

# Staying Under the Radar for MRP Provisions C.4. and C.5.

Selina Louie  
San Francisco Bay Regional Water Quality Control Board.

# Compliance Inspection Evaluations

- Provision C.4.b. – Business Inspection Plan (BIP)
- Provision C.4.c. – Enforcement Response Plan (ERP)
- Provision C.4.d. – Implementation of BIP and ERP through inspections
- Provision C.5.b. – ERP
- Provision C.5.c. – Municipal staff's reporting of illicit discharges
- Provision C.5.c.-d. – Inspections in response to complaints

# What We Look for in a BIP

- Incorporation of all facilities that are reasonably likely to contribute to pollution of stormwater runoff
- Prioritization of all such facilities for inspections, including facilities found with issues
- Mechanisms to incorporate new businesses that warrant inspections
- Compliance issue we have seen:
  - Not incorporating all facilities that are reasonably likely to contribute to pollution of stormwater runoff

# What We Look for in ERPs

- Enforcement procedures from the discovery of the problem through confirmation of implementation of corrective action.
  - Detail text
  - Flow chart
- Enforcement tools
- Field scenarios
- Timely corrections of potential and actual discharges
- Referrals
- Compliance issue we have seen:
  - Lack of enforcement procedures, including escalation of enforcement and enforcement tools for repeat violators

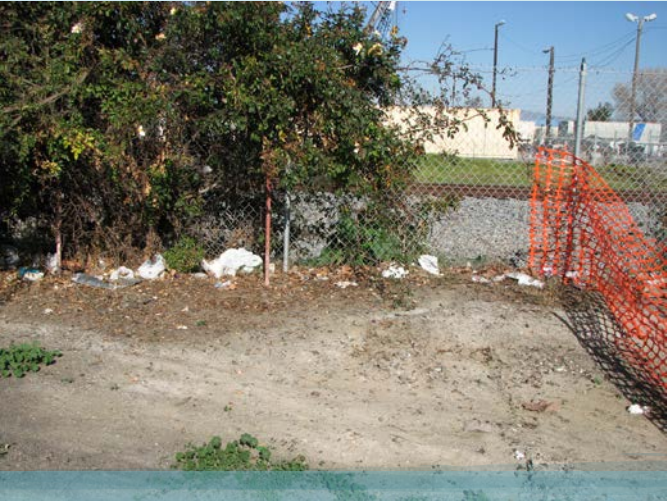
# What We Look for When Observing Inspectors in the Field

- Observations of potential and actual discharges while driving around (Provision C5)
- Review of files to understand the facility's inspection history and pollution potentials
- Walk-through inspection of facilities, looking for implementation of appropriate BMPs, potential discharges, actual discharges, historical discharges, and trash
- Requirement to immediately cease active discharges and to immediately cease the activity causing the active discharges; Direct facility operator to clean up active discharge; and Oversee clean up, as needed
- Discussion with facility representative regarding business practices
- Inspection form to guide inspection; and to record observations, issues, required actions, and compliance due date
- Implementation of ERP, as needed
- Closing discussions with facility representative on issues and required actions, as needed
- Verification of corrective actions, if a follow-up inspection

# Announced Inspection at Permittee's Corporation Yard



# Unannounced Inspection at Permittee's Corp Yard



# Announced Inspection at Permittee's Corp Yard





# Actual Discharge





# Illicit Discharge



# What We Look for During File Review C.4.

Process from finding issues to verifying implementation of corrective actions

- Completely filled out inspection forms, correspondence, and pictures
  - Findings
  - Potential and/or actual discharges – including trash, required actions
  - Required date for compliance
  - Enforcement action, and
  - Clear verification of corrective actions
  - Rationale for more time to implement corrective actions
- Completely filled out database or tabular format with MRP required data

# What We Look for in a Complaint Response Program

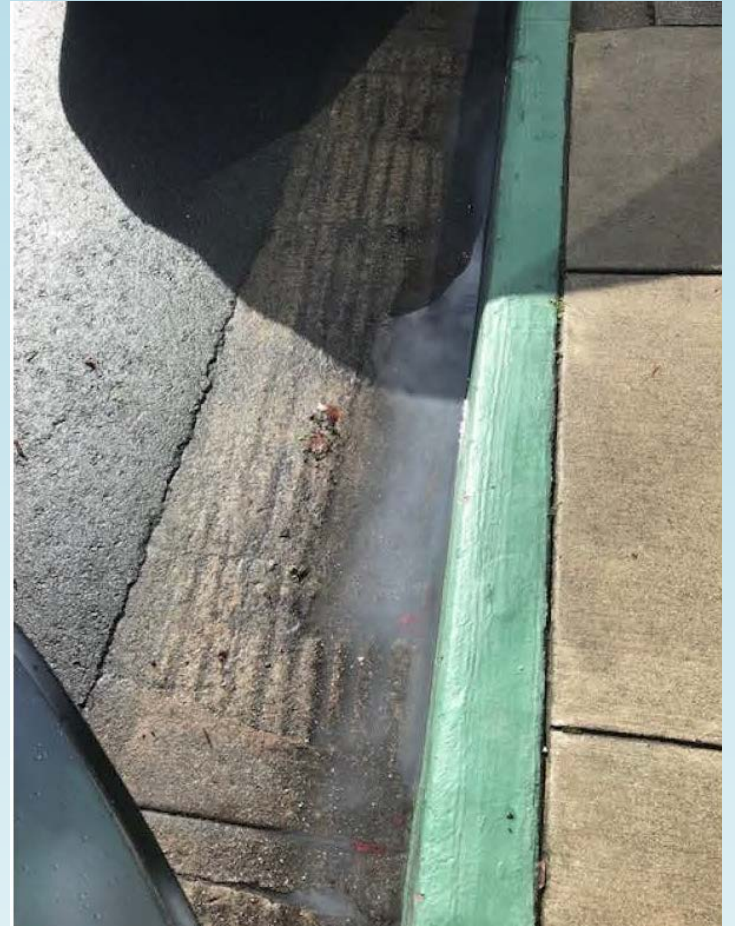
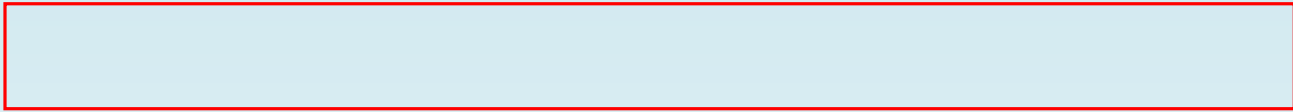
- Implementation of reactive inspections
- Implementation of ERP
  - Documentation from finding issues to verifying implementation of corrective actions

# What We Look for in the Files for C.5.

Enough information to understand the initial complaint and enough information to understand the Permittee's findings, required actions, enforcement actions, and verification of corrective actions

- Completely filled out database or tabular format with the required MRP information, including rationale for more time to implement corrective actions
- Files, including the complaint, inspection reports, pictures, and correspondence

# Example of a Good Inspection Report



Public Works crews put absorbent socks down at intervals along the curb, and traced the material to the storm drain, about 470 feet away (north and then west on [REDACTED] Street)

The trailer was full of trash bags and other materials, including some hazardous waste materials:





The white container of “Super Concentrated Polymer” was found to be the source of the leaking material. It was bagged and removed with other hazardous materials for separate disposal, and the trash bags were piled on the front of the trailer. The rear of the trailer was covered with absorbent materials. In keeping with the steps in [REDACTED] Enforcement Response Plan, the owner was given a verbal warning by myself and the [REDACTED] PD Officer, and was determined to have ceased the discharge and cleaned the source. [REDACTED] Police Department kept a record of the incident, including the He removed the trailer from the street and was headed to dispose of the materials at the waste management facility.



Public Works staff, as mentioned, had placed absorbent socks at intervals along the curb. After the source was cleaned up, the gutter was clear past the first absorbent sock; this photo was taken at around 11:30 near the spot the first photo, above, was taken:

The material was seen near the storm drain on [REDACTED] Street, but due to a bump in the elevation of the gutter just before the inlet and the presence of an absorbent wattle in place previously at the inlet due to nearby construction (the black material in the photo below), it did not appear that any contaminated water had actually entered the drain. There was no evidence of staining of the black absorbent material, and no visible sign of the white liquid in the storm drain itself. It was my opinion and the opinion of the Public Works crew on site that the material did not appear to have entered the inlet.

All of the water between the source of the discharge and the inlet was cleaned by Public Works maintenance crew using absorbent materials, and will be disposed of as hazardous waste.

# Illicit Discharge Complaint from Water Board



Case Activity History

Case Number	PWCD [REDACTED]	Opened	2/3/2016	AR
Case Name	SOIL WASHING OFF OF SITE INTO ROADWAY ←	Closed	3/28/2017	AR
Type	PW ENCROACHMENT	Last Action	3/28/2017	AR
Subtype	STORMWATER VIOLATION	Follow Up	3/28/2017	AR
Status	CLOSED			
Description:				

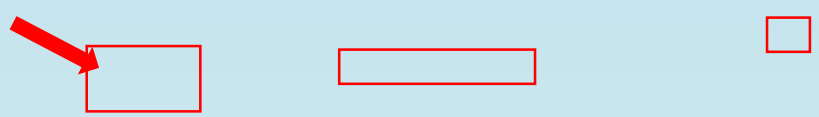
Site Address [REDACTED] City [REDACTED] State [REDACTED] Zip [REDACTED] Site APN [REDACTED]

Owner Address [REDACTED] Resident

Action Date	Completion Date	Action Type	Action By / Action Description
3/28/2017	3/28/2017	Case Closed	[REDACTED]
2/3/2017	2/3/2017	Follow-up	[REDACTED] (2/3/2017 8:15 AM AR) PLANS SUBMITTED TO PW FOR BIORETENTION AREA.
1/12/2017	1/12/2017	Email	[REDACTED] (1/12/2017 8:08 AM AR) EMAILED DESIGNER REQUESTING STATUS OF PROJECT PLANS.
11/7/2016	11/7/2016	Email	[REDACTED] (11/7/2016 11:25 AM AR) ENGINEERS EMAILED REGARDING DESIGN. DESIGN TO BE SUBMITTED IN EARLY DECEMBER.
8/31/2016	8/31/2016	Meeting	[REDACTED] (8/31/2016 2:34 PM AR) MET WITH PROPE3RTY OWNER ONSITE TO DISCUSS PLAN PREPARED BY [REDACTED] ENGINEERS.
7/28/2016	7/28/2016	Email	[REDACTED] (7/28/2016 2:38 PM AR) PROPERTY OWNER RECEIVED PLAN FROM [REDACTED] WILL DISCUSS WHEN PROPERTY OWNER
2/23/2016	2/23/2016	In-Progress OK	[REDACTED]

Investigation Information required by the MRP:

- a) Date and time started
- b) Type of pollutant
- c) Entered storm drain and/or receiving water
- d) Date and time abated
- e) Type of enforcement based on the Permittee's ERP



January 20, 2016

Sent via email to

Subject: Stormwater Violation & Storage of Materials within the

Dear Property Owner:

Recently the Department of Public Works received a complaint regarding an illicit discharge from your property at staff investigated the concern and found a significant amount of soil runoff in addition to the materials stored within the illegally (see attached photos).

This letter is to notify you that only rain water may runoff or be discharged into the storm drainage system. Per the State Water Resources Control Board Construction General Permit, discharges of any non-stormwater to the storm drainage system is prohibited. In addition, "Encroachments and Use of and Public Utility Easements," requires a permit be obtained prior to storing materials within the

At the minimum, you must stop the discharge immediately, and remove the materials from the right-of-way within 24 hours from the date of this notice (see attached Notice of Violation). If the discharge does not stop within the time frame specified, the will take action. As the property owner you will be responsible for all costs incurred for the remediation of the discharge and the clean-up of any soil or debris within the

If you have any questions or concerns, please feel free to contact me by email or by telephone at

Sincerely,

## Notice of Violation Stormwater

This informs you that the following action represents a violation of Stormwater Management and Discharge Control Code

illicit discharge into drainage system

Date: 1 / 19 / 2016 Time: 10:50 am

Business/Location:

Violations of the above impact the compliance with the NPDES Permit #CA0029921 issued by the State of California as required by the Clean Water Act.

The following corrective actions must be/have been taken:

- Discharge stopped
- Best Management Practices (BMPs) incorporated
- Education and warning
- Cleanup

The action specified above shall be mitigated within 24 days/hours of this notice.

By my signature, I understand the nature of the violation as described to me.

X Emaded

Print Name:

This notice serves as a warning. Repeat violations are subject to citation.

Violation Removed

Date: / / Time:

Comments:

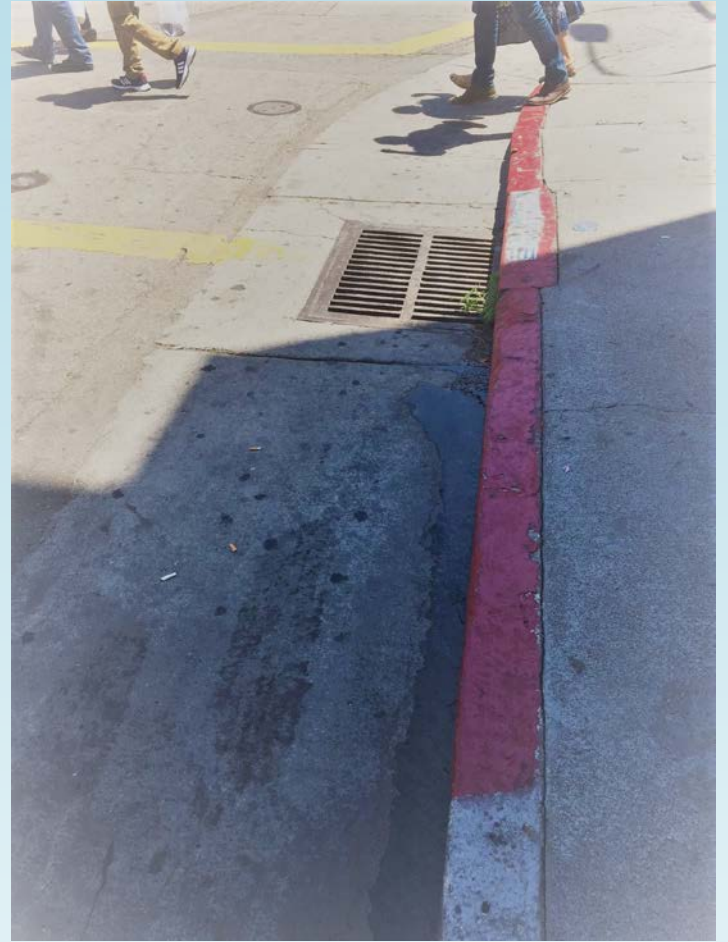
# Illicit Discharge from File Review



# Illicit Discharge from File Review



# Coordination between departments





## Contacts:

Selina Louie – MRP Staff

[Selina.louie@waterboards.ca.gov](mailto:Selina.louie@waterboards.ca.gov)

(510) 622-2383

Zach Rokeach – MRP Staff with program oversight in CC County

[Zachary.Rokeach@waterboards.ca.gov](mailto:Zachary.Rokeach@waterboards.ca.gov)

(510) 622-2364