

# Contra Costa Clean Water Program

## Inspector Training Workshop

May 3, 2018

## Elements of an Effective Enforcement Program

Presented by Tim Potter,  
Environmental Compliance Superintendent  
Central Contra Costa Sanitary District

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Presentation Overview
  - Objectives of Regulatory Programs
  - Role of Enforcement to Meet Program Objectives
  - Enforcement Program Elements
  - Building Effective Enforcement Program Elements
  - Case Studies

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Objectives of Regulatory Programs
  - Protection of...storm water quality
  - Establish standards to achieve protection
    - Different levels of jurisdiction
    - Alignment of standards
  - Compliance by regulated businesses
    - Systems to ensure compliance
  - Communicating standards
    - Education vs. Enforcement

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Role of Enforcement to Meet Program Objectives
  - “3-legged stool” model for regulatory programs
    - Clear, achievable standards
    - Compliance assessment
    - Enforcement
    - Each “leg” is a critical component
  - Establishes incentive to achieve/maintain compliance
  - Escalation of enforcement
    - Responsive to varying circumstances

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Enforcement Program Elements
  - Statutes, Regulations (ordinances), Permits
  - Program Resources
    - Staff/Training
    - Systems/Forms
    - Communication/Education Resources
    - Documentation Systems/Standards
  - Enforcement Response Plan
    - Standards of response

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Enforcement Program Elements
  - Fair and equitable
    - Avoid disparate treatment among businesses
  - Evidence to support citations
  - Attention to details
    - Accuracy of code citations
  - Timeliness
    - Field issued citations
    - Follow-up actions

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Building Effective Enforcement Program Elements
  - Responsive/Dynamic
  - Balancing regulatory effectiveness with customer service
  - Stay within authority
  - Interpersonal skills of team members

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Case Studies
  - Selected to illustrate different conditions and responses
  - Review the conditions resulting in citation and resolution of case



# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Forma Gym (Walnut Creek)
  - Diatomaceous earth (DE) filter media discharged to storm drain system
  - Chlorine feed container without containment



09.30.2015 10:56



09.30.2015 10:56









EAGLE 55 GALLON SALVAGE DRUM

10.13.2016 10:53

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Forma Gym (Walnut Creek)
  - NOV issued for pollutant discharge
  - Cleaning company contracted to remove and collect DE filter media from storm drain system
  - Secondary containment established for chlorine feed container
  - Condition resolved with issuance of NOV
  - Company maintained compliance



# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- California Pizza Kitchen (Walnut Creek)
  - Complaint received from Cal EPA complaint system
  - RWQCB referred to city staff who requested Central San response
  - Grease wastes observed on pavement and in storm drain inlet

ARKING FIRE LANE





04.05.2017 13:10



# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- California Pizza Kitchen (Walnut Creek)
  - NOV issued for pollutant discharge
  - Company staff initially cleaned impacted area and hired cleaning company to remove greasy material from storm drain
  - Company committed to discontinuing practice
  - Condition resolved with issuance of NOV
  - Company maintained compliance

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Pacific States Petroleum (Pleasant Hill)
  - Improperly stored engine parts and hazardous materials/wastes
  - Signs of degreasing operations
  - Oily materials on ground
  - Oil sheen observed on liquid



WARNING  
AVISIO  
#100000000

LOWE'S

VP

Snap-on  
# WORLD

Snap-on



LOWE'S

LOWE'S

Super Clean

VP

Controlco







Concord Feed

SALVAGE  
4T01 99

Our Passion  
is Your  
Performance

VP

VP

6

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# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Pacific States Petroleum (Pleasant Hill)
  - NOV issued for pollutant discharge and pollutant exposure
  - Containers hauled off-site or stabilized
  - Company staff cleaned impacted area using dry absorbent materials
  - Condition resolved with issuance of NOV
  - Will reinspect to determine if company has maintained compliance

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Crow Canyon Commons (San Ramon)
  - Poorly designed temporary trash enclosure area
  - Capacity not adequate
  - Uncontained trash
  - Waste liquids released to ground



10.10.2014 11:03





11.12.2014 10:18



11.14.2014 10:47



11.14.2014 10:47



11.14.2014 10:48



12.08.2014 09:59



12.08.2014 09:51



12.08.2014 09:52

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Crow Canyon Commons (San Ramon)
  - WN issued for pollutant exposure
  - NOV issued for pollutant discharge
  - City issued order to address conditions and required construction of properly designed trash enclosure
  - Company has maintained compliance after new trash enclosure constructed



# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Postino's (Lafayette)
  - Enclosure uncovered and without berm
  - Grease waste on outside of tallow bin and on ground
  - Liquid from food waste recycling on ground
  - Company responded to each citation but failed to maintain compliance



ALL WASTE SERVICES



ALL WASTE SERVICES











COOKING OIL ONLY  
Sómente Aceite de Cozinha  
**WARNING**  
Do not mix with other waste. Do not use for anything other than cooking oil. Do not use for anything other than cooking oil. Do not use for anything other than cooking oil.

**HANSON & FITCH**  
WASTE MANAGEMENT SERVICES  
(888) 375-9905

HF



A green metal bin used for recycling cooking oil, with its lid open. It is situated outdoors next to a wooden fence. A smaller green tub is visible in the foreground.

COOKING OIL ONLY  
Solemente Aceite de Cocina  
**WARNING**  
Do not dispose of other liquids, solids, or hazardous materials in this container. Only cooking oil is accepted. The use of this container for anything other than cooking oil is prohibited. Failure to follow these instructions may result in the container being returned to you.  
HANSON & FITCH  
INDUSTRIAL WASTE SERVICES  
(888) 376-6909











OFFICE OF THE DISTRICT ATTORNEY  
CONTRA COSTA COUNTY

*Mark A. Peterson*  
DISTRICT ATTORNEY

September 30, 2014

Postino's  
Parry Tong – Owner  
3565 Mt. Diablo Blvd.  
Lafayette, CA 94549

**Re: Notice of Stormwater Violations**

Dear Mr. Tong:

It was a pleasure meeting you and Mr. Beatty at my office this afternoon. We discussed an informal resolution involving remedial measures to ensure future environmental compliance. My belief is the following measures are necessary and essential; 1) Roof over the dumpster area; 2) Construct berm and 3) Employee training to include an employee assigned to check/inspect the area "x" number of times a day. It is my understanding that you have no objection to the employee training and construction of the berm but need to look into the feasibility of the roof. In that regard, you agreed to contact me within 30 days regarding the feasibility of the roof to include proof of substantial efforts to accomplish this remedial measure.

If my office and Central Contra Costa Sanitary District are satisfied with the remedial measures, then I will table this enforcement referral for one year. If no additional "Notices of Violations" are issued within one year, then I will permanently close this referral. However, my office will likely pursue formal enforcement if the agreed upon remedial measures are not completed or new violations occur within this one year tolling period.

If you have any other questions or concerns, please feel free to contact me at (925) 957-8787.

Sincerely,  
MARK A. PETERSON  
District Attorney

Stacey N. Grassini  
Deputy District Attorney  
Special Operations Division









WARNING  
ELECTRIC SHOCK  
Hazardous  
Voltage

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

- Postino's (Lafayette)
  - Multiple NOVs issued for pollutant discharges and pollutant exposure
  - Case referred to Contra Costa DA for pattern of non-compliance
  - DA resolved case with informal agreement requiring structural improvement and maintaining compliance for one year
  - Company has maintained compliance after covered trash enclosure constructed with berm at entrance
    - Fringe benefit, employees appreciate cover from weather

# Contra Costa CWP Training

## Elements of an Effective Enforcement Program

May 3, 2018

Questions/Discussion