

SCVURPPP
Industrial and Commercial Inspector
Stormwater Training

IDDE-Auto Repair

Rafles Warnars, QISP, QSP, CCEO

Code Enforcement Officer

City of Santa Clara

8/31/2016 Received Complaint
Regarding Auto Repair in the back
of an Industrial Strip Mall without
Implementing BMPs to Manage
Vehicle Fluids



Administrative Citation Issued on 8/31/2016

- Failure to Implement BMPs
- \$100 Administrative Citation business and vehicle owner
- Provided Absorbent to keep air-conditioning condensate from mixing with vehicle fluids
- Directed to clean area and to discontinue any discharge



Administrative Citation Appeal

- Scheduled for 11/6/2016
- Need to Review Site Prior to Administrative Citation Appeals Hearing
- Prepare case for the Administrative Citation Appeals Hearing









Administrative Citation Issued on 10/17/2016

- Failure to Implement BMPs
- Protection from Accidental Discharge
- Discharge into Storm Drain Prohibited
- \$1,450 Administrative Citation issued to Vehicle and Business Owner

Administrative Citation Appeal

- Defendant did not Attend (Lost the Appeal)
- Called City Attorney to Dispute Second Citation (for a number of reasons)
- Rescheduled Administrative Citation to Coincide with the Second Administrative Citation

Administrative Citation Appeals Hearing - 12/1/2016

- Both Citation Appeals at One Hearing
- Defendant and Two Witnesses Testified
- Both Code Enforcement Technicians Testified
- Appeal Lasted over 3 Hours
- Citation was Upheld on Appeal

Decision of the Administrative Appeals Hearing Officer was Appealed to Superior Court

- Scheduled for Friday May 19, 2017
- Reviewed Case with City Attorney
- Retained a Private Law Firm to Represent the City at the Hearing
- Reviewed Case with Private Law Firm

Superior Court

5/19/2017 & 5/22/2017

- Case was not Completed on Friday and Continued to Monday
- Judge Indicated She Would Hold the City to a Higher Standard of Proof (criminal vs civil)
- I Spent Two Days on the Witness Stand
- Questioned by Both the Defendant and the Presiding Judge

The Hearing Officer's Decision was Upheld on all Counts.

Local Regulations Confirmed as Having Adequate Legal Authority to Enforce Unpermitted Discharges

Definitions within the City Codes were Required
City's Storm Drain System Starts at the Curb and Gutter not when it goes into a Catch Basin

Questions

