



THE A TO Z OF ILLICIT DISCHARGE

Jeremy Talarico
Jesse Folks

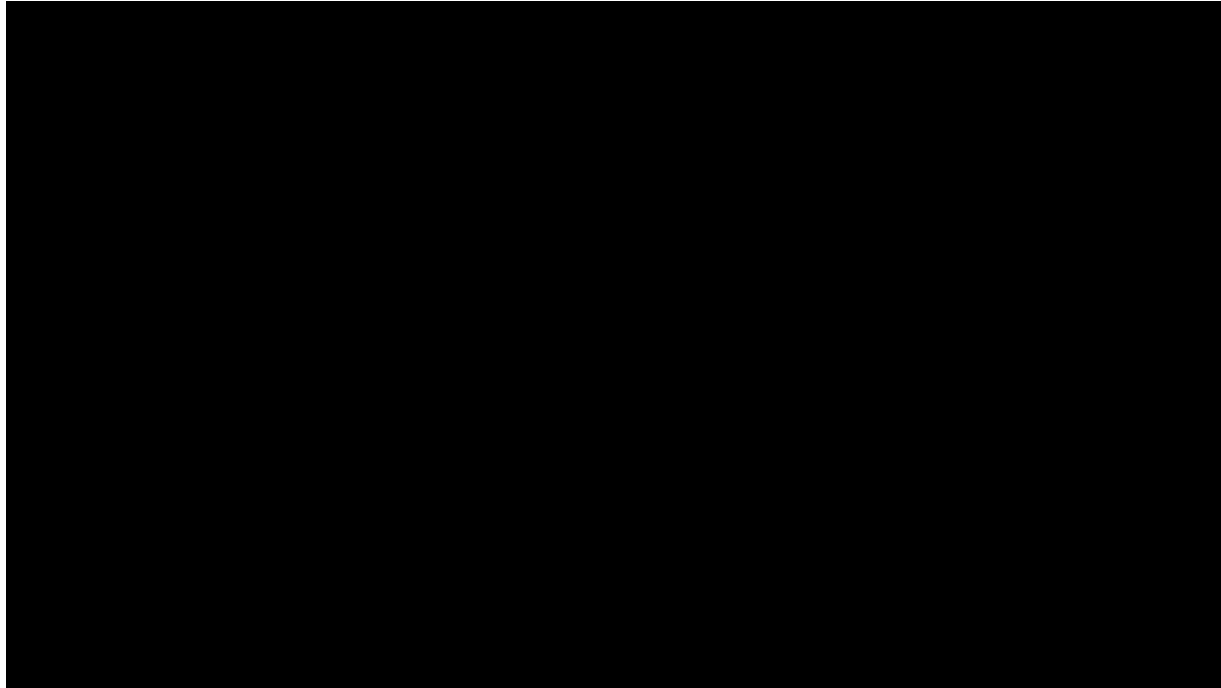


ILLICIT DISCHARGES

- Notification
- Response
- Close-out



NOTIFICATION



NOTIFICATION

- State
 - Office of Emergency Services
 - Water Board
- Local government
 - Cities
 - Clean Water Program
 - Referrals
 - Fire, Haz-Mat, Health, Sewer



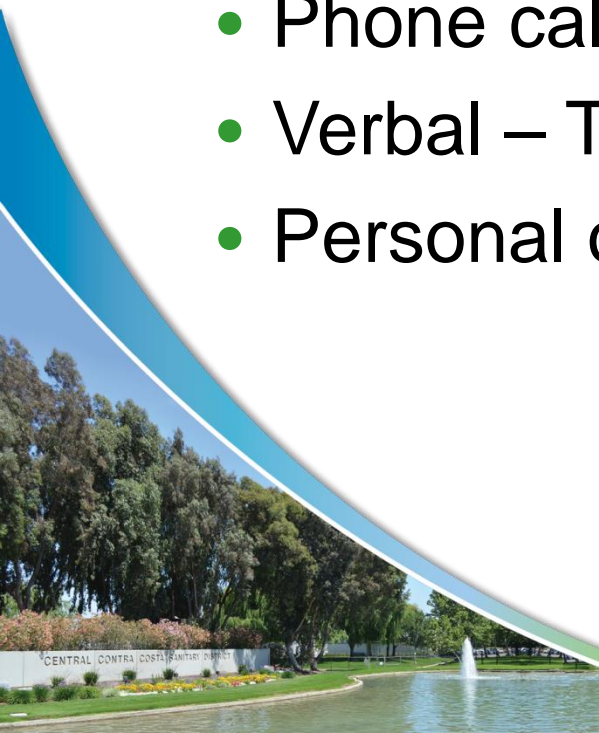
NOTIFICATION

- Public complaint
 - Neighbors
 - Disgruntled employee
 - Anonymous
- Self
 - Routine inspection
 - Drive-by



NOTIFICATION

- Format
 - Written referral – e-mail; forms
 - Web Based
 - Phone call – Hotline message, switchboard
 - Verbal – The Dime Drop, Competitors
 - Personal observations





Date: _____

REFERRAL NOTICE

HAND DELIVERED CERTIFIED MAIL # _____

A. GENERAL INFORMATION SECTION

FACILITY NAME	_____	PROPERTY OWNER	_____
SITE ADDRESS	_____	ADDRESS	_____
MAILING ADDRESS	_____	HQ/REG'L NAME	_____
	_____	ADDRESS	_____
CONTACT NAME/TITLE	_____		_____
CONTACT PHONE #	_____	HQ/REG'L CONTACT	_____
TYPE OF BUSINESS	_____	CONTACT PHONE #	_____

B. OBSERVATIONS

The facility identified in Section A appears to be in violation of the following regulations:

- Hazardous Waste Fire Safety Surface/Storm Water Workplace Safety Air Quality
 Public Health Sanitary Sewer Hazardous Material Other: _____

for the reason(s) checked below:

SIGNIFICANT NON-COMPLIANCE:

- Disposal/Discharge/Release: _____
 Unpermitted activities: _____
 Unsafe condition: _____
 Other: _____
 Other: _____

OPERATING CONDITIONS:

- Container labeling: _____
 Secondary containment: _____
 Open containers: _____
 Outside storage area: _____
 Incompatible storage: _____
 Washpad: _____
 Other: _____
 Other: _____

DETAILS:

Photos Taken: Yes No Samples Taken: Yes No Comments: _____

C. AGENCY SECTION

The facility identified in Section A is being referred to the agency marked below for follow-up action.

- | | |
|--|---|
| <input type="checkbox"/> Dept. of Toxic Substances Control: (510) 540-2122 | <input type="checkbox"/> County Environmental Health: |
| <input type="checkbox"/> Cal-OSHA: (510) 602-6517 | <input type="checkbox"/> Hazardous Materials: (510) 646-2286 |
| <input type="checkbox"/> Fire Dept.: _____ | <input type="checkbox"/> General Programs: (510) 646-2521 |
| <input type="checkbox"/> Stormwater agency: _____ | <input type="checkbox"/> Department of Fish & Game: (707) 944-5500 |
| <input type="checkbox"/> Contra Costa Clean Water Program: (510) 313-2364 | <input type="checkbox"/> Regional Water Quality Control Board: (510) 286-1255 |
| <input type="checkbox"/> Bay Area Air Quality Mgmt. District: (415) 771-6000 | <input type="checkbox"/> Other: _____ |

Note: The agency numbers listed above are provided as a courtesy to the facility representative.

Referred by:

CCCSD SOURCE CONTROL SECTION
5019 Imhoff Place, Martinez CA 94553
Phone (510) 229-7288 Fax (510) 372-7635

Inspector _____

COPY: CCC DISTRICT ATTORNEY CCC ENVIR'L HEALTH DISTRICT COUNSEL OTHER: _____
 WHITE: OFFICE YELLOW: FACILITY REPRESENTATIVE DATE ROUTED: _____

From: Warning Center <Warning.Center@oes.ca.gov>
Date: February 3, 2017 at 4:35:54 PM PST
To: <RB2SpillReports@waterboards.ca.gov>
Subject: Hazardous Materials Spill Report: Cal OES Control #:17-1024

Please confirm receipt via email. Thank you, CSWC.

Governor's Office of Emergency Services
Hazardous Materials Spill Report

DATE: 02/03/2017 | RECEIVED BY Cal OES: Timothy Davis | Cal OES
CNTRL #17-1024
TIME: 1612 | RECEIVED BY OSPR: | NRC#:1170193

1.a. PERSON NOTIFYING Cal OES

1. NAME: XXX | 2. AGENCY: NRC
3. PHONE #: 800-424-8802 | 4. EXT: | 5. PAGER #:

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: Anonymous | 2. AGENCY:
3. PHONE #: 111-1111 | 4. EXT: | 5. PAGER #:

2. SUBSTANCE TYPE:

a. SUBSTANCE: / b.QTY: / Amount / Measure / c. TYPE / d. OTHER / e.
PIPELINE / f. Vessel Over -> 300 tons
1. Unknown Oil / = / Unknown Amount / Gal(s) / PETROLEUM / / No / No

2.

3.

g. DESCRIPTION: Per the NRC, "CALLER IS REPORTING THAT DUE TO RAIN
RESIDUAL OIL AND FUEL IS WASHING OUT OF THE DEALERS SERVICE BAY AND
INTO A

NEARBY STORM DRAIN." Sheen color is rainbow. Additional information,
"CALLER STATES THAT THERE HAS BEEN NO ATTEMPT AT MITIGATING THE
SITUATION."

h. CONTAINED: Unknown | i. WATER INVOLVED: Yes
j. WATERWAY: Storm Drain | k. DRINKING WATER IMPACTED: Unknown
l. KNOWN IMPACT: Unknown

3.a. INCIDENT LOCATION: 4901 Marsh Dr.

b. CITY: Concord | c. COUNTY: Contra Costa County | d. ZIP:
94520

4. INCIDENT DESCRIPTION:

a. DATE: 2/3/2017 | b. TIME(Military): 1200 | c. SITE:
Merchant/Business | d. CAUSE: Other Reason for Other
e. INJURIES: No | f. FATALITY: No | g. EVACUATIONS: No | h.
CLEANUP BY: Unknown
e. INJURIES #: | f. FATALS #: | g. EVACS #:

5. SUSPECTED RESPONSIBLE PARTY:

a. NAME: Chris Demore | b. AGENCY: Concord Lithia Dodge
c. PHONE#: 925-246-2296 | d. EXT:
e. MAIL ADDRESS: 4901 Marsh Dr.
f. CITY: Concord | g. STATE: CA | h. ZIP: 94520

6. NOTIFICATION INFORMATION:

a. ON SCENE: | b. OTHER ON SCENE:
c. OTHER NOTIFIED:
d. ADMIN. AGENCY: Contra Costa County Health Services Department
e. SEC. AGENCY:
f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:
h. NOTIFICATION LIST: DOG Unit: | RWQCB Unit: 2

AA/CUPA, DFG-OSPR, DTSC, RWQCB, US EPA, USFWS, COASTAL COM, CDPH-D.O.,
DWP-DO, LANDS, PARKS & REC, USCG, Co/Hld, Co/E-Hld

CONFIDENTIAL REMARKS:

Created by Warning Center on 2/3/2017 4:12:30 PM Last
Modified by Warning Center on 2/3/2017 4:35:27 PM

California State Warning Center
Governor's Office Emergency Services
Phone: (916) 845-8911
Warning.Center@oes.ca.gov

Link to Spill Report:

<http://w3.cailema.ca.gov/operational/mal haz.mf/SpillAllDocs/F653361484E368FF882580BD0001250C?OpenDocument>

RESPONSE

- Vetting a Complaint
 - Legit or not?
 - Is it storm water related?
 - Is it actually illicit?
 - Pulling the plug – What steps are needed?
 - Document no illicit discharge
 - KEY – DON'T IGNORE





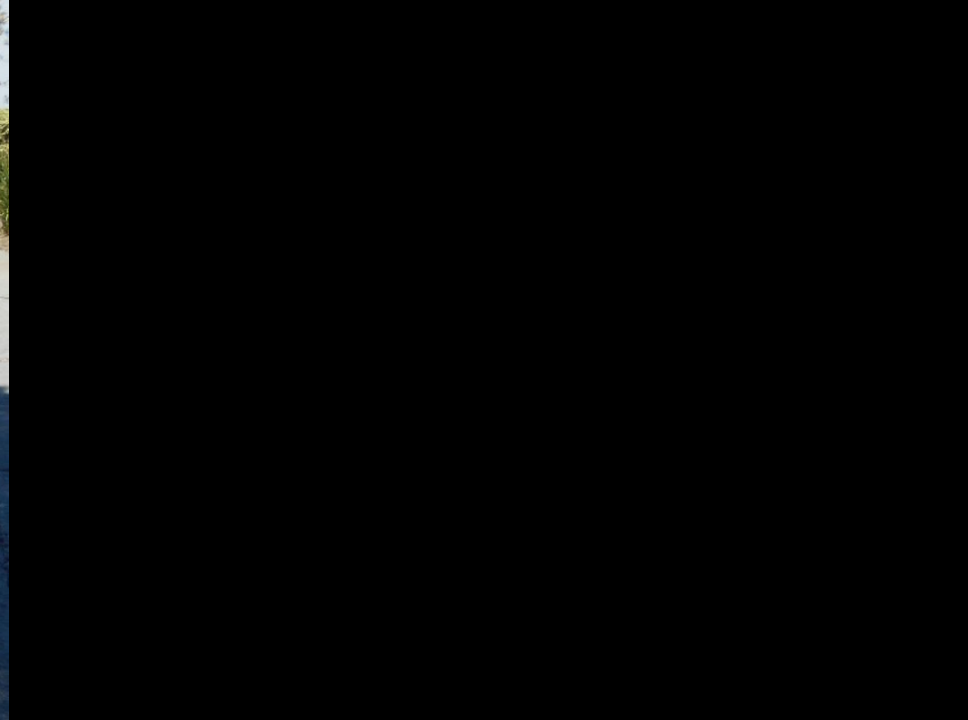
04.25.2016 12:26



04.25.2016 12:30



08.15.2014 11:39



07.08.2015 12:36

RESPONSE

- Do you have jurisdiction?
 - Residential –
 - Does City want you to engage?
 - Resident dumping vs. Contractor at residential
 - Unincorporated vs. Incorporated
 - Handoff to appropriate agency





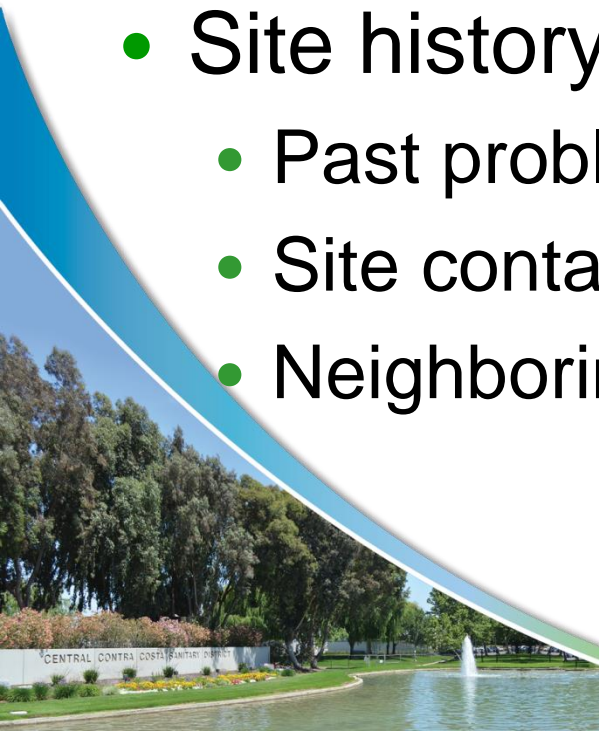
03.30.2016 11:12



03.30.2016 11:28

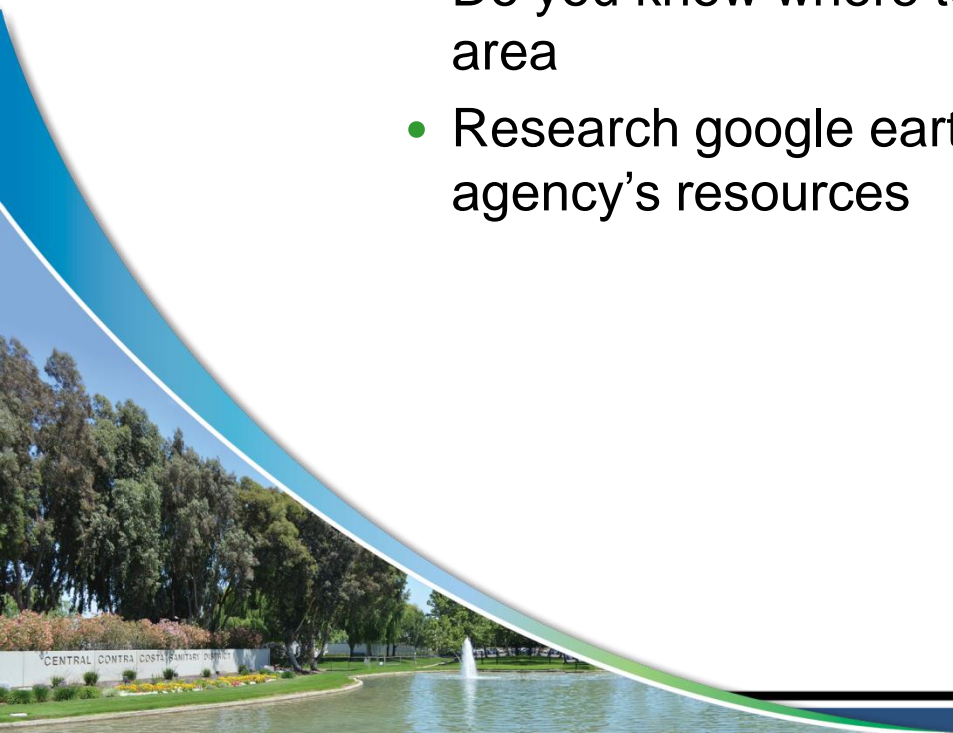
RESPONSE

- Active discharge?
 - Immediate mobilization?
- Contact complainant if possible
- Site history research – if have time
 - Past problems
 - Site contact
 - Neighboring business types/activities



RESPONSE

- Identifying the source
 - Known vs. unknown
 - Specific site, creek call
 - Do you know where to go, or do you have to canvas the area
 - Research google earth, storm drain maps, your own agency's resources



RESPONSE

- Field Investigation
 - Situational assessment
 - Do you have Access?
 - Evidence in public area/view
 - Shoot first (Pictures), take names later?
 - Need permission to access property?
 - Find who to engage to get access to problem area



RESPONSE

- Situational Assessment
 - Don't forget Safety
 - Potentially unknown chemicals
 - Terrain – Uneven, slippery, inclines
 - Site safety – Dogs, hard hat zone, hearing protection



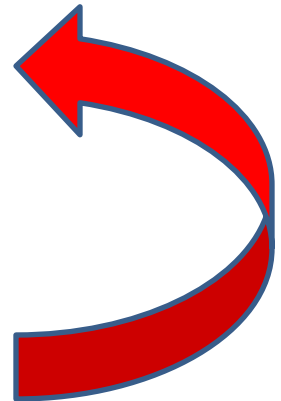
RESPONSE

- Who to engage?



RESPONSE

- Identifying and qualifying the contact
 - Employee vs. manager vs. owner
 - Authority to direct resources
 - Quick cleanup vs. long term solution
 - What level of manager
 - Shift, Store, GM
 - Onsite vs. Corporate



McDonald's

I'm lovin' it
**NOW
HIRING**

**Choose
your
drink**
\$1 \$2
love the drink run
Coca-Cola
\$1.00 \$2.00

NO LITTERING
VIOLATORS
WILL BE
PROSECUTED



**PARKING
ONLY**
VAN
ACCESSIBLE
MINIMUM
FINE \$250

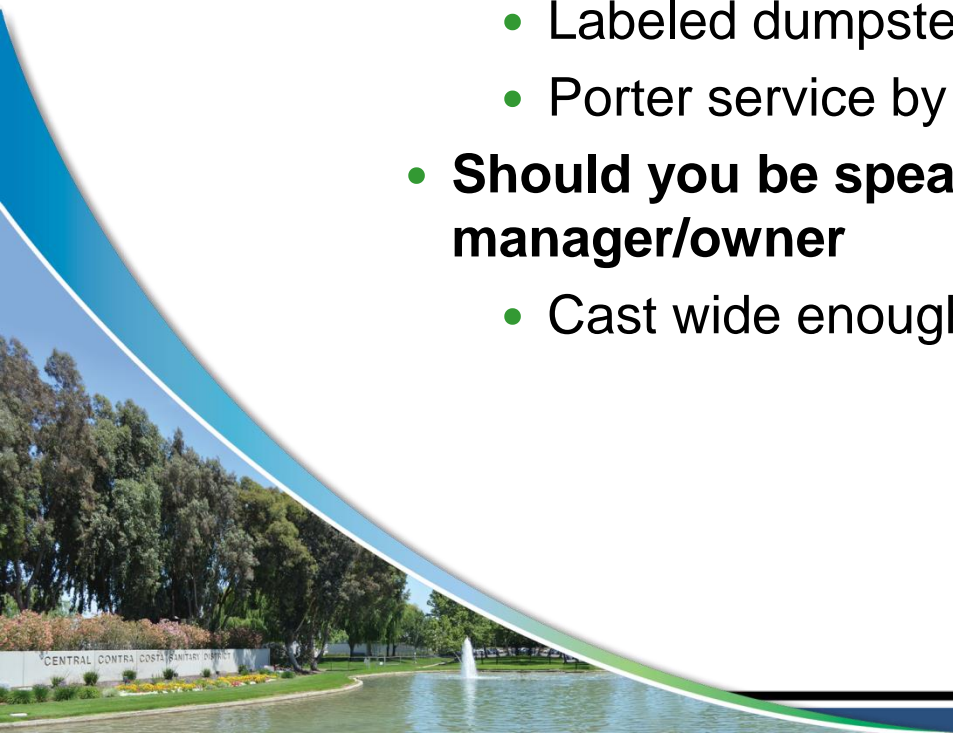
blink



08.16.2016 10:59

RESPONSE

- Identifying and qualifying the contact
 - What about shared areas?
 - Shared dumpster area = Shared responsibility
 - Non-descript dumpster/tallow bins
 - Labeled dumpsters
 - Porter service by property manager?
 - **Should you be speaking with property manager/owner**
 - Cast wide enough net to ensure future compliance



RESPONSE

- Who to engage
 - Risk with wrong contact: For You
 - Delayed response/abatement
 - Waste of time
 - Repeated site visits
 - Broken record
 - Level of commitment
 - Future non-compliance



RESPONSE

- Who to engage
 - Risk with wrong contact: For Them
 - Delayed response/abatement
 - Continuing violation
 - Waste of time
 - Repeated inspector visits (“Harassment”)
 - Level of commitment
 - Motivation to respond – Appeaser, authority, benefits, line worker
 - Future non-compliance

Increased exposure



RESPONSE

- Who to engage
 - When to change contact, or when to up the ante?
 - Stall tactics – ignoring you
 - Not taking it seriously
 - No abatement
 - Repeat same violation
 - Go up the food chain



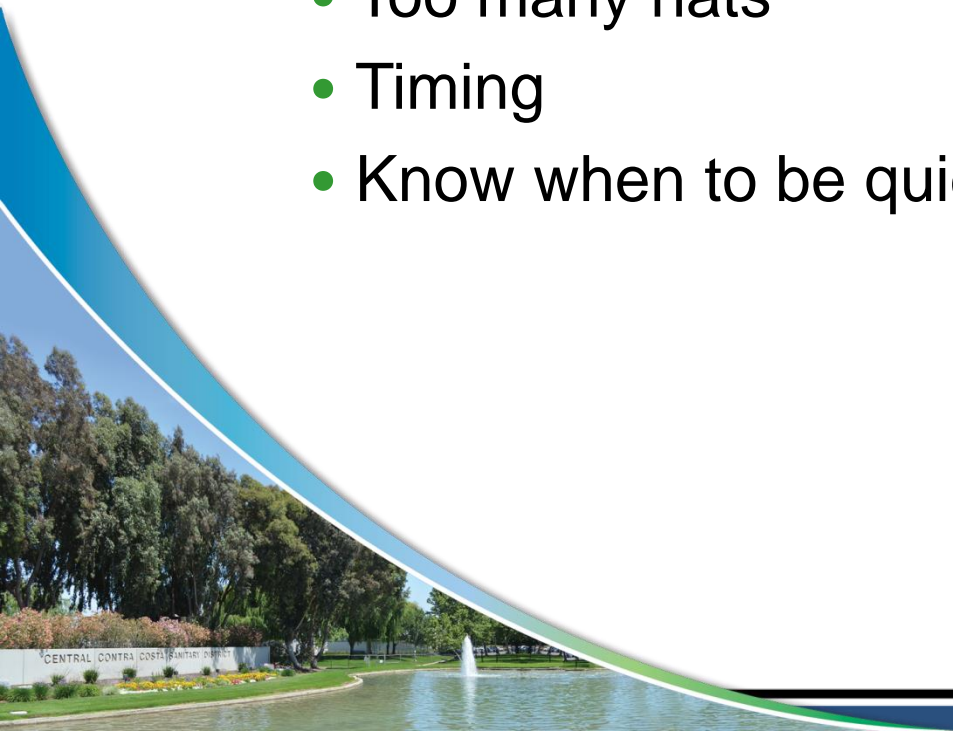
RESPONSE

- How to engage
 - Setting the stage – Establish rapport
 - How big a hammer to use
 - Reading your audience
 - Color of authority – How big and bold do you want it to be.
 - Reference: EPA “Conducting Environmental Compliance Inspections Field Manual”
 - http://www.themisnetwork.eu/uploads/documents/Tools/us_epa_inspectors_field_manual.pdf



RESPONSE

- How to engage
 - Difficulties
 - Personality Types
 - Too many hats
 - Timing
 - Know when to be quiet and listen



RESPONSE

- Field Investigation
- Walking the site with the contact
- Abatement



RESPONSE

- Field Investigation
 - Discharge source – clear as day vs. clear as mud
 - Full facility inspection often needed
 - Ex: Illicit connection inside building
 - Use as prompt for full inspection
 - Don't miss the forest for the tree

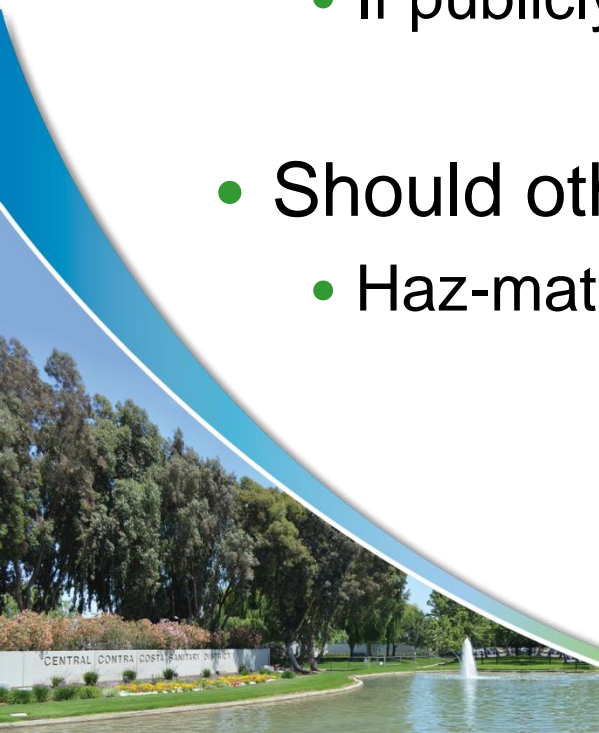




03.13.2015 09:17

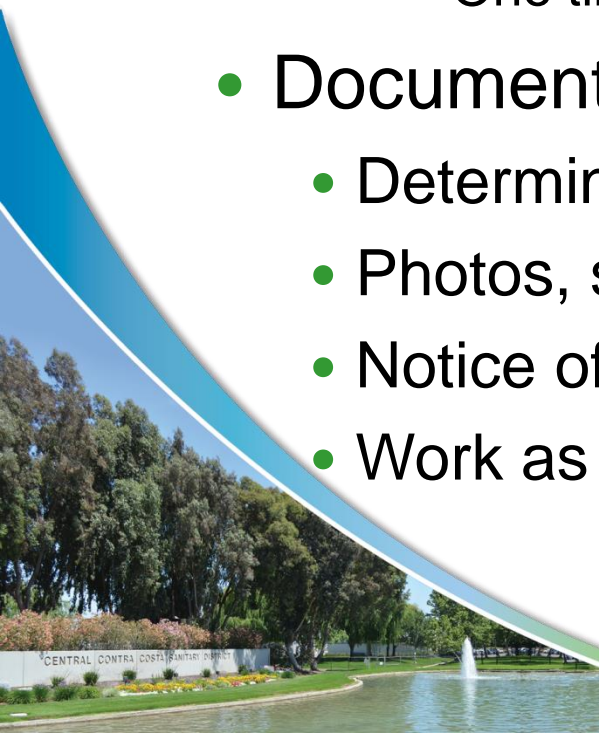
RESPONSE

- Field Investigation
 - Stop discharge immediately (MRP C.5)
 - Or at least control the bleeding
 - If publicly accessible, this is priority one on arrival
 - Should other agencies be involved
 - Haz-mat, Fish & Game, Code Enforcement



RESPONSE

- Walking the site with the contact
 - Interview
 - Who, What, When, Where, Why, How
 - One time or standard practice
 - Documenting discharge
 - Determine impacted area(s)
 - Photos, samples, statements
 - Notice of Violation
 - Work as if going to Formal Enforcement



RESPONSE

- Documenting discharge
 - Notice of Violation
 - Use correct code section
 - Include 5 W's + How
 - Field issuance vs. certified mail
 - Send copies to necessary parties



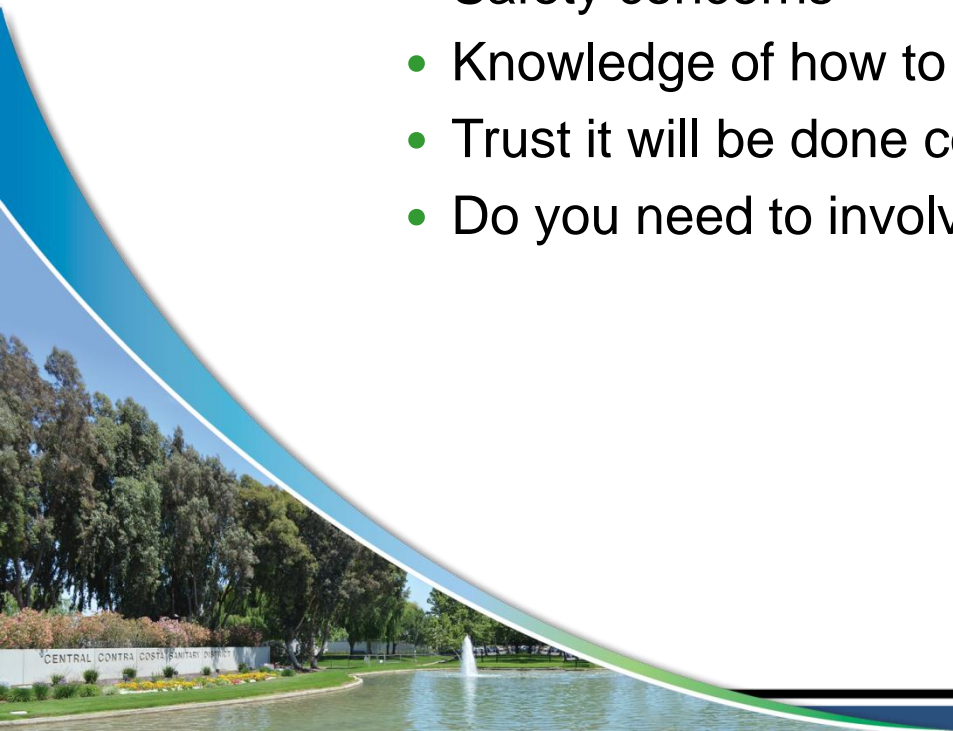
RESPONSE

- Abatement
 - Remediation
 - What level of cleanup is needed
 - Self cleaning or contracted service
 - Dry methods – kitty litter, dry mopping
 - Vacuum truck, pressure washing, haz-waste contractor



RESPONSE

- Abatement
 - Remediation
 - Is business capable of coordinating this
 - Safety concerns
 - Knowledge of how to remediate
 - Trust it will be done correctly
 - Do you need to involve city/agency resources





02.17.2015 12:52

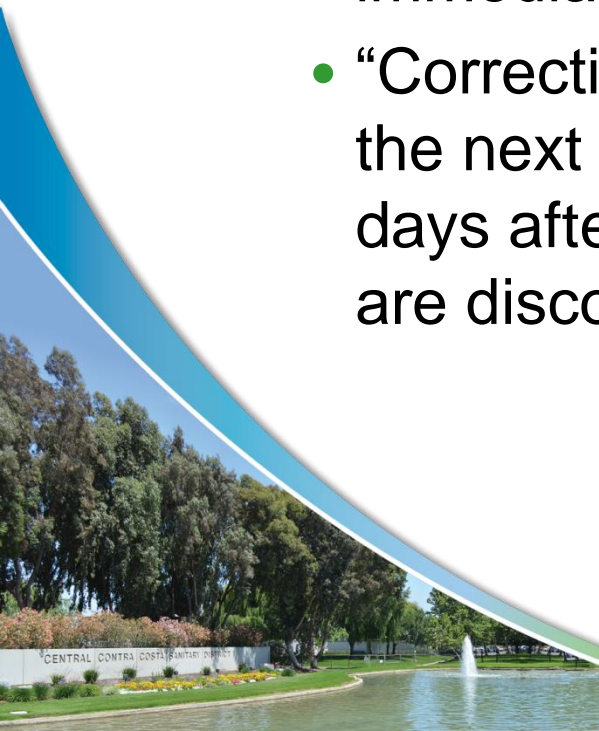
RESPONSE

- Abatement
 - Witness when possible
 - To verify done correctly
 - To verify done completely
 - To get the party started!
 - Timeliness
 - Severity
 - Even if can't witness, verify corrective actions according to MRP.



RESPONSE

- Abatement
 - Remember:
 - “Active discharges shall be required to cease immediately.”
 - “Corrective actions shall be implemented before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered.”



RESPONSE

- Abatement
 - Long term fixes to prevent reoccurrence
 - BMPs
 - SOPs
 - Training
 - Facility improvements
 - Verify the above



CLOSE OUT

- Report writing
 - Picture Download
- Sample analysis
- Forward citation to City
 - Contracted storm water services



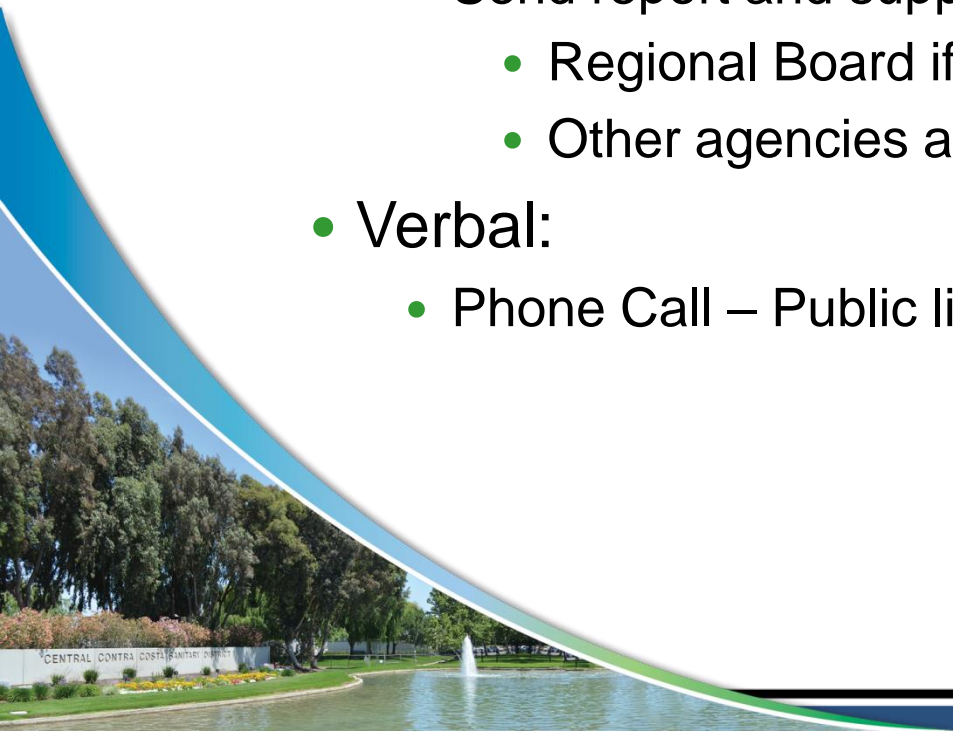
CLOSE OUT

- Written response to NOV
 - Corrective actions
 - Manifests, invoices, receipts
- Tying up loose ends
 - Follow up with other parties
 - Agencies that responded
 - Property Manager/Owner
 - Corporate



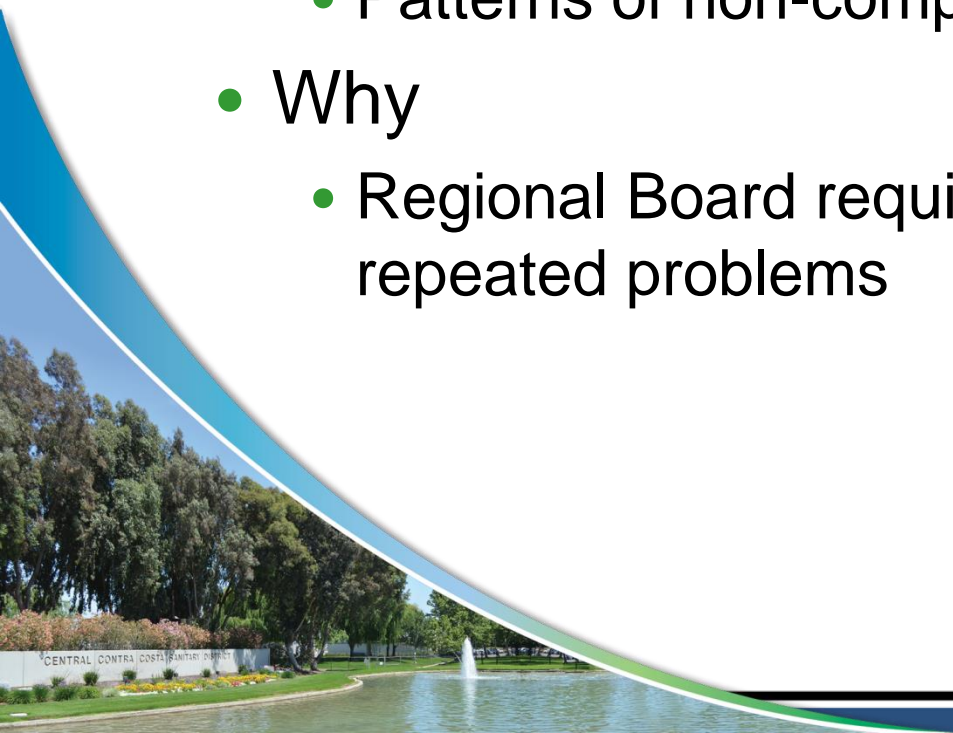
CLOSE OUT

- Closing the loop
 - Getting back to complaint source
 - In writing:
 - Send report and supporting documents
 - Regional Board if they referred
 - Other agencies as necessary
 - Verbal:
 - Phone Call – Public likes to know we (gov't) listen



CLOSED OUT?

- Should you be building a Formal Case
 - When
 - Egregious
 - Patterns of non-compliance
 - Why
 - Regional Board requires escalated enforcement for repeated problems



CLOSED OUT?

- Should you be building a Formal Case
 - Evidence
 - Site compliance history
 - Reports/pictures
 - Citations
 - Nature of pollutant
 - Sample analysis



CLOSED OUT?

- Should you be building a Formal Case
 - If yes:
 - Follow your agency's formal enforcement process
 - Be prepared to support the process
 - If no:
 - Document why
 - Be prepared to go formal in future



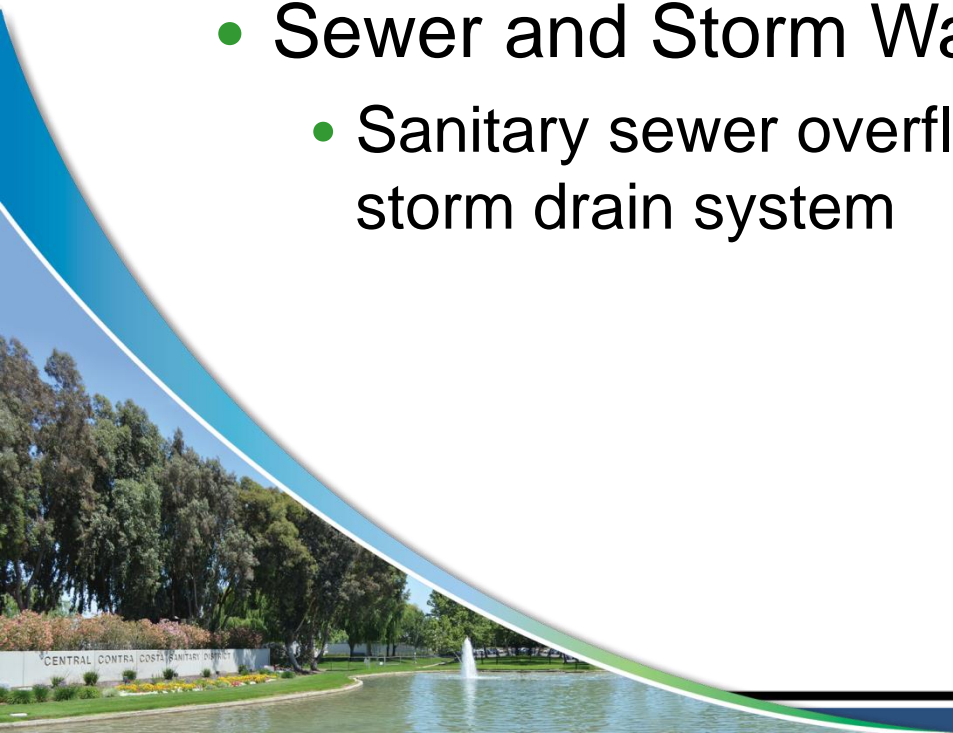
CASE STUDIES

- Cheesecake Factory
- Lithia Dodge
- County Jail



CHEESECAKE FACTORY

- Notification: Referral from City of Walnut Creek
- Response:
 - Sewer and Storm Water Violations
 - Sanitary sewer overflow from private lateral to storm drain system





CAUTION
Floor

Wet



Cuidado
piso
mojado

Cuidado
piso
mojado

11.04.2014 15:20



11.04.2014 15:04



11.04.2014 16:06



11.04.2014 16:12





11.04.2014 15:44

CHEESECAKE FACTORY

- Abatement
 - Discontinued water use inside
 - Plumber hired to clear sewer lateral
 - Business staff immediately cleaned accessible areas
 - Pressure washer hired to clean impacted areas



CHEESECAKE FACTORY

- Close Out
 - NOV issued for initial discharge
 - Subsequent NOV's for continued non-compliance resulted in Formal Enforcement
 - District Attorney
 - \$13,000 fine, Other requirements in consent decree
 - Corporate
 - Replaced store manager



CHEESECAKE FACTORY

- Lessons Learned
 - Getting to right contact
 - High enough up corporate ladder
 - Conflict of interest for GM to forward NOV
 - Manager's bonus tied to store performance



LITHIA DODGE CONCORD

- Notification: Spill reported to OES
 - Sent to Regional Board, CUPA, City
- Response:
 - County Haz-Mat responded day of
 - City of Concord referred to CCCSD
 - Oil sheen found flowing on rain runoff from middle of drive area to storm drain in front



LITHIA DODGE CONCORD

Storm
Drain

Spill
Location



LITHIA DODGE CONCORD

- Abatement:
 - Source Inconclusive
 - Dealer used kitty litter to try and absorb oil
 - Haz-Mat provided absorbent pads/socks
 - CCCSD followed up 3 days later during rain event and saw no further oil sheen.



LITHIA DODGE CONCORD

- Close Out:
 - CCCSD compared notes with Haz-Mat and forwarded inspection report to City and Regional Board
 - Haz-Mat billed dealer for response and spill cleanup materials



COUNTY JAIL

- Notification: Referral from City of Martinez
 - Notice was of dumping trash in creek
- Response:
 - CCCSD identified material as belonging to county jail.
 - County jail remodeling kitchen
 - Plumbing bypass was put in and accidentally connected sewer lines to storm lines





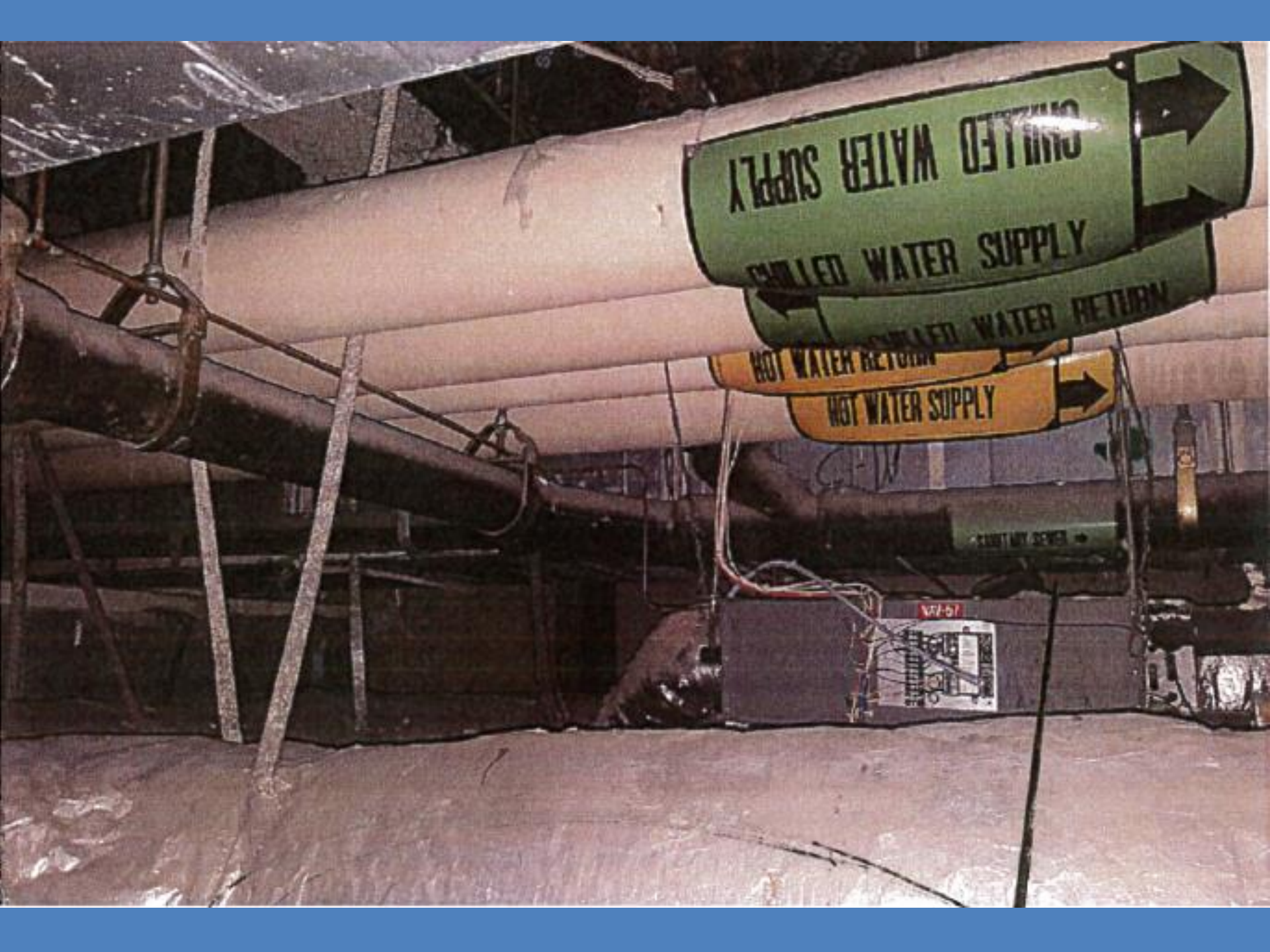
LIC.

MST

BIO
NEB

NOS

Large white bubble-letter graffiti piece



COUNTY JAIL

- Abatement:
 - Roto-Rooter corrected bypass
 - Roto-Rooter pumped out storm drain lines and cleaned up creek
 - Creek sampling performed for ammonia downstream of impacted area to verify cleanup complete



x V.2016

T

UC. [Stylized graffiti]

NOT
NO
NECK
X

NO. 114
NO. 1
10
16

R

NO
NETZ



COUNTY JAIL

- Close Out:
 - NOV issued to Jail since it was their contractor
 - CCCSD verified cleanup complete
 - Jail relabeled piping to prevent this from happening again



THE A TO Z OF ILLICIT DISCHARGE

- Questions?

Jeremy Talarico – jtalarico@centralsan.org

Jesse Folks – jfolks@centralsan.org

