BE CONDUCTED IN PARKING LOTS?

Yes, provided no wastewater is created or it is captured and properly disposed, disinfecting of carts or other items can be done outdoors. The key is to do it without impacting stormwater with pollutants. For example, wiping carts with a rag or disposable towel saturated with chemical disinfectant and letting the disinfectant stand per the manufacturer's directions would pose little to no risk of stormwater pollution. If your procedure involves application with a mist sprayer to allow the disinfectant to reach all surfaces, you should avoid excess overspray or capture overspray on plastic sheeting or some other material, such as cardboard, and then dispose of the plastic or cardboard.