

Monterey County, Resource Management Agency
Environmental Services

Spill Response Plan



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1. BACKGROUND

The purpose of this *Spill Response Plan* is to set forth the policies and procedures for responding to reports of illicit discharges, illicit connections, spills, and other types of improper discharges into Monterey County's storm drain infrastructure. It does not cover procedures for spills of hazardous materials, as these events are under the regulatory authority of the Monterey County Environmental Health Department. This plan is presented in compliance with Sections E.9.d and E.9.e of the State Water Resources Control Board, Phase II Small Municipal Separate Storm Sewer System (MS4s) General Permit (Order No. 2013-0001-DWQ).

The Phase II Small MS4 General Permit regulates storm water discharges from the storm drain systems in the urbanized areas of Monterey County that are covered under its General Permit. Non-storm water discharges, discharges that do not originate from precipitation events, are effectively prohibited by the Phase II Small MS4 General Permit. Monterey County is required to establish controls that reduce pollutants from its MS4 to the maximum extent practicable (MEP). This plan outlines the roles and responsibilities of Monterey County's Departments and Agencies, and describes the procedures for responding to complaints, conducting investigations, conducting clean up operations, and filing a complaint to report an illicit discharge.

The procedures set forth in this plan follow the guidelines from the Center for Watershed Protection's *Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments, October 2004 (CWP IDDE Guidance Manual)*.

2. AREA OF APPLICABILITY

The procedures and enforceability of this plan apply to the Monterey County operated municipal separate storm sewer systems that are located within the effective NPDES Phase II Small MS4 General Permit Boundary. Within the context of this plan, this area will be referred to as the County Small MS4 General Permit Area.

3. AUTHORITY

Authority for the development and implementation of this spill response plan is contained within:

- Monterey County Code, Chapter 1.22 – Administrative Remedies for Code Enforcement
- Monterey County Code Chapter 16.14 - Urban Stormwater Quality Management and Discharge Control.
- State Water Resources Control Board, Water Quality Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System General Permit No.

4. PLAN MAINTENANCE

It shall be the responsibility of the Monterey County, Resource Management Agency (RMA) -Environmental Services Division to ensure that this plan is updated on a periodic basis to maintain its accuracy and applicability. This plan shall be reviewed periodically, for the purpose of determining the need for revisions and updates. The Environmental Services Division will be responsible for maintaining the master copy of this plan, submitting the plan and all subsequent revisions to the State for approval, and circulating approved copies to designated recipients.

5. TYPES OF DISCHARGES

The following section describes the types of discharges that can occur and provides important information for each type including, typical sources of the discharge, if the discharge is permissible under the MS4 General Permit, and the associated requirements for each type of discharge.

5.1. Allowable Non-Storm Water Discharges

Discharges of flows that are not composed entirely of storm water, or that are not authorized by the Phase II Small MS4 General Permit are effectively prohibited. The General Permit allows a limited number of non-storm water discharges consisting essentially of unpolluted waters from the following sources:

- Water line flushing
- Individual residential car washing;
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration (as defined at 40 C.F.R. §35.2005(20)) to separate storm sewers
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensation
- Springs
- Water from crawl space pumps
- Footing drains
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Incidental runoff from landscaped areas (as defined and in accordance with Section B.4 of the Phase II Small MS4 General Permit) – see below.
- Discharges or flows from fire-fighting activities are also excluded from the effective prohibition against non-storm water discharges.

5.2. Incidental Runoff

Incidental runoff is unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it due to intentional overflow or application, or if it is due to negligence. Discharges in excess of an amount deemed to be incidental runoff shall be controlled. Parties responsible for controlling runoff in excess of incidental runoff shall:

- Detect leaks (for example. from broken sprinkler heads) and correct the leaks within 72 hours of learning of the leak;
- Properly design and aim sprinkler heads;
- Not irrigate during precipitation events; and
- Manage recycled water ponds such that no discharge occurs unless the discharge is the result of a 25-year, 24-hour event or greater, and the Regional Water Board is notified via email no more than 24 hours after the discharge occurs.

5.3. Illicit Discharges

An illicit discharge is defined as any discharge to a municipal separate storm sewer (storm drain) system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges not composed entirely of storm water and discharges that are identified under the Discharge Prohibitions section of the Phase II Small MS4 General Permit. Illicit discharges can occur in several ways, including:

1. Discharges from an illicit connection;
2. Direct dumping of polluted water into the storm drain system, such as dumping into a catch basin or storm water inlet; or
3. Discharges of polluted water into a creek or into a street gutter which flows into the storm drain system or into a receiving water.

Typical types of illicit discharges from industrial and/or commercial activities include:

1. Water from the cleaning of gas stations, vehicle service garages, or other types of vehicle service facilities.
2. Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial operations.
3. Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners.
4. Water from the washing or rinsing of vehicles, with or without soap, from auto body repair shops.
5. Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning.
6. Vehicle fluids.
7. Mat wash and hood cleaning water from food service facilities.
8. Food and kitchen cleaning water from food service facilities.
9. Leakage from dumpsters or trash containers.

10. Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained.
11. Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces.
12. Wastewater or cleaning fluids from carpet cleaning.
13. Swimming pool and spa water, except as allowed for under BMP 6-5.a;
14. Washout from concrete trucks;
15. Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored
16. Super-chlorinated water normally associated with the disinfection of potable water systems.
17. The discharge of sewage or other forms of polluted water from recreational activities including boating and camping, and from recreational vehicles and boats.

The following types of businesses have historically been common sources of illicit discharges:

- Auto repair shops
- Gas stations
- Restaurants/food services facilities

Inspections of urban storm drain systems in many areas have shown that it is common to find industrial and commercial establishments (such as auto shops, gas stations, and restaurants) with illicit discharges which can pose a danger to public health. While some pollutants are knowingly dumped into storm drain inlets and streams, a multitude of contaminants are inadvertently carried by runoff into storm drain systems — during accidental spills on urban streets, sidewalks, and other exposed areas; for example, pollutants may be carried to the storm drains by water used to clean up a spill. Examples of materials that may be disposed of improperly include used oil, household toxic wastes, radiator fluid, wash down water from restaurants and gas stations, and litter such as fast food packaging, cans, and disposable cups.

6. POLICY

As required by the Phase II MS4 General Permit, it is the policy of Monterey County to control illicit discharges by investigating all reports and observations of improper disposal of materials to, or that could pass through, the Monterey County MS4, and by taking appropriate follow-up actions to eliminate illicit discharges which are identified through these investigations.

7. PERSONNEL

The Investigation Team for most cases will consist of one Hydrologist and one Water Resources Technician from the RMA - Environmental Services Stormwater Program Section. These staff members conducting spill investigations have been trained and will

continue to be trained in the methods for performing such work, and will be trained in, and be responsible for implementing the procedures in this plan.

8. REPORTING

Reports and observations of illicit discharges, illicit connections, and other types of improper discharges to the storm drain system may be in the form of reports received from the general public and by observations made by County staff.

Each report or observation will be logged and investigated, and documented using the attached “*Spill Investigation Form*” form, or a functionally equivalent form.

Reports of spills and illicit discharges may be received in a variety of ways, including:

- Telephone reports from Environmental Health Bureau staff who serve as the designated point of contact for these incidents from the 9-1-1 dispatch center.
- Telephone or in-person reports of illicit discharges/spills observed or received by employees of other Monterey County departments
- Reports received via the Monterey Regional Storm Water Management Program (MRSWMP) Website at MontereySEA.org. This site prompts visitors to call the 9-1-1 dispatch in the event of a spill and provides contact information to Monterey County RMA.

A complaint hotline, where citizens can easily report illicit discharge and pollution concerns will be established. The hotline will be for non hazardous and non emergency illicit discharges only within the County Small MS4 General Permit Area. It will be open twenty four hours a day and seven days a week, but only operated by staff during normal business hours. Explicit instructions will be provided to the caller in case of an emergency. The hotline number will be available on the County website. A prompt investigation of each complaint by trained inspectors will follow a reported incident, usually within 72 hours. Citizens will be allowed to call in anonymously, so it can be done without fear of retribution from neighbors, employers, or others. This database will include records of both spills and illicit dischargers. An incident tracking ID will be created for the caller to follow-up on the complaint. A record with the incident tracking ID will be entered into the Spill Investigations database.

The basic information collected during an incident report will be from the *Spill and Illicit Discharge Reporting Form* (Attachment 1). This information will also be stored in the Spills Investigations database and is described below.

Incident ID - Each incident will receive a unique identification code to ensure accurate tracking and public feedback.

Reporter Information - Reporter contact information may be recorded, however, anonymous reporting will be allowed because it frees the reporter from potential backlash. The date and time of incident will be noted, as it may be different than the time

it was called in.

Responder Information - The name of the responder and the time and date of the call will be recorded. The amount of precipitation in the past 24-72 hours is also recorded for reporting purposes.

Incident Location - The location of the potential illicit discharge is one of the most important yet difficult pieces of information to accurately collect. In cases where the outfall IDs can't be determined or is absent, callers will be encouraged to provide the stream name, nearest street/intersection information and any general descriptions that tie the site to a nearby landmark or major land use (e.g., shopping center, school, etc.), as well as indicate whether the incident site is located in the stream corridor or in an upland area. Other options are to include a narrative description of the area or for the Investigation Team to meet the caller at a nearby known location if a member or members of the team are available to do so.

Problem Type - Providing a list of likely problems and problem descriptions can help to readily identify the potential source. The problem types will likely fall into the following five categories: unnatural stream conditions, sewage, wash water, oil/solvents, and industrial wastes. "Other" should also be included, as exceptions will occur. By identifying a suspected origin, the field team may have a head start on the investigation and suspected repeat offenders can be screened through trend analysis.

Problem Indicator Description – A description of the discharge odor and color, and type of floatables present permits investigators to know what they are looking for and start preparing for how to handle the situation.

Investigation Notes - To properly track and report suspected illicit discharges, the investigation will be documented. Key information to record for the initial and follow-up investigation (if applicable) include: date, time, step taken to respond to incident report (not all require follow up), investigators, length of time spent for investigation, corrective actions taken, date case closed, and any other pertinent information. After the appropriate follow up measures have been taken to determine the source of the incident, staff will enter information on whether the event was caused by an illicit discharge or a spill.

Investigators should respond to complaints in a timely manner, and provide the necessary feedback into the database system. As required by section E.9.d. of the MS4 Permit, Environmental Services staff will investigate to identify and locate the source of any suspected illicit discharge within its jurisdiction within 72 hours of becoming aware of the suspected illicit discharge. The type of complaint will dictate the necessary response, as well as the timing of the response (e.g., a failing septic system may not be as high a priority as a sanitary sewer overflow). In addition to what has been mentioned, other information submitted into the Spills Investigations database will include: time from initial call to investigation, steps taken to investigate, and actions taken to solve the problem.

Illicit discharge complaints and spill incidents will be reported and tracked through the

database system in order to meet the following program goals:

- Identify recurring problems and suspected offenders
- Measure program success
- Comply with annual report requirements

Basic data to be compiled and analyzed include the following:

- Number of calls received per year
- Number of incidents investigated
- Number of actual IDDE incidents
- Average time to follow up on incident report
- Average time to remedy identified illicit problem
- Most common problems identified by public

9. RESPONDING TO SPILLS AND ILLICIT DISCHARGE COMPLAINTS

Once a spill or illicit discharge is detected at an outfall or stream within the County Small MS4 General Permit Area, the following guidelines, and protocol for interdepartmental and outside agency communication will be completed to investigate and mitigate the incident.

9.1 Roles and Responsibilities

Most calls to report improper discharges in Monterey County go directly to the 9-1-1 Dispatch Center. The 9-1-1 dispatcher reports the incident to the Monterey County Environmental Health Bureau (EHB). EHB staff follow the Incident Command System, and has a staff member available to respond to calls regarding improper discharges 24 hours a day, and seven days a week. The EHB staff member will be responsible for determining if the discharge is a hazardous material. When appropriate, EHB staff will report the event to California's Office of Emergency Services (Cal OES). The Cal OES staff member will contact the appropriate outside agencies to respond to the incident, such as California Department of Fish and Wildlife, and the National Oceanic and Atmospheric Administration.

The EHB staff member is also responsible for contacting other County departments, depending on the nature and location of the incident. EHB will contact Environmental Services. If an Environmental Services staff member is the first to receive the call, they will contact the EHB, and 911 when appropriate.

The county departments that may be notified of the illicit discharge or spill report can include, depending on the incident being reported:

- County Office of Emergency Services
- Environmental Health Bureau

- Fire Department
- Resource Management Agency – Environmental Services Division
- Resource Management Agency - Public Works Department
- Sheriff's Department

Emergency spills and situations shall be reported immediately to the County's 9-1-1 Dispatch Center. The Emergency Communications' Dispatch Center will contact the appropriate emergency responder(s) directly to dispatch personnel to the scene.

For emergency spills of hazardous materials, the Environmental Health Bureau will be responsible for carrying out the procedures of the *Monterey County Hazardous Materials Incident Response Plan*. Environmental Services staff members that are notified will respond to the incident and coordinate the actions at the scene of the incident to ensure that the policies and procedures contained in this *Spill Response Plan* are carried out.

When appropriate, the Investigation Team will conduct the water quality testing on site, and collect the necessary information to complete the *Spill and Illicit Discharge Reporting Form*.

9.2 Investigation Procedures

Procedures for conducting investigations will follow the guidelines provided in the *CWP IDDE Guidance Manual*, and the *CWP Illicit Discharge Detection and Tracking Guide, December 2, 2011*. The following steps provide an overview of what will be followed when investigating a reported or observed incident of illicit discharge.

Step 1- Determine Whether or not the Reported Incident is Valid: Using information provided by the reporting party, the Investigation Team shall inspect the location of the reported incident to check for evidence of improper discharges. Signs of illicit connections or illicit discharges may include:

- Abnormal water flows during the dry season
- Unusual flows in subdrains used for dewatering
- Pungent odors
- Discoloration or oily substances in the water, or stains and waste residue in ditches, channels, or drain boxes

If during inspections, any of these signs are observed, the inspector should (1) estimate the volume of the flow data and take photographs and (2) begin investigating the source of the discharge using storm drain maps and by inspecting up-gradient manholes. Sampling and testing of water at the manhole or outfall where it is first detected will be conducted when deemed appropriate by the Investigation Team. All water quality monitoring procedures for field and lab analysis will follow the guidelines set forth in the latest *Monterey County, RMA – Environmental Services 303 (d) Water Quality Monitoring Program Quality Assurance Action Plan (QAPP)*. Specifically, water quality procedures will follow the guidelines provided for Dry Season monitoring from this QAPP. In addition to water quality testing, and visual inspections, the following may be implemented:

Inspect premises to see if signs of illicit discharges exist (such as stains, odors, or improperly stored hazardous materials or wastes).

Dye testing of building sewer drains with downstream inspection of storm drains to determine if illicit connections exist.

Closed circuit television (CCTV) inspection of storm drains to identify illicit discharges.

Smoke testing of storm drains to confirm cross connections with sanitary sewers (i.e., smoke exiting sanitary sewer vents).

Visual inspection of buildings to discover apparent sources of sewage.

If the investigation reveals no indication that an illicit discharge occurred, or that no illicit connection exists, attach the results of the field investigation to the *Storm water Illicit Discharge/Connection Reporting and Response* form, and close the action.

If the investigation reveals that an illicit discharge has occurred or an illicit connection is discovered, proceed to Step 2.

Step 2-When an Illicit Discharge has Occurred and/or an Illicit Connection Exists: Once the origin of flow is established, immediately notify the responsible party of the problem, and require the responsible party to conduct all necessary corrective actions to eliminate the non-storm water discharge within 72 hours of notification. Also, inform the responsible party at this time that if the discharge continues enforcement procedures will be implemented. If appropriate provide the responsible party with information on alternative disposal options. If the discharge is believed to be from the sanitary sewer system or may be an immediate threat to human health or the environment, immediately notify the Monterey County Environmental Health Bureau.

Upon being notified that the discharge has been eliminated, conduct a follow-up investigation, and field screening if necessary, to verify that the discharge has been eliminated using BMPs or some other corrective action.

If the Illicit discharge was a onetime incident, and if the discharger has taken appropriate action to prevent a recurrence, include the results of the field investigation in the *Spill and Illicit Discharge Reporting Form*, and close the action.

If the Illicit discharge or connection appears to be an ongoing activity, require the discharger to apply BMPs and/or to make mechanical and/or structural modifications to prevent a recurrence of the incident. Once completed and verified by a member of the Investigation Team, include the results of the field investigation in the reporting documentation and close the action.

9.3 Initiating and Conducting Clean Up

The responsibility of facilitating all clean up procedures for hazardous spills is held by Environmental Health Bureau, Hazardous Materials Management Services. They will follow the protocol from the Monterey County Hazardous Materials Incident Response Plan. Monterey County Public Works facilitates clean up for non emergency spills within Monterey County's right of ways.

10. TAKING ACTION AGAINST VIOLATORS

When the County determines that enforcement action is necessary and appropriate, specific action(s) for each violation will be determined on a case-by-case basis, taking into consideration such things as prior history of violations, the severity of the event, and the resulting impact to water quality. A phased approach to enforcement, similar to that described below, will be followed, including issuance of warnings and administrative or legal action. Monterey County has authority to initiate any enforcement action deemed appropriate for the violation, and maintains the flexibility to modify the approaches described below to avoid conflicts with other existing policies and requirements. All enforcement actions will occur in conformance with the guidelines presented in Chapter 1.22 Administrative Remedies for Code Enforcement, Monterey County, California, Code of Ordinances.

Depending on the circumstances of the event, fines and other penalties may be levied for first time violators, at the discretion of the County, and the cost of clean up may be levied against the violator.

8.1 Enforcement Approaches

Verbal Warning: For first time and minor violations, a verbal warning will be issued with the intent of achieving voluntary compliance. The verbal warning will specify the nature of the violation and the required corrective action. A time frame to correct the identified problem will be specified based on the severity or complexity of the problem. Verbal warnings will generally be issued by field staff.

Notice of Violation (MCC 1.22.030): When a more formal and structured process is determined to be appropriate, a written Notice of Violation will be issued as outlined in the County's Municipal Code Chapter 1.22.030. The written Notice will clearly specify the nature of the violation, describe the required remedial measures to be taken, establish a time schedule for accomplishing these, describe the penalties that will be assessed if the Notice is not resolved, and the procedure to appeal of the Notice and request a hearing. The Notice of Violation may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e. The implementation or maintenance of source control or treatment BMPs.

As authorized under provision b. above, a facility's ability to discharge to the County's storm drainage system may be temporarily restricted or prohibited in order to abate a discharge violation. As authorized under provision c. above, stop work orders may be issued requiring construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate BMPs.

Administrative Citation (MCC 1.22.100): The Enforcement Official may issue an

administrative citation in accordance with MCC 1.22.100. Compensation to cover administrative and remediation costs and/or payment of a fine may also be imposed.

Administrative Hearing (MCC 1.22.040): If the Enforcement Official determines that all violations have been corrected within the time specified in the Notice of Violation or Administrative Citation, the violation shall be cleared and no hearing shall be required. If full compliance is not achieved within the time period specified, a hearing before the Hearing Officer will be requested to determine the existence of any violations, establish the requirement of all corrective actions, and assess the appropriateness of any administrative penalties and administrative costs.

Compliance Orders and Administrative Penalties (MCC 1.22.090): The County Hearing Officer may impose administrative penalties for unresolved violations of up to \$2,500 per day for continuing violations in addition to administrative costs, interest, and restitution for compliance re-inspections for any related series of violations.

Collection of Penalties, Fines, and Costs (MCC 1.22.150): The County may collect all financial obligations due under the provisions of MCC 1.22 by use of all available legal means, including filing of liens or imposing special assessments on real property. In addition to its rights to impose said liens and special assessments, the County retains the alternative right to recover its costs by way of civil action against the Responsible Person(s).

Legal Action (MCC 1.22.150. MCC 1.22.200): The County may initiate legal action against the Responsible Person in order to achieve full compliance. For intentional and flagrant violations the County may pursue criminal prosecution, under which each day of violation may constitute a separate offense, and may result in fines and imprisonment. As part of the legal action, the County may seek to recover its administrative costs and the costs it accrues to abate the violation when the it remedies the violation or conducts the cleanup. If awarded, the judgment may constitute a property lien if not paid within a prescribed timeframe. The county department responsible for management of its storm water program (currently, RMA-Environmental Services) will consult with the County's legal counsel in connection with pursuing legal action.

11. NPDES PERMIT REFERRALS

If during an spill investigation, it is determined that the property owner does not have the appropriate NPDES permit, the following actions shall be taken:

For construction projects subject to the State's Construction General Permit (CGP) or industrial facilities subject to the State's Industrial General Permit (IGP), the County in accordance with Section E.6.c of its Phase II Municipal Permit will:

- 1) *Refer non-filers (i.e., those facilities that cannot demonstrate that they obtained permit coverage) to the Central Coast Regional Water Board within 30 days of making that determination, or file a complaint on the State Water Board's website: http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm. In making such referrals, the County will at a minimum include the following documentation:*

- a) *Construction project or industrial facility location.*
 - b) *Name of owner or operator.*
 - c) *Estimated construction project size or type of industrial activity (including the Standard Industrial or the North American Industry Classification, if known).*
 - d) *Records of communication with the owner or operator regarding filing requirements.*
- 2) *Refer ongoing violations to the Regional Water Board, provided that the County has made a good faith effort of progressive enforcement to achieve compliance with its own ordinances. At a minimum, the good faith effort will include documentation of two follow-up inspections and two warning letters or Notices of Violation. In making such referrals, the County will include, at a minimum, the following information:*
- a) *Construction project or industrial facility location*
 - b) *Name of owner or operator*
 - c) *Estimated construction project size or type of industrial activity (including Standard Industrial Classification or North American Industry Classification System if known)*
 - d) *Records of communication with the owner or operator regarding the violation, including at least two follow-up inspections, two warning letters or Notices of Violation, and any response from the owner or operator*
- e) *Enforcement Tracking –Track instances of non-compliance via hard-copy files or electronically. The enforcement tracking documentation will include, at a minimum, the following:*
- (1) *Name of owner/operator*
 - (2) *Location of construction project or industrial facility*
 - (3) *Description of violation*
 - (4) *Required schedule for returning to compliance*
 - (5) *Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved within the time specified in the enforcement action.*
 - (6) *Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.)*
 - (7) *Any referrals to different departments or agencies*

12. RECIDIVISM REDUCTION

The County will identify chronic violators of any provision of these policies and procedures, and will attempt to reduce the rate of noncompliance recidivism. The County will develop incentives, disincentives, and/or increased inspection frequencies at these sites to minimize chronic violations.

13. DEFINITIONS

BMPs – Best Management Practices

Enforcement Official – An officer, employee, or agent of the County or any deputy or designee of such officer, employee, or agent that is charged with responsibility for enforcement of any provision of the Monterey County Code.

Direct Discharge - A discharge that is routed directly to water of the United States by means of a pipe, channel, or ditch (including municipal storm sewer system), or through surface runoff.

Discharge of a Pollutant – The discharge of any pollutant or combination of pollutants to waters of the United States from any point source, or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term includes addition of pollutants to waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned works.

Discharger – Any responsible party or site owner or operator within the County’s MS4 Permitted area whose site discharges storm water runoff, or a non storm water discharge.

Hearing Officer – An administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the Government Code

Illicit Connection – An unauthorized connection to the County’s storm drain system that facilitates the discharge of an unauthorized material into the MS4, including all non-storm water discharges not composed entirely of storm water and discharges that are identified under the Discharge Prohibitions of the Phase II Small MS4 General Permit (Section B).

Illicit Discharge – Any discharge to a municipal separate storm sewer (storm drain) system (MS4) that is prohibited under local, state, or federal statutes, ordinances, codes or regulations. The term illicit discharges includes all non-storm water discharges not composed entirely of storm water and discharges that are identified under the Discharge Prohibitions of the Phase II Small MS4 General Permit (Section B).

Incident Command System (ICS) - A standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective. ICS was initially developed to address problems of inter-agency responses to wildfires in California and Arizona but is now a component of the National Incident Management System in the US, and as a pattern for similar approaches internationally.

Incidental Runoff – Unintended amounts (volume) of runoff, such as unintended minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is

due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

MCC – Monterey County, California, Code of Ordinances

Municipal Separate Storm Sewer System (MS4) - The regulatory definition of an MS4 (40CFR 122.26(b)(8)) is "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created to or pursuant to state law) including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States. (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

In practical terms, operators of MS4s can include municipalities and local sewer districts, state and federal departments of transportation, public universities, public hospitals, military bases, and correctional facilities. The Storm water Phase II Rule added federal systems, such as military bases and correctional facilities by including them in the definition of small MS4s.

MS4 General Permit – State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s); also referred to as the Phase II Small MS4 General Permit.

Non-Storm Water Discharges – All discharges from an MS4 that do not originate from precipitation events. Examples might be wash water, industrial water, irrigation overflow. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.

Outfall – A point of source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to water of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States. Specific to Ocean Plan monitoring, outfalls include those measuring 18 inches or more in diameter.

Pollution – An alteration of the quality of waters of the state by waste to a degree which unreasonably affects the beneficial uses of the water or facilities which serve those beneficial uses.

QAPP – Quality Assurance Project Plan

Responsible Person – Any person who has done any act, or maintains or allows to continue a condition, for which an administrative fine or administrative penalty, or the repayment of administrative costs, or other costs may be imposed, or the person’s attorney, where appropriate. Responsible Person may include a company, agency, or corporate entity.

Storm Water - Storm water is generated when precipitation from rain and snowmelt events flows over land or impervious surfaces and does not percolate into the ground. As storm water flows over the land or impervious surfaces, it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the storm water is discharged untreated.

Waste – Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposed of, disposal.

14. REFERENCES

1. Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments; Center for Watershed Protection and Robert Pitt, University of Alabama; October 2004
2. Monterey County Hazardous Materials Incident Response Plan; Monterey County Health Department, Environmental Health Bureau, Hazardous Materials Management Services; January 2013
3. Monterey County – Resource Management Agency, Environmental Services 303 (d) Water Quality Monitoring Program Quality Assurance Project Plan; Monterey County; May 15, 2015
4. Monterey County Code, Chapter 1.22 – Administrative Remedies for Code Enforcement

APPENDIX A – SPILL AND ILLICIT DISCHARGE REPORTING FROM

Monterey County, RMA - Environmental Services

Spill and Illicit Discharge Reporting Form

Spill and Illicit Discharge Reporting Form				
Incident ID:				
Responder Information				
Call taken by:	Call date:			
Call time:	Precipitation (inches) in past 24-48 hrs:			
Reporter Information				
Incident time:	Incident date:			
Caller contact information (<i>optional</i>):				
Incident Location (<i>complete one or more below</i>)				
Latitude and longitude:				
Stream address or outfall #:				
Closest street address:				
Nearby landmark:				
Primary Location Description		Secondary Location Description:		
<input type="checkbox"/> Stream corridor (<i>In or adjacent to stream</i>)	<input type="checkbox"/> Outfall	<input type="checkbox"/> In-stream flow	<input type="checkbox"/> Along banks	
<input type="checkbox"/> Upland area (<i>Land not adjacent to stream</i>)	<input type="checkbox"/> Near storm drain	<input type="checkbox"/> Near other water source (storm water pond, wetland, etc.):		
Narrative description of location:				
Upland Problem Indicator Description				
<input type="checkbox"/> Dumping	<input type="checkbox"/> Oil/solvents/chemicals	<input type="checkbox"/> Sewage		
<input type="checkbox"/> Wash water, suds, etc.	<input type="checkbox"/> Other: _____			
Stream Corridor Problem Indicator Description				
Odor	<input type="checkbox"/> None	<input type="checkbox"/> Sewage	<input type="checkbox"/> Rancid/Sour	<input type="checkbox"/> Petroleum (gas)
	<input type="checkbox"/> Sulfide (rotten eggs); natural gas	<input type="checkbox"/> Other: Describe in "Narrative" section		
Appearance	<input type="checkbox"/> "Normal"	<input type="checkbox"/> Oil sheen	<input type="checkbox"/> Cloudy	<input type="checkbox"/> Suds
	<input type="checkbox"/> Other: Describe in "Narrative" section			
Floatables	<input type="checkbox"/> None:	<input type="checkbox"/> Sewage (toilet paper, etc)	<input type="checkbox"/> Algae	<input type="checkbox"/> Dead fish
	<input type="checkbox"/> Other: Describe in "Narrative" section			
Narrative description of problem indicators:				
Suspected Violator (name, personal or vehicle description, license plate #, etc.):				

Investigation Notes	
Initial investigation date:	Investigators:
<input type="checkbox"/> No investigation made	Reason:
<input type="checkbox"/> Referred to different department/agency:	Department/Agency:
<input type="checkbox"/> Investigated: No action necessary	
<input type="checkbox"/> Investigated: Requires action	Description of actions:
Hours between call and investigation:	Hours to close incident:
Date case closed:	
Notes:	