

C.5. Illicit Discharge Detection and Elimination

The purpose of this provision is to implement the illicit discharge prohibition and to ensure illicit discharges are detected and controlled that are not otherwise controlled under provisions C.4. – Industrial and Commercial Site Controls and C.6. – Construction Site Controls. Permittees shall implement an illicit discharge program that includes an active surveillance component and a centralized complaint collection and followup component to detect and eliminate illicit discharges into the MS4. Permittees shall maintain a complaint tracking and followup data system as their primary accountability reporting for this provision.

C.5.a. Legal Authority

- i. **Task Description** – Permittees shall have the legal authority to prohibit and control illicit discharges and implement progressively stricter enforcement to achieve expedient compliance.
- ii. **Implementation Level**
 - (1) Permittees shall have adequate legal authority to address illicit discharges to the MS4, including, but not limited to, the following:
 - (a) Sewage;
 - (b) Discharges of wash water resulting from the cleaning of exterior surfaces and pavement, or the equipment and other facilities of any commercial business, or any other public or private facility, including discharges from mobile cleaning businesses;
 - (c) Discharges of runoff from material storage areas, including those containing chemicals, fuels, or other potentially polluting or hazardous materials;
 - (d) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
 - (e) Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and
 - (f) Discharges of food-related wastes (e.g., grease, fish processing wastes, restaurant kitchen mat and trash bin wash water).
 - (2) Permittees shall have adequate legal authority to prohibit, discover through inspection and surveillance, and eliminate illicit connections and discharges to the MS4.
 - (3) Permittees shall have adequate legal authority to control the discharge of spills, dumping, or disposal of materials other than storm water to the MS4.

C.5.b. Enforcement Response Plan (ERP)

- i. **Task Description** – Each Permittee shall implement and update, as needed, its ERP – a reference document for inspection staff to take consistent actions to

achieve timely and effective abatement of illicit discharges and compliance from responsible parties.

ii. Implementation Level – The ERP shall contain the following:

- (1) **Enforcement Procedures** – A description of the Permittee’s procedures from the discovery of a problem through the confirmation of implementation of corrective actions. This shall include guidance for appropriate enforcement actions, followup inspections, referrals to another agency, appropriate time periods for implementation of corrective actions, and the roles and responsibilities of staff responsible for implementing the ERP.
- (2) **Enforcement Tools and Field Scenarios** – A discussion of the various, escalating enforcement tools for different field scenarios, including, but not limited to potential discharges (e.g., housekeeping issues, evidence of actual discharges, lack of BMPs, inadequate BMPs, and inappropriate BMPs), actual discharges, non-compliance with previous enforcement actions, and sites with a history of potential and/or actual discharges.
- (3) **Timely Correction of Potential and Actual Discharges** – A description of the Permittee’s procedures for assigning due dates for corrective actions. Each Permittee shall require timely correction of all potential and/or actual discharges. 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. Corrective actions can be temporary and more time can be allowed for permanent corrective actions. If more than 10 business days are required for compliance, a rationale shall be recorded in the electronic database or equivalent tabular system.

C.5.c. Spill, Dumping, and Complaint Response Program

i. Task Description – Each Permittee shall implement a program to respond to spills, dumping, and complaints.

ii. Implementation Level

- (1) Each Permittee shall have a central contact point for the public and Permittee’s staff to report spills, dumping, and complaints. At a minimum, this central contact point shall include a phone number. Permittee shall also include, as feasible, user friendly web reporting for spills and dumping.
- (2) Each Permittee shall publicize the phone number and web reporting address, if used, to internal Permittee’s staff and the public. The Permittee’s website shall be one of the places the central contact point is publicized. The Permittee’s website shall be updated with the central contact point to report spills and dumping by June 30, 2016. This central contact point shall be readily searchable on the Permittee’s website.

- (3) Each Permittee shall require its municipal staff conducting routine maintenance and inspection activities to report illicit discharges found during their activities to the central contact point so that illicit discharge staff can investigate and track.
 - (4) Each Permittee shall maintain and update, as needed, a spill, dumping, and complaint response flow chart and/or phone tree for the Permittee's staff responsible for the spill and dumping response program. At a minimum, this flow chart and/or phone tree shall identify staff or positions responsible for receiving the complaints and investigating and abating the complaints.
 - (5) Each Permittee shall maintain and update, as needed, a spill, dumping, and complaint response flow chart and phone tree or contact list for internal use that shows the various responsible agencies and their contacts, who would be involved in illicit discharge incident response that goes beyond the Permittee's immediate capabilities.
 - (6) Each Permittee shall conduct reactive inspections in response to spill, dumping, and complaint reports and shall also conduct followup inspections, as needed, to ensure that corrective measures have been effectively implemented to achieve and maintain compliance.
- iii. Reporting** – Permittees shall provide the following information in the 2016 and 2020 Annual Reports:
- (1) The spill and dumping reporting phone number and the web address, if used;
 - (2) A screen shot of the Permittee's website showing the central contact point; and
 - (3) A discussion of how the central contact point – spill and dumping reporting phone number and, if used, the web address – is being publicized to Permittees' staff and the public.

C.5.d. Tracking and Case Followup

- i. Task Description** – All incidents or discharges reported to the spill, dumping, and complaints central contact point, that might discharge into the MS4, shall be logged to track followup and response through problem resolution. The data collected shall be sufficient to demonstrate escalating responses for repeated problems and inter/intra-agency coordination, where appropriate. It is not necessary to track and report data according to this provision if they are tracked and reported according to State Water Resource Control Board Order No. 2006-0003-DWQ.
- ii. Implementation Level** – Maintain a water quality spills, dumping, and complaints tracking and followup in an electronic database or equivalent tabular system.

The spill and discharge complaint tracking system shall contain the following information:

- (1) Complaint information:
 - (a) Date and time of complaint,
 - (b) Type of pollutant, and
 - (c) Problem Status (potential or actual discharge.).
- (2) Investigation information:
 - (a) Date and time started,
 - (b) Type of pollutant,
 - (c) Entered storm drain and/or receiving water,
 - (d) Date and time abated, and
 - (e) Type of enforcement based on the Permittee's ERP.

The electronic database or equivalent tabular system shall be made available to Water Board staff or representatives during audits or inspections.

iii. Reporting – Permittees shall provide the following information in the Annual Report:

- (1) Number of discharges reported;
- (2) Number of discharges reaching storm drains and/or receiving waters; and
- (3) Number discharges resolved in a timely manner.

C.5.e. Control of Mobile Sources

i. Task Description – Permittees shall have oversight and control of pollutants associated with mobile businesses.

ii. Implementation Level – Each Permittee shall implement a program to reduce the discharge of pollutants from mobile businesses.

- (1) The program shall include the following:
 - (a) Implementation of minimum standards and BMPs for each of the various types of mobile businesses, such as automobile washing, power washing, steam cleaning, and carpet cleaning.
 - (b) Implementation of an enforcement strategy that specifically addresses the unique characteristics of mobile businesses.
 - (c) Regularly updating mobile business inventories.
 - (d) Implementation of an outreach and education strategy to mobile businesses operating within the Permittee's jurisdiction.
 - (e) Inspection of mobile businesses, as needed.
- (2) Permittees may cooperate county-wide and/or region-wide with the implementation of their programs for mobile businesses, including sharing

of mobile business inventories, BMP requirements, enforcement action information, and education.

iii. Reporting

- (1) In the 2017 Annual Report, each Permittee shall provide the following: (a) minimum standards and BMPs for each of the various types of mobile businesses; (b) its enforcement strategy; (c) a list and summary of the specific outreach events and education conducted to the different types of mobile businesses operating within the Permittee's jurisdiction; (d) the number of inspections conducted at mobile businesses and/or job sites in 2016-2017; (e) discuss enforcement actions taken against mobile businesses in 2016-2017; (f) Permittee's inventory of mobile businesses operating within the Permittee's jurisdiction; and (g) a list and summary of the county-wide or regional activities conducted, including sharing of mobile business inventories, BMP requirements, enforcement action information, and education (Permittees' annual reports may refer to the county-wide or regional reports for this information.).
- (2) In the 2019 Annual Report, each Permittee shall include at least the following: (a) changes to minimum standards and BMPs for each of the various types of mobile businesses since the 2017 Annual Report; (b) changes to the Permittee's enforcement strategy; (c) minimum standards and BMPs developed for additional types of mobile businesses; (d) a list and summary of specific outreach events and education conducted to each type of mobile businesses operating within the Permittee's jurisdiction during the Permit term; (e) a discussion of the inspections conducted at mobile businesses and/or job sites; (f) Permittee's inventory of mobile businesses operating within the Permittee's jurisdiction; and (g) a discussion of the enforcement actions taken against mobile businesses during the permit term.

C.5.f. Municipal Separate Storm Sewer System (MS4) Map

- i. Task Description** – Each Permittee shall make the map(s) of its MS4 available.
- ii. Implementation Level** – Permittees shall make maps of the MS4 publicly available, either electronically or in hard copy. Public availability shall be made through a single point of contact that is convenient for the public, such as a staffed counter or web accessible maps. The MS4 map availability shall be publicized through Permittee directories and web pages.
- iii. Reporting** – In the 2016 and 2019 Annual Reports, Permittees shall discuss how they make MS4 maps available to the public and how they publicize the availability of the MS4 maps.