

Illicit Discharge Detection and Elimination How to Conduct an Investigation



Nick Ajluni Environmental Inspector II
City of San José
Watershed Enforcement
May 26, 2016

Topics

- Pre-Field Preparation
 - Equipment needs
 - Complaint intake
 - Site research
- Field Response
 - Find location of complaint
 - Identify pollutant
 - Identify source of discharge
 - Identify where it went
 - Ensure clean up
- Investigation
 - Evidence Collection
- Enforcement Action



Pre-Field Preparation

Equipment Needs

- PPE (Reflective vests, work gloves, safety work boots, safety glasses, hardhat, disposable gloves, sanitizer)
- Traffic cones and signs
- Vehicle (with flashing lights)
- Pull hooks/tools and sledge hammer to open man holes
- Flashlight
- Storm/Sanitary sewer maps
- Phone list



Complaint Intake

- Gather relevant information
 - Referral type (phone, in person, email, online form)
 - Description of complaint
 - Location, date, and time of violation
 - Date/Time of complaint
 - Active or inactive/potential
 - Did it enter storm drain or creek
 - Responsible party information (if available)
- Contact Complaining party (CP) for more info

IDDE COMPLAINT FORM

CLERICAL USE ONLY	
FILE #:	
INSPECTOR ASSIGNED:	Najluni

ALL HIGHLIGHTED AREAS REQUIRE INFORMATION

Date Received: 4/25/16	Time Received: 12:05 pm
Received by: Najluni	Time Inspector Called: 12:05 pm

COMPLAINING PARTY (CP) INFORMATION: caller requested to remain anonymous caller requested follow-up
(THE SURVEY RESULTS WILL ONLY BE SHOWN/REPRESENTED IN TOTAL. NO INDIVIDUAL RESULTS WILL BE SHOWN.)
 WE ARE TRYING TO IMPROVE OUR SERVICE. AFTER THIS CASE HAS BEEN CLOSED, WE WOULD LIKE TO SEND YOU A CUSTOMER SATISFACTION SURVEY CARD ON WHICH YOU MAY INDICATE HOW YOU FEEL ABOUT THE SERVICE YOU RECEIVED. YOUR NAME AND YOUR SURVEY RESPONSES WILL BE KEPT CONFIDENTIAL.

Name (First and Last): Bobby Joe	
Address (optional): 123 Apple St.	
Phone: 555-4255	Email:

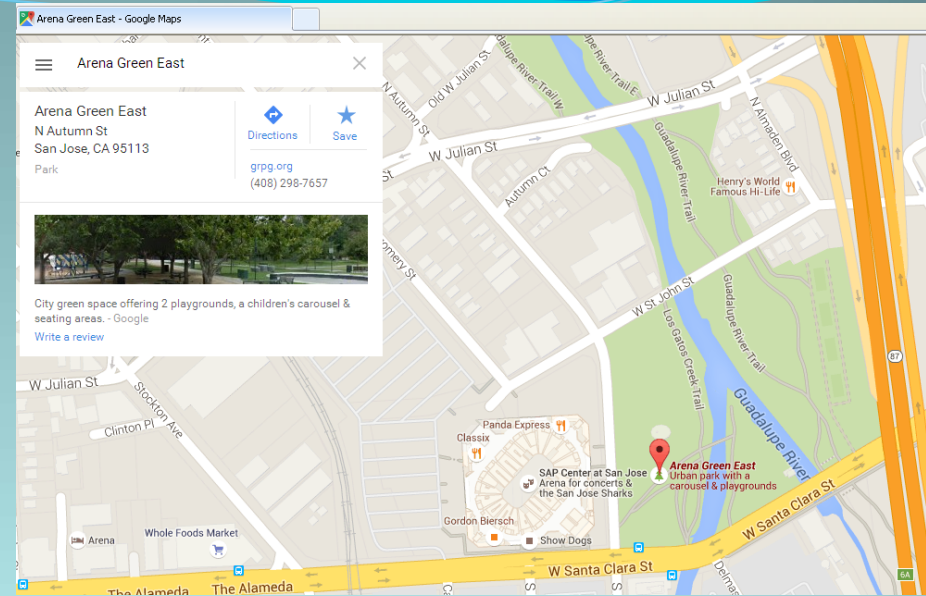
HOW DID YOU HEAR ABOUT US? (Please select one.) Other: Curb Stamp
 city operator/directory/411 CP is CSJ employee outside agency
 have filed complaint before msg. left on vm referral from other CSJ Dept: _____

RESPONSIBLE PARTY (RP) INFORMATION (If Available)

Name: ABC corporation			
Business Name (If Applicable):			
Is it an existing org/facility in EEDMS?			
Org / Facility #:	Phone:		
LOCATION OF VIOLATION: IS IT THE... <input type="radio"/> SAME AS CP INFO <input type="radio"/> SAME AS RP INFO <input type="radio"/> OTHER			
Address #	Dir.	Street Name (include AVE., DR., EXPY., LN., PKWY., RD., ST.) and Zip Code	
456		Apple St.	
Cross Street: Orange St.	Select one: <input checked="" type="radio"/> Commercial <input type="radio"/> Residential		
DATE AND TIME OF VIOLATION: 11:00 am 4/25/16			
COMPLAINT DETAIL (WHAT HAPPENED? FLUID IN STREET/GUTTER/STORM DRAIN? APPROX. HOW MUCH?): Company staff dumping white liquid into storm drain near Coyote creek			
REPORTED TYPE OF POLLUTANT: (SEE LIST ON REVERSE SIDE) Dumping			
PROBLEM STATUS: <input type="radio"/> Potential Discharge <input checked="" type="radio"/> Actual Discharge			
VEHICLE INFORMATION:			
Lic#	Color	Make	Model
Lic#	Color	Make	Model

Site Research

- Look up site history
- Based on complaint, do other agencies need notification
- Look up location to get an understanding of field conditions
 - Is it safe
 - Are there known homeless encampments
 - Near creek?
- Inspector safety is always priority



Field Response

Determine if there is an active discharge

- No response is exactly the same
- Find location of complaint
 - Sometimes the complaint is unfounded
 - Determine if it is active/potential
 - First priority is to stop the discharge and prevent further discharge from entering SD/Creek
 - Check the storm drain, gutter, outfall, creek
 - Determine what needs to happen to cease discharge
 - Blocking Storm drains and outfalls



Identify Pollutant

- Leaking vehicles and equipment
- Dirt/Sediment/Construction Debris
- Pool and fire sprinkler
- Paint
- Water main breaks
- Dumped oil/antifreeze
- Sanitary sewer overflow
- Chemical spills (Hazardous)
- Unknown materials – treat as hazmat until deemed safe



Identify Pollutant

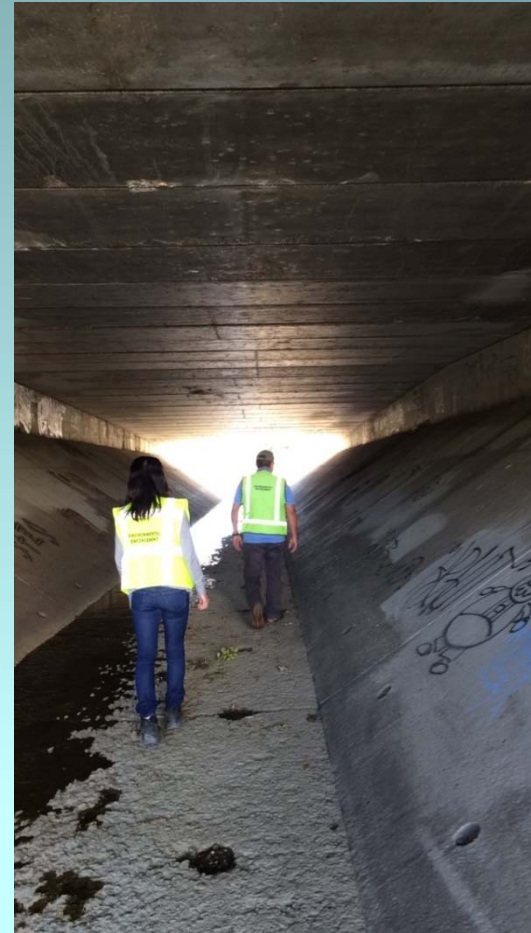
- If non-hazardous, identify RP and require them to clean up on private property



- If the material is hazardous, HIT lead should be contacted immediately. HIT will follow their SOP and reporting requirements. Public Safety is priority

Identify Source of Discharge

- Contact complaining party for additional information if needed
- Follow creek, gutter, or storm lines upstream to trace incident source
 - Request assistance in tracing and traffic control if needed
 - Use storm line maps, parcel maps etc.



Identify the Source: Tracing Storm line



- Follow the discharge
 - Trace spill upstream
 - Select manhole location to open and inspect
 - Follow storm maps

Identify Where the Discharge Went

- Follow storm line downstream and check nearest outfall/creek
- If the discharge is contained in MS4, we contact DOT or Fire HIT to clean up and prevent further discharge
- If possible, we get RP to conduct clean up using certified contractors
- Coordinate to contain spill ASAP



Discharge to Receiving Water



- Conduct field assessment of receiving water for negative impacts
 - Determine how far downstream spill went
 - Determine if pollutant can be contained in creek
- Notify other agencies as needed (OES, SCVWD, CA DFW, WaterBoard, District Attorney)

Clean up

- Coordinate clean up between City, RP, and other agencies if needed
 - Non Hazardous – determine who does clean up, take samples if needed
 - Hazardous - HIT Lead responds, collect samples
- If possible, get RP to conduct clean up using certified contractors
- Clean up may include initial spill area, storm sewer lines, and the waterbody

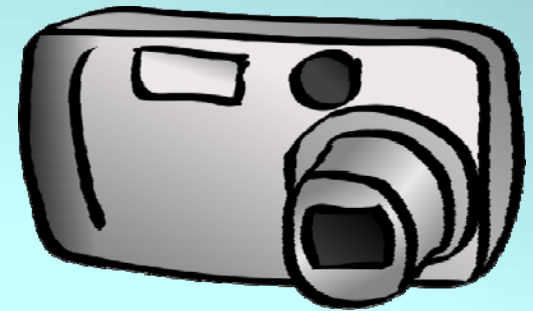
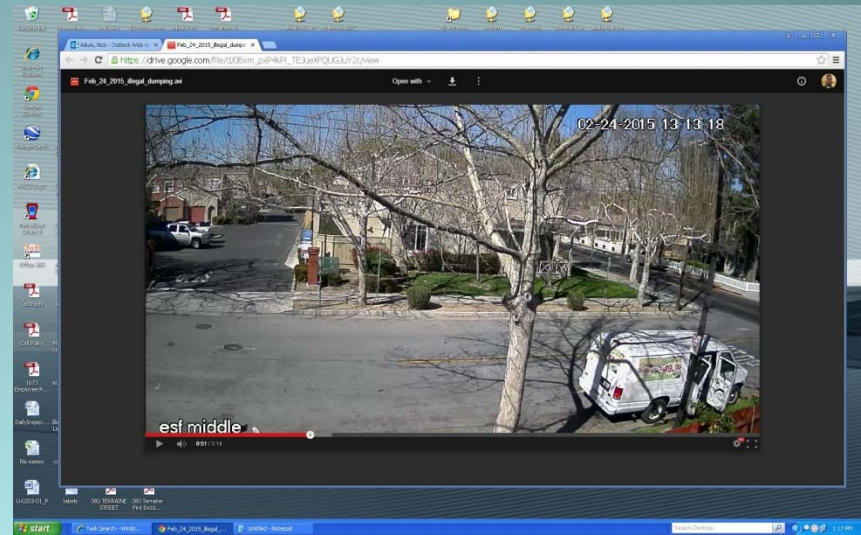


Investigation

Collect as much evidence as possible to hold RP responsible

Evidence Collection

- Take date/time stamped photos
 - Original Source
 - Discharge in MS4 or waterway including outfall
 - Any containers of discharged material
 - Any observed violations to handling of material
 - Potential or active discharge
 - Photos implicating negligence
 - Wide scale and close scale



Evidence Collection

- Observe field conditions and make assessment of ecological health
 - Odor, wildlife, color, plant life
 - Fish Kills
- If collecting samples:
 - Use proper equipment
 - Sampling locations
 - Chain of custody



IDDE Investigation

- What happened?
 - Start with big picture
 - Take photos
 - Note field observations
 - Focus on addressing concern of CP
 - Get details
 - Include any admissions made by employees or RP
 - Collect any pictures or video taken by the CP



IDDE Investigation



- Interview witnesses and RP
- Collect reports from other responding departments and agencies
- Make sure to keep the CP confidential when discussing with RP
- Sometimes, IDDE complaints are result of neighbor disputes
- Hostile RP

IDDE Investigation

- Establish who RP is
 - Record RP name/business & contact info
 - Research property/business using business license, Metroscan, Secretary of State for Corporation
 - Past inspections and violation history
 - Is RP property owner, tenant, or contractor?
 - RP can be hostile & defensive
 - Unknown areas
 - Homeless individuals/RV owner



Issue Enforcement Action

- Issue enforcement action in accordance with IDDE ERP and ERG
 - Goal is to cease discharge and prevent future discharge
 - Through education, fines, etc
 - Clean up Discharge
 - Try to work with RP to reach a solution and promote a change in behavior

CITY OF SAN JOSE ENVIRONMENTAL SERVICES DEPARTMENT Watershed Protection Division 200 E Santa Clara St, 7th Floor, San Jose, CA 95113															
ADMINISTRATIVE CITATION															
Violation Information		Administrative Information													
<table border="1"> <tr> <th>Citation issued to</th> <th>Relationship to Violation</th> </tr> <tr> <td>Tashcon Corp c/o Hal Mahon 710 E. McGlincy Lane, Suite 112 Campbell, CA 95008</td> <td>General Contractor</td> </tr> <tr> <td>Violation Address:</td> <td>4500 Stevens Creek Blvd., San Jose, CA 95129</td> </tr> </table>		Citation issued to	Relationship to Violation	Tashcon Corp c/o Hal Mahon 710 E. McGlincy Lane, Suite 112 Campbell, CA 95008	General Contractor	Violation Address:	4500 Stevens Creek Blvd., San Jose, CA 95129	<table border="1"> <tr> <th>Citation Number</th> </tr> <tr> <td>CC111420</td> </tr> <tr> <th>Issue Date</th> </tr> <tr> <td>02/06/2014</td> </tr> <tr> <th>Facility Number</th> </tr> <tr> <td>100178</td> </tr> </table>		Citation Number	CC111420	Issue Date	02/06/2014	Facility Number	100178
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100178															
San Jose Municipal Code Violation(s)															
Code	Violation	Viol. Date	Amount												
20.100.480	Storm water Management - Projects disturbing one to five acres	01/30/2014	\$625.00												
<p>San Jose Municipal Code 20.100.480 A states for projects one acre or more "all development projects with an approved development permit shall conform with the city of San Jose national pollutant discharge elimination system (NPDES) storm water permit and shall include best management practices (BMPs) as specified in the Blueprint for a Clean Bay to control the discharge of storm water pollutants including sediments associated with construction activities."</p>															
Description															
<p>During an inspection on 1/30/2014, Inspector observed the on site construction entrance not properly installed and maintained. Site has been issued multiple violations and citations for inadequate construction entrances during previous inspections on 10/22/2013 and 11/04/2013. In addition to this violation the site had ineffective BMP's. The site had improperly managed concrete waste/washout and did not properly install fiber rolls for perimeter protection.</p>															
Evidence Includes															
Report	Photos	Samples	Witnesses												
Inspector: Erica Colunga (408) 793-5329		Approved By:													
<p>Tashcon Corp c/o Hal Mahon 710 E. McGlincy Lane, Suite 112, Campbell, CA 95008</p>															
<p>Mail check to: CITY OF SAN JOSE-FINANCE REVENUE MANAGEMENT 200 EAST SANTA CLARA STREET, 13TH FLOOR SAN JOSE, CA 95113</p>															
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Client No.	Citation No.														
01AC76	CC111420														
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Amount Due															
\$625.00															
Amount Paid: \$															

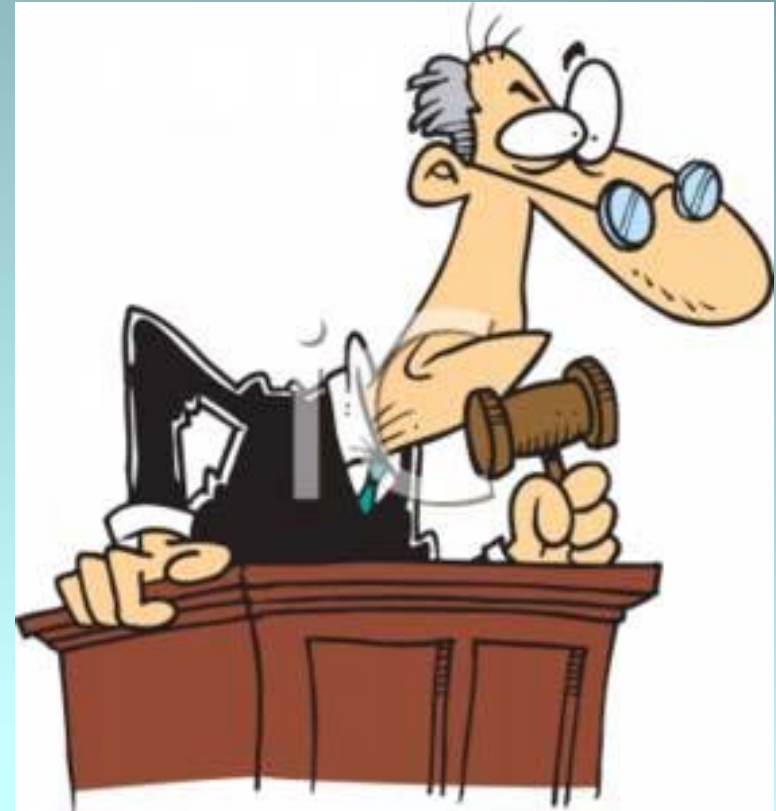
Education

- Education is key
- One of the best preventative measures
- Provide appropriate BMPs
- Discuss violations and corrective actions and timeline
- Language barriers



Documentation

- Begin with the end in mind.
 - Build a strong case
 - Organize notes, pictures, emails
 - Pictures are worth a thousand words.....
 - Multiple RP's
 - Who received what enforcement action
 - Prepare the case for possible appeal in court



Mobile Business

- If mobile business is involved
 - Record business name and address
 - New MRP requirement
 - Track as a Mobile Business
 - Distribute Mobile Business BMPs
 - Share with SCVURPPP
 - San Jose does IND inspection within 1 year if located in jurisdiction



Common IDDEs

Leaking Vehicle

- Leaking vehicle
 - Pan under
 - Repair
- Difficult to resolve
 - Neighborhood disputes
 - Hard to find vehicle owner



Sewage Spill/Overflow/Illegal Dumping

- SSO due to the following:
 - Grease
 - Broken Lines
 - RV dumping
 - Clogged lateral/main
- IDDE inquires on cause
- Coordinates clean up
- Assesses creek if discharge occurred



Illegal Dumping

- Respond to chemical dumping, used motor oil, antifreeze etc
- Attempt to identify RP
- Usually unable to id an RP
- DOT or Fire clean up in San Jose if on public property
- If private, owner must clean up



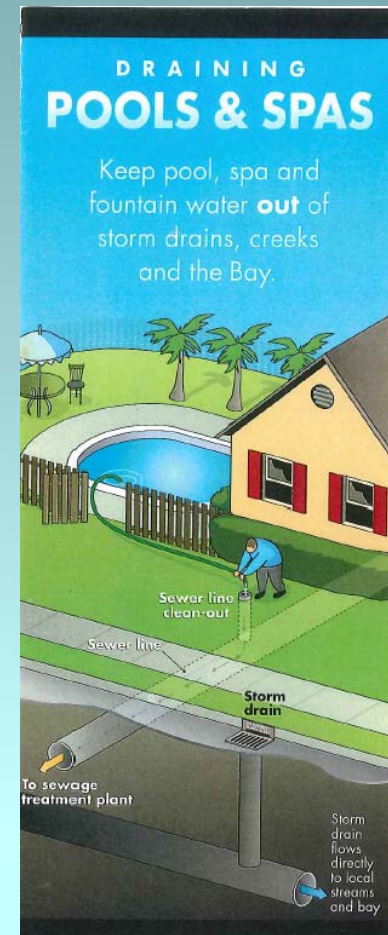
Washwater/Wastewater Discharge



- Restaurants washing mats, dumpsters etc
- Vehicle /Equipment washing
- Surface cleaning
 - Limited exception (sidewalks/plazas)
 - Minimum water with no soap or chemicals
 - Spot cleaning with sweeping first
 - Gravel bags protecting storm drain

Pool Discharge

- Pool discharge
 - Must go to landscaping
 - Or Sanitary Cleanout
 - Filter washing must be done on landscape or dirt area
- Goal: To prevent copper or chlorine from entering storm system



Water Main Breaks

- Water main breaks
- Emergency breaks are exempt but the Utility must install BMPs as soon as possible
 - BMPs include gravel bags and filter fabric
 - Clean up after



Conclusions

- IDDE Investigations can be very complex, or very simple
- Every investigation is going to be different, requiring different amounts of effort
- Regulatory agencies are always willing to help if needed
- Begin with the end in mind – Collect evidence, follow procedures, make your investigation simple
- No IDDE is alike, often do not go in this order
- Remember, always be safe!
- Goal: Educate the public, stop illegal discharges, and achieve environmental compliance

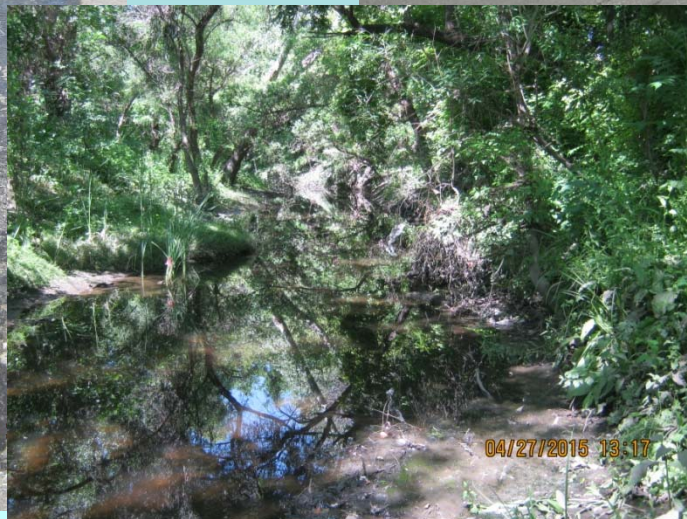
Questions?



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