

ILLICIT DISCHARGE INVESTIGATION CASE STUDY

Garik Iosilevsky

Santa Clara County Clean Water Program

SCVURPPP IND/IDDE Inspector Workshop

May 10th, 2017

COMPLAINT ABOUT OIL SPILLED IN PROW

- Reported at 4:00 PM on February 15th 2017
- East San Jose Hills(Unincorporated)
- Roughly 1.5 miles of road affected (1-2 foot wide streak of oil)
- The complaint for this case study came to me via e-mail from County Planning - Land Development Engineering (LDE)

INITIAL INSPECTION

2/15/17 – 5:00 PM



















SECOND INSPECTION (FOLLOW UP)

2/16/17 – 9:30 AM















DISCUSSION – WHAT WOULD YOU DO?

- What options would you explore to get it cleaned up?
- What enforcement level would you use?
 - Verbal, Written, NOV, Stop Work, Administrative/Civil Penalty
- What department or agency (if any) would you notify?

ALTERNATE SCENARIOS

What options for clean-up would you explore, what level of enforcement would you use, and what department or agency would you notify if...

- RP was not on site during first inspection?
- RP was on site but not cleaning up during first inspection?

COUNTY'S RESPONSE

- Called Roads and Airports Department – County's "Public Works".
 - Determined it was a privately maintained road with no MS4.
- Initially Issued a verbal warning.
 - Threatened to escalate to a NOV if not immediately cleaned.
- RP sent out a crew immediately to have the remaining material cleaned up.
 - Staff received photographic verification of clean up efforts on the same day.

Slide 23

MJ2 Did you receive the photos on the same day or the next day?
Martin, Julianna, 4/18/2017

PHOTO VERIFICATION OF SECOND CLEAN-UP

Submitted by Responsible Party on 2/16/2017





Good!



CASE CLOSED


- Responsible party's photos constituted a third and final inspection.
- Photo documentation is a form of verification that we accept.
- No further violations were issued.

ADDITIONAL INFO ABOUT SCC CLEAN WATER PROGRAM

KEY INSPECTION FORM ELEMENTS

County of Santa Clara
 Consumer and Environmental Protection Agency
 Clean Water Program

1553 Berger Drive Building 1, San Jose, CA 95112-2718
 (408) 918-4500 www.Cleanwaterscc.org



Stormwater Pollutant Discharge Investigation Form

Investigation No. 17-018

Reporting Date 2/15/17

Complaint Origin (check boxes)

- Public Complaint: Complainant Name and contact info
- County Department LDE, Staff Name and contact info Jerry Guevara - 299-6668
- Clean Water Program: Staff Name
- Follow-up Inspection: Primary Investigation No. _____
- Other: _____

Description of Complainant/ Reported Discharge
oil spilled along a mile stretch of Higuera road.

Date or time frame of Discharge
2/14/2017

Days/Hours to forecasted rain (<http://www.wr.noaa.gov/mtr/>)

Location/ Responsible Party

- Address 4012 Higuera Rd. San Jose
- Cross Street Higuera Parkway
- Coordinates
- APN
- Legal Owner Name, address
- Business Name
- Mobile Business Y/N
- Construction Site Y/N If Y, Permit Number(s)
- Watershed/ receiving water (based on SCVWD Map) Flint Creek
- Regulatory Status of receiving water
 - TMDL
 - Other

Inspection Observations
510-461-5287 - Roger Carlos Manager
SIO 842 3756 - Carlos - All City Trucking
 Upon arrival, Carlos of All City Trucking was cleaning spilled material off the ground using absorbent material. Carlos told CWP staff that a truck had leaked hydraulic oil on Higuera Rd. On 2/14/2017, CWP Staff told Carlos that all clean-up must be completed before raining tomorrow. Carlos told CWP Staff that it would be done. CWP will follow-up with LDE for further investigation and verification of clean-up/abatement action.

See second page for additional notes

- Investigation Number
- Reporting Date
- Origin of Complaint
- Description of Complaint
- Date/Time of Discharge
- Address, Cross Street, Coordinates, APN, Legal Owner, Business Info, Construction Site Info, Watershed/Receiving Water Info
- Inspection Observations

KEY INSPECTION FORM ELEMENTS

Violation Findings

- Grading, filling, clearing, building or demolition has been conducted in a manner such that sediment, vegetation, concrete, fluid or dry chemicals and/or construction materials have been placed or washed to the storm drain system or a watercourse or direct tributary to a watercourse, or
- Material has been stored, thrown, deposited, abandoned, or kept in a manner such that it has been released or has washed to the storm drain system or a watercourse or direct tributary to a watercourse, or
- A construction site has failed to install and maintain site specific, and seasonally and phase appropriate BMPs such that sediment has been released or has washed to the storm drain system or a creek or tributary, or
- A pipe, hose, ditch, channel or other conveyance been placed or constructed in a manner that conveys fluids other than rainwater, or rainwater containing sediment, vegetation, concrete, fluid or dry chemicals, human waste, pet waste or other pollutants to storm drain system or a directly to a watercourse or direct tributary to a watercourse.

Any one of the conditions described above constitutes a stormwater pollutant discharge in violation of SCC B11.5-4.

Material is being stored, thrown, deposited, abandoned, or kept in a manner such that it can be reasonably expected to flow, spill, seep, slide or be washed by rainwater to the storm drain system or a watercourse or direct tributary to a watercourse.

The conditions described above constitutes a potential stormwater pollutant discharge and potential violation of SCC B11.5-4.

Corrective Actions Required

Lay down absorbent and clean up.

Corrective actions to cease potential stormwater pollutant discharges must be taken as soon as technically feasible as determined by the inspector, but no longer than 10 business day or the next rain event.

Correction Due Date 2/16/2017

Method to confirm completion of corrections (phone, email, photograph, other) re-visit site, Photos

Signature of Responsible Party (Written Warning) Chris Brantala

I hereby agree to implement corrective actions identified above by the Due Date. I agree to report the correction to the County of Santa Clara by the means identified above.

Clean Water Program Enforcement Response

<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Action Level 1: Verbal Warning <input type="checkbox"/> Action Level 2: Written Warning (see below) <input type="checkbox"/> Action Level 3: Notice of Violation/ Notice of Deficiency <input type="checkbox"/> Action Level 4: Stop Work Notice (Construction Stop) Refer to LDC or Building for issuance of Stop Work Notice/ Grading Violation Notice <input type="checkbox"/> Action Level 5: Refer to County Counsel (Supplemental Report Required) <input type="checkbox"/> Other: _____ 	<p>Notification of Enforcement Action</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Responsible Party on site: Verbal Warning by Inspector <input type="checkbox"/> Responsible Party not identified or available: <ul style="list-style-type: none"> <input type="checkbox"/> Written warning posted on site <input type="checkbox"/> Written warning sent to site address <input type="checkbox"/> Written warning sent to owner address
---	--

Date of Enforcement Action 2/15/17

Date of Confirmation of Correction 2/16/17

“Actual Discharge” Check Boxes with reference to County Code

“Potential Discharge” Check Box with reference to County Code

Corrective Actions Required

Correction Due Date

Signature of Responsible Party

Enforcement Response

Date of enforcement and confirmation of correction

COMPLAINT INTAKE STATISTICS

- ~ 50% of complaints come from other departments or agencies:
 - Planning, Code Enforcement, DEH, Roads & Airports
- ~ 20% come to CWP directly from residents
- ~ 30% come from residents to other departments or agencies

RM5 What percent or portion of complaints come through other departments compared to directly from public?
Rhoades, Michael, 4/12/2017

RESPONSE TIME GOAL

- Potential Discharge:
 - MRP Area – Within 24 Hours
 - Phase II Area – Within 72 Hours
- Actual Discharge:
 - Typically between 1-2 hours (Both MRP and Phase II)



CLEAN-UP AND ENFORCEMENT

- Clean-Up Options
 - County Code establishes authority to charge clean up costs to RP, but in practice we have not exercised this option.
- Enforcement Procedures
 - Photo evidence of correction
 - Re-visit site if time allows
- Typical Enforcement Actions
 - Written Warning
 - Stop Work Order
 - Referral to County Counsel



COORDINATION WITH OTHER DEPARTMENTS

- Roads and Airports Division
 - If material is in public right of way on a county maintained road.
- Planning Department
 - Land Development Engineering (If issue is with a construction site)
 - Code Enforcement
- Department of Environmental Health
 - If issue has to do with Haz Mat, Restaurants, or Septic Systems

A photograph of a llama standing behind a wire mesh fence in a grassy field. A white speech bubble with a black outline is positioned above the llama, containing the text "Questions?". In the background, there is a small pond, a green hill, and a town visible in the distance under a clear sky.

Questions?

Contact Me

Garik Iosilevsky



408-282-3186 (Office)

408-781-3254 (Cell)

garik.iosilevsky@cep.sccgov.org