

SECTION A-10
ILLEGAL DISCHARGE AND ILLICIT CONNECTION (ID//IC) COMPONENT



FOR THE COUNTY OF ORANGE
AND
THE ORANGE COUNTY FLOOD CONTROL DISTRICT



A-10.0 ILLEGAL DISCHARGES/ILLICIT CONNECTIONS COMPONENT

The illegal discharges/illicit connections component of this plan is composed of the following elements:

- Section A-10.1, Program Summary
- Section A-10.2, Illegal Discharges/Illicit Connections Program
- Section A-10.3, Education and Enforcement
- Section A-10.4, Training and Outreach

A-10.1 PROGRAM SUMMARY

Illegal discharges and illicit connections (ID/ICs) are potential significant sources of pollutants for the municipal storm drain system, consequently, the County implements a comprehensive program for detecting, responding, investigating and eliminating ID/ICs in an efficient and timely manner.

A-10.1.1 Program Overview

The ID/IC Program provides guidance for County staff when identifying, responding, mitigating and enforcing the ID/ICs for the protection of public health and the environment. In addition, it provides the framework and a process for conducting the following NPDES permit compliance activities for the ID/IC Program:

- Program administration
- Detection of illegal discharges and illicit connections
- Responding to water pollution incidents and complaints
- Inspections/investigations
- Education/Enforcement
- Training

A-10.1.2 Program Commitments

The major program commitments and the subsections in which they are described in detail include:

- Investigation and abatement of ID/ICs (A-10.2);
- Education and Enforcement (A-10.3); and
- Training (A-10.4) and Outreach.

A-10.1.3 Regulatory Requirements

The program described in this section was developed pursuant to Section E.2 of the Fifth Term San Diego Region MS4 Permit (Order No. R9-2013-0001, NPDES No. CAS0109266, as amended by order Nos. R9-2015-0001 and R9-2015-0100), Section VII of the Fourth Term Santa Ana



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

Region MS4 Permit (Order No. R8-2009-0030, NPDES No. CAS618030, as amended by Order No. R8-2010-0062) and **Section 10** of the **DAMP**.

10.1.4 Program Evaluation and Assessment

As the ID/IC Program is implemented, the County conducts annual Program Effectiveness Assessments to establish a baseline by which comparisons of subsequent evaluations and identification of trends to determine where modifications for ID/IC Program improvements may be necessary.

A-10.2 ILLEGAL DISCHARGES/ILLICIT CONNECTIONS PROGRAM

A-10.2.1 Program Introduction

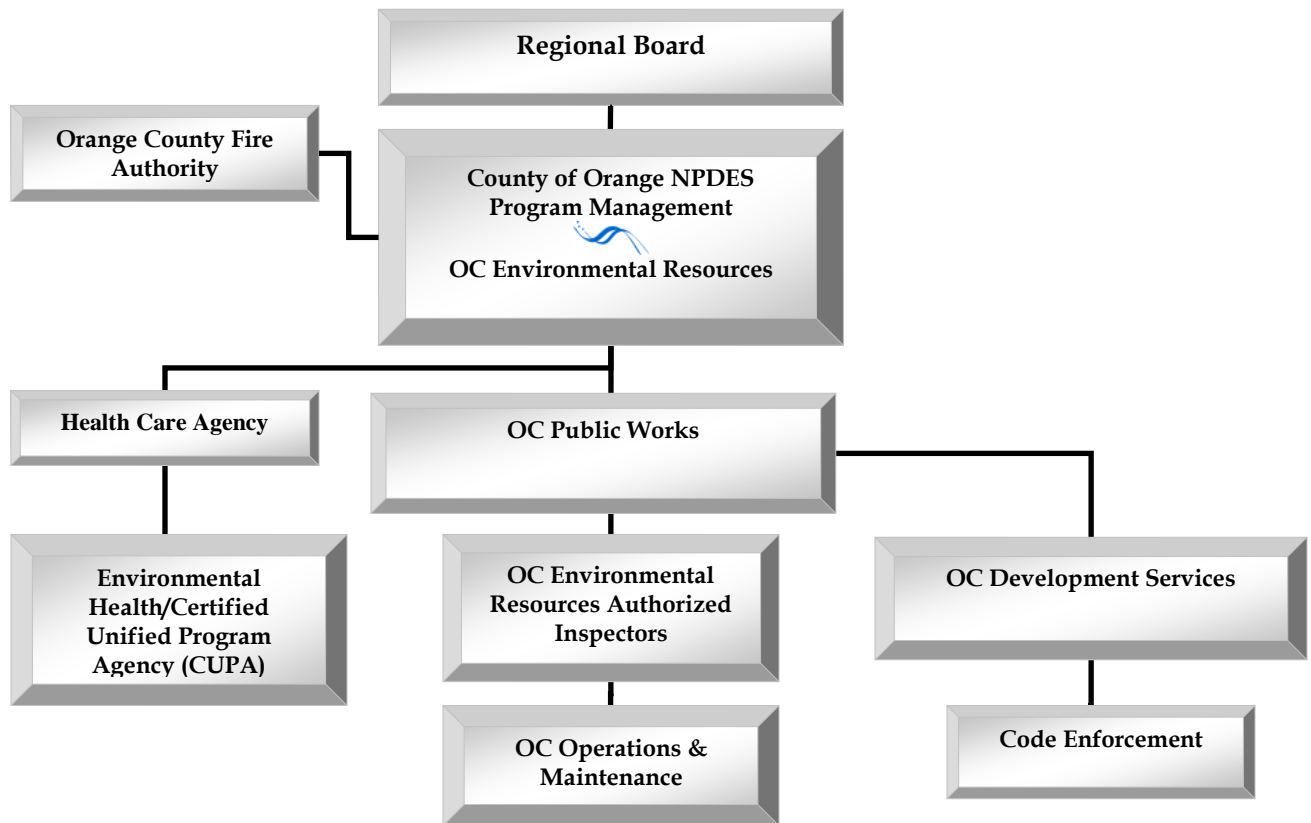
The ID/IC Program establishes a process through which illegal discharges and illicit connections to the MS4 are actively detected and eliminated. In order to be effective, the ID/IC Program has been integrated with the municipal, industrial, commercial, residential and construction inspection programs so that if an illegal discharge or illicit connection is discovered during an inspection it can be properly addressed and eliminated. In addition, on behalf of the Permittees, the County, as the Principal Permittee, implements the water quality monitoring programs which can also assist in identifying illegal discharges and illicit connections. Illegal discharges and illicit connections that are discovered as a result of these integrated efforts will be addressed pursuant to this Section.

A-10.2.2 Program Administration and Implementation

Assigning roles and responsibilities reduces the duplication of efforts and increases program efficiency and effectiveness. Key staff responsible for overseeing, implementing, and enforcing the ID/IC stormwater program component are identified in **Figure A-10.1**, and described in further detail below.



Figure A-10.1



Roles and Responsibilities

The key roles and assigned staff for the ID/IC Program include the following:

Stormwater Program Manager

The Stormwater Program Manager for the County will assist with the identification and implementation of major program tasks, administering and managing the County's ID/IC program and interface with the Board of Supervisors and various County Departments. The County's Stormwater Program Manager is:

Contact Name: Kacen Clapper
 Title: Stormwater Program Manager
 Department: OC Public Works/OC Environmental Resources
 Telephone: (714) 955-0677

Authorized Inspectors

The Authorized Inspector(s) (AI) are assigned to investigate compliance with and detect incidences of violations of the Ordinance.



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

Spill Responder

The Spill Responder (SR) can be an AI or other authorized personnel responsible for coordinating with the fire department for the immediate response to any accidental spills, leak or prohibited discharge of pollutants requiring clean-up.

The County’s Authorized Inspectors also serve as Spill Responders and their contact information is listed below:

Authorized Inspectors

Name	Department	E-mail Address	Phone Number
Duc Nguyen	OC Public Works, OC Environmental Resources	Duc.Nguyen@ocpw.ocgov.com	(714) 955-0676
James Fortuna		James.Fortuna@ocpw.ocgov.com	(714) 955-0680
Jian Peng		Jian.Peng@ocpw.ocgov.com	(714) 955-0650
Kacen Clapper		Kacen.Clapper@ocpw.ocgov.com	(714) 955-0677

Enforcing Attorney

The office of County Counsel functions as legal counsel for the County, however, for purposes of criminal prosecution, only the Orange County District Attorney or designee will act as the Enforcing Attorney.

Water Quality Ordinance Implementation Agreement

A number of the Permittees recognized that they needed additional scientific, technical and enforcement resources to carry out some of the Authorized Inspector or Spill Responder responsibilities. To assist the cities meet these responsibilities, the County offered to provide Authorized Inspector and Spill Responder services through a Water Quality Ordinance Implementation Agreement. The agreement executed between the Orange County Flood Control District (OCFCD) and 31 cities allows the County’s Authorized Inspectors/Spill Responders to provide technical investigative and spill response assistance to these cities for compliance with Permits’ requirements.

A-10.2.3 Detection and Elimination of Illegal Discharges

The County implements a number of programs that facilitate the proactive detection of sources of illegal discharges and illicit connections. Brief descriptions of these programs are as follows:

- Municipal Activities (DAMP Section A-5) – field inspectors and facility managers assist in the identification of illegal discharges and illicit connections during their daily activities. For example, during the routine inspection or maintenance of a street or



SECTION A-10, ILLEGAL DISCHARGES/ILLCIT CONNECTIONS

drainage facility, a field inspector will report any illegal discharges of materials and/or undocumented connections to the Authorized Inspector for further investigation..

- Public Education (DAMP Section A-6) – facilitates the reporting of water pollution problems by the public through the distribution of public education materials that provide pollution awareness information and encourage the public to report water pollution problems to the website and problem reporting hotline at 1-877-89SPILL.
- Construction Activities (DAMP Section A-8) - assists through the identification of illegal discharges from construction sites.
- Existing Development Programs (DAMP Section A-9) – assists with the identification of actual or threatened illegal discharges from routine inspections of industrial, commercial and residential areas.
- Water Quality Monitoring Program (DAMP Section A-11) – assists with the identification of problem areas through the collection and evaluation of water quality data.
- Active participation in the Orange County Hazardous Materials Strike Force assists in the elimination of pollutants through cooperative simultaneous investigation and prosecution of illegal dischargers that violate multiple regulations.

A-10.2.4 Model Pollution Investigation and Spill Response Procedures (Excluding Sewage Spills)

In addition to the proactive programs described above, further detection and elimination of threatened or occurring discharges through the County's ID/IC Program involves water pollution investigations and spill response.

While all pollutant discharges to municipal storm drain system are important and responses are often similar, sewage spills however, have merited special regulatory attention and therefore, sewage spill response procedures are covered separately in **Section A-10.2.5**.

The pollution investigation and spill response procedures consist of the following elements:

- Record Keeping
- Notifications and Response Requests
- Response
- Investigations
- Clean-Up
 - Trauma Scene Cleanup
 - Cleanup Costs
 - Follow-up
 - Decontamination
 - Waste Storage and Disposal
- Reporting

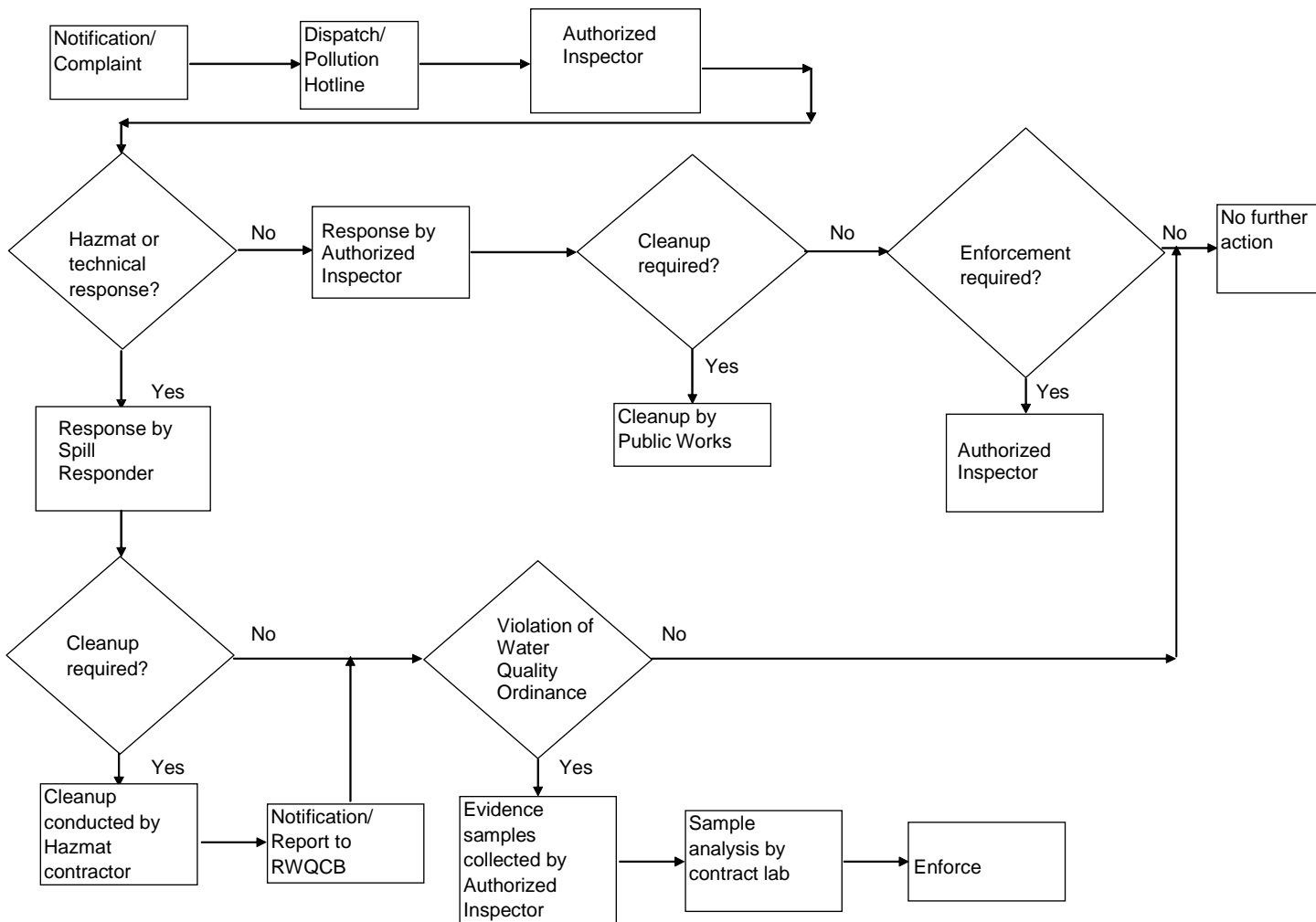


SECTION A-10, ILLEGAL DISCHARGES/ILLCIT CONNECTIONS

- Education and Enforcement

Figure A-10.2 is the County’s Notification and Response Procedures flow chart provides a graphic overview of the response procedures. This flow chart is to be utilized as a guide to determine the proper response actions.

Figure A-10.2
County of Orange
Notification/Response Procedures





SECTION A-10, ILLEGAL DISCHARGES/ILLCIT CONNECTIONS

A-10.2.4.1 Record Keeping

To ensure that the necessary information from a complaint, notification, or response request is accurately documented throughout the entire process, the County uses a standardized Pollution Notification and Investigation Request (PNIR) form to collect the following information:

- Initial notification/response request;
- The location and specific details about the complaint or spill;
- Information about the alleged responsible party;
- The results of the investigation; and
- The actions that were taken as a result.

Documentation may also include photographs, the collection of samples, detailed notes on observations, witness interviews, discussions on decisions made and other information relevant to the investigation.

After the incident has been investigated or resolved, incident information on the PNIR form is entered into a database so that the data can be analyzed and future enforcement activities focused on either problematic responsible parties, locations or pollutants. In addition, the use of the database allows the County to quickly and accurately provide the information that is necessary for the annual program effectiveness assessment of the ID/IC Program.

A-10.2.4.2 Notifications and Response Requests

In order for the County to have a successful ID/IC Program, it is necessary to obtain information about potential or existing pollution problems and spills as soon as possible so that the incident can be mitigated as quickly as possible. Therefore, to facilitate the reporting of problems by the general public, the County advertises it's 24 hour water pollution problem reporting hotline number (1-877-89-SPILL) and the website reporting form (www.ocwatersheds.com). The County also publishes this information on all of the public education brochures and posters.

In addition, the County's 24 hour hotline number and web address are listed in all Pacific Bell Regional Phone Directories. The hotline number is located in the Government Section of the White Pages while the web address can be found in the Internet Section of the Yellow Pages.

The County also coordinates with internal staff and other agency and emergency response personnel so that they understand how to identify a problem and who to report it to. During emergency pollution incidents, inter-agency communications are routed through the Orange County Sheriff's Communications Control One.

A-10.2.4.3 Response

After receiving a notification of a water pollution problem or spill, the County either refers the problem to an Authorized Inspector and/or Spill Responder. Each complaint or spill is



SECTION A-10, ILLEGAL DISCHARGES/ILLCIT CONNECTIONS

investigated as soon as possible and according to **DAMP Section 10** to ensure that valuable information is not lost and to minimize any potential human health and environmental impact. The response typically consists of:

- On-Scene Assessment;
- Containment; and
- Notifications.

The initial on-scene assessment will determine if containment is feasible. If containment is feasible, it must be completed as soon as possible to reduce further environmental impact. If it is not feasible, the following notifications are necessary:

- Notification to Other Agencies – Notifications need to be made to any agencies or entities that may be affected by or have jurisdiction over the pollutant or discharge.
- Requesting Assistance – If it is determined that the incident requires a multi-agency response, it may be necessary to request additional assistance from the other agencies.

A-10.2.4.4 Investigations

The County's Inspector or Responder will conduct an investigation to determine: where and why the incident occurred; whether the discharge or release was deliberate or accidental; if the incident is a repeat occurrence; and carefully document the investigation to ensure that accurate information is obtained and all evidentiary requirements are met. The investigation may include the following activities:

- Inspection of pollutant source and impacted stormdrain system;
- Photographing to record visual observations and to document impact and evidence for possible future enforcement action;
- Interviewing witnesses to obtain key incident information; and
- Sample collection and analyses to determine pollutant constituents and concentration.

The types of equipment, supplies and forms that may be used in the field during the investigations are listed and described in **DAMP Section 10.2.4.5**.

For training purposes, the Orange County Stormwater Program developed an *Investigative Guidance Manual* for Authorized Inspectors to specifically address the investigative portion of an ID/IC response. This manual outlines the fundamental techniques such as record keeping, site entry, interviewing, photographs, sample collection, and report writing during investigations in order to collect legally defensible data.

A-10.2.4.5 Clean-Up

The main objective in the clean-up operation is to restore the impacted area back to its original state (to the maximum extent practicable) and prevent further environmental degradation. It is important that the clean-up is completed in a timely and cost-effective manner.



SECTION A-10, ILLEGAL DISCHARGES/ILLCIT CONNECTIONS

In preparation for the clean-up phase of the response, the Authorized Inspector or Spill Responder should evaluate the resources necessary to perform the clean-up and initiate mobilization of those resources. The general responsibilities are:

- Conduct cleanup or contract clean-up company to perform clean-up or provide list of clean-up companies for the responsible party (RP) to contact;
- Oversee clean-up – provide clean-up directions and verify pollutant removal;
- Document clean-up company's activities (proper and safe procedures) to verify appropriate clean-up charges; and
- Document amount of waste or pollutant removed to verify proper disposal and costs.

The Authorized Inspector may also issue the owner or occupant of any property, or any other person who becomes subject to an Administrative Remedy such as a Notice of Non-compliance or Administrative Order, and invoice for reimbursement of the County's costs for incident response and cleanup.

A-10.2.4.5.1 Trauma Scene Clean-Up

Trauma scene wastes (i.e. blood and human tissue) may be encountered at various incidents including crime and/or accident scenes. Since trauma scene wastes require the implementation of special procedures in addition to the general clean up procedures, the County implements the guidelines described in **DAMP Section 10.2.4.6**.

A-10.2.4.6 Reporting

The ID/IC program has a number of reporting requirements as follows:

- Proposition 65 Notification – Health and Safety Code 25180.7 provides that:
“Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction, and who knows that such discharge or threatened discharge is likely to cause substantial injury to public health or safety, must, within 72 hours, disclose such information to the local health officer.”

The Proposition 65 Hotline telephone number is (714) 433-6401; fax number is (714) 754-1768.

- Regional Board Notifications – If a spill, leak or illegal discharge is determined to pose a threat to human or environmental health the Permittees provide oral notification to the Regional Board by phone or e-mail within 24 hours of the discovery followed by a written report within 5 days.

The Fourth Term Santa Ana Region MS4 Permit requires notifications for the following:

- All sewage spills above 1,000 gallons;
- All reportable quantities of hazardous waste spills per 40 CFR 117 and 302;
- Oil spills that may impact wild life; and



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

- Hazardous substance spills where residents are evacuated.

The oral/email notifications are submitted within 24 hours to:

Barbara Barry
Santa Ana Regional Water Quality Control Board
Telephone: (951) 248-0375
E-Mail: barbara.barry@waterboards.ca.gov

The key pieces of information that are included with the oral notification include:

- a) The date and time of the incident;
- b) Reporting party contact information;
- c) A description of the incident;
- d) The location;
- e) Alleged responsible party contact information; and
- f) Status on actions taken.

The written reports are submitted within 5 days to:

Barbara Barry
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
E-Mail: barbara.barry@waterboards.ca.gov

In order to comply with this requirement, a completed PNIR or similar form is submitted to the Board.

The Fourth Term San Diego Region MS4 Permit requires the following:

- All discharges of non-stormwater that are prohibited within the permit (Section B.2) must be reported to the Regional Board.

The oral/email notifications are submitted within 24 hours to:

Laurie Walsh
San Diego Regional Water Quality Control Board
Telephone: (619) 521-3373
E-Mail: laurie.walsh@waterboards.ca.gov

The key pieces of information that are included with the oral notification include:

- a) The date and time of the incident;
- b) Reporting party contact information;
- c) A description of the incident including why it occurred;
- d) The location;
- e) Alleged responsible party contact information; and



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

- f) Status on actions taken.

The written reports are submitted within 5 days to:

Laurie Walsh
California Regional Water Quality Control Board, San Diego Region
2375 Northside Dr, Suite 100
San Diego Ca 92108
Fax: (858) 571-6972
E-Mail: laurie.walsh@waterboards.ca.gov

In order to comply with this requirement, a completed PNIR or similar form is submitted to the Regional Board with the following additional information:

- a) A description of why the incident occurred;
- b) How long the incident occurred including start and end dates and times; and
- c) Status on actions taken. If the problem has not been corrected the written report shall include the following:
 - i) How long the problem may continue
 - ii) Action plan to reduce, eliminate and prevent reoccurrence of the problem

A-10.2.5 Model Sewage Spill Response Procedures

While all spills to the municipal storm drain system are important and responses are often the same, sewage spills have merited special regulatory attention as coordination with other public agencies as well as private owners is often involved.

Although the protocols used in responding to any type of spill are essentially the same, in compliance with NPDES Permit's requirements, the County has developed and implemented the Model Sewage Spill Response Procedures to ensure that smaller sanitary sewer overflows (SSOs) are responded to in a timely and efficient manner. In addition, the County in coordination with the cities and sewer agencies/districts has implemented the Countywide Area Spill Control (CASC) program to respond, contain and recover wastewater from larger SSOs. The County will utilize these procedures when responding to sewage spills. Additional details of these methodologies are provided in **DAMP Section 10.2.5**.

The primary response procedures for sewage spills consist of the following elements:

- Record Keeping;
- Notifications and Response Requests;
- Response;
- Investigations;
- Clean-Up; and
- Reporting.

Current County ordinance requires that private sewer laterals and septic systems be designed



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

and operated in accordance with industry standards. The proper maintenance of these facilities in order to minimize possible spills, breakages, and failures is also required. The County will enforce these requirements if a spill from private property or source is, or cannot be, effectively remedied by the owner or other responsible party.

A-10.2.5.1 Record Keeping

To ensure that the necessary incident information is collected, the County uses the PNIR form as previously mentioned. In addition to the information that is collected on the PNIR form, the following pieces of information are collected when documenting a sewage spill:

- Information regarding whether a sewage spill entered a storm drain (i.e. where sewage is observed running into a drain, or directly to a receiving water, creek, channel, etc. or there is residual evidence thereof), including the location and name of the receiving water;
- Determination of spill start and stop time; and
- A determination of spill volume

A-10.2.5.2 Response

The County does not own or operate any public sewer collection facilities or systems so SSOs that occur within the County's unincorporated jurisdiction are handled in different ways depending on the location of the incident. Typically, SSOs that originate from main sewer lines are handled by the local sewer agency/district that provides service in the area. In many instances, the local sewer agency/district may also respond to private SSOs out of courtesy even though private spills within the unincorporated County would fall under the County's jurisdiction.

The Orange County Sanitation District has jurisdiction within the unincorporated North Tustin area, and is responsible for preventive and corrective sewer maintenance programs. This program consists of procedures and methodologies provided for the operation, maintenance, repair and replacement of sewer mains, manholes, and pump stations. The program provides for routine monitoring, inspection, cleaning, and related maintenance of all components of the municipal sanitary sewer system in order to reduce the potential of sanitary sewer overflows (SSOs) and structural failures.

When SSOs impact the municipal separate storm sewer system (MS4), the response may be a joint or shared responsibility between stormwater and waste water agencies. Regardless of where the spill originates, if the spill has entered or may enter the MS4, County Spill Responders will respond to assist with the cleanup and remediation of the area.

If not already completed upon arriving on scene, the discharge or release of sewage should be stopped and wastewater contained as close to the originating site as possible after the initial assessment has been completed. This is critical in preventing further contamination or degradation downstream and will ultimately result in an easier and less expensive cleanup effort. If the SSO is determined to be a large incident, the Responder may activate the



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

Countywide Area Spill Control (CASC) program as detailed in **DAMP Section 10.2.5.6**. The order of preference for the containment is:

- On-site at the point of origination;
- In the curb/gutter or street;
- In the catch basin;
- In the storm drain system; and
- In the channels/streams.

A-10.2.5.3 Clean-Up

The main objective in the clean-up operation is to restore the impacted area back to its original state (to the maximum extent practicable) and prevent further environmental degradation in the surrounding area of the incident. During this phase of the response, the Inspector or Responder is generally overseeing and directing the cleanup and should re-evaluate the resources necessary to perform the clean-up and ensure that they are being prepared and sent to the site.

The County will ensure that the general clean-up responsibilities outlined in **DAMP Section 10.2.5.4** are followed by the Inspector or Responder overseeing the clean-up.

A-10.2.5.4 Reporting

Sewage spill reporting to various regulatory agencies has parallel and overlapping requirements. However, reporting spills to one regulatory agency will not necessarily satisfy the requirements of the other. Therefore, the County reports to the following agencies:

Storm Drain Discharges

- Regional Board Notifications - If a spill, leak or illegal dumping is determined to pose a threat to human or environmental health the Permittees report this information to the Regional Boards by phone or e-mail within 24 hours of the discovery followed by a written report within 5 days. (See Section A-10.5.6 above). Note: ***Santa Ana Region Permit requirement:*** At a minimum, the Regional Board shall be notified of all sewage spills above 1,000 gallons.

Sewage Discharger Notifications

- Orange County Health Care Agency (HCA) - California Health and Safety Code Section 5411.5 requires that all sewage spills be immediately reported to the HCA 24-hours a day. During standard work hours (M-F, 8:00 a.m. to 5:00 p.m.) sewage spills that may impact beaches or the ocean should be called in by phone directly to Regulatory Health Services, Environmental Health, Ocean Water Protection Program staff personnel at (714) 433-6000. After hours reports for emergency spills can be phoned in through Sheriff Control One Communications.
- California Office of Emergency Services (CAL OES) - California Water Code Section 13271 and the CCR Section 2250 require that the State CAL OES be notified immediately of all sewage spills of 1,000 gallons or more from public sewer systems by telephone (800) 852-7550.



SECTION A-10, ILLEGAL DISCHARGES/ILLCIT CONNECTIONS

- Statewide Sanitary Sewer Systems Waste Discharge Requirements (SSS WDRs) WQO No. 2006-0003 requires that sewage dischargers immediately report all SSOs entering a storm drain, drainage channel, or surface water body to the Board by telephone, voice mail, e-mail, or FAX. Completed SSO Report Forms, or equivalent, for each and every overflow event must be submitted within five days of the initial notice. Full reports for each SSO occurrence including photos and mitigation measures must be submitted electronically to the RWQCB at the end of each month. Submittal of SSO Summary Reports and certification statements are also required 30 days following the spill report period.

A-10.2.5.5 Sewage Spill Response Planning

As mentioned above, the County participates and coordinates the CASC program to respond to SSOs. The County, cities and sewer agencies/districts as participants in the CASC program, maintain a cooperative partnership and a shared commitment to water quality protection by developing and implementing measures to prevent and respond to SSOs. One of the critical elements of the CASC Program is planning and preparation for incidents ahead of time. Additional details of sewage spill response planning within the CASC Program are provided in **DAMP Section 10.2.5.6**.

A-10.2.6 Illicit Connection Investigations

As part of the municipal stormwater program, the County of detects and eliminates illicit connections within its municipal storm drain system.

Any illicit connection identified by the County of during routine inspections is investigated. Appropriate actions are then taken to approve undocumented connections by permit procedure and/or pursue removal of those connections that are determined to be illicit connections and not permissible.

If evidence of an illegal discharge is detected and the source does not appear to be evident, a source investigation may be conducted as described in **Section A-10.2.7** and **DAMP Section 10.2.7** to determine if the discharge is being conveyed through an illicit connection.

A-10.2.7 Source Investigations

Source investigations may be conducted when an ID/IC is detected or suspected, and the source is not readily identifiable. The purpose of the investigation is to locate the source so that measures to eliminate the ID/IC can be implemented. Source investigations will be initiated when appropriate information suggests evidence of an ID/IC, including:

- Reports made by County staff, government agencies, or the general public
- Triggers established by the data from the water quality monitoring program
- Professional judgment of water quality monitoring personnel

In order to facilitate the determination of when source investigation studies are warranted, the Dry Weather Monitoring Program (**DAMP Section 11.0**) includes a set of criteria that will



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

trigger focused ID/IC studies by the County when the monitoring data indicate the presence of a problem.

When data from the routine Dry Weather Monitoring Program exceeds these criteria, an evaluation is needed to determine whether a follow-up investigation is necessary. For conditions that represent a clear and immediate risk to human health or receiving water quality then the Inspector will be notified immediately. This situation may require a hazardous materials response.

In instances, where the monitored site is near a jurisdictional boundary and the upstream drainage network for the site extends into a neighboring jurisdiction(s), all appropriate jurisdictions will be notified.

A-10.2.7.1 Tracking a Pollutant Upstream

Once the County Authorized Inspector is notified of the potential problem and it is determined that a source investigation is warranted, the approach used for tracking a pollutant source upstream or identifying an illicit connection will primarily involve the steps as outlined in the **DAMP Section 10.2.7** including:

- Step One - Initial Screening
- Step Two - Source Evaluations and Inspections
- Step Three - Monitoring
- Step Four - Document, Notify and Report

A-10.2.7.2 Documentation

Thorough and accurate documentation will be maintained by the Authorized Inspector throughout the investigation process to ensure that an accurate record is maintained and legal/evidentiary requirements are met. Documentation is also intended to ensure that the required regulatory reporting is completed, enforcement and cost recovery actions can be justified, repeat offenders and other areas of concern can be identified, program improvements can be made, and program effectiveness assessments can be prepared. Investigative documentation includes:

- Initial notification or investigation/response request
- The location and specific details about the complaint
- Information about the alleged responsible party
- The results of the investigation
- The actions that were taken as a result

Additional documentation may include interviews, photographs, samples, observation notes, and other information relevant to the investigation.



SECTION A-10, ILLEGAL DISCHARGES/ILLCIT CONNECTIONS

A-10.2.7.3 Elimination of ID/ICs

Depending on the type of ID/IC detected, the County will eliminate any discharge or connection by means of appropriate legal procedures. ID/ICs will be eliminated by contacting the appropriate supervisor who oversees the activities resulting in the discharge and notifying the individual of necessary actions.

The activities necessary will be directed by the Authorized Inspector. A deadline for correcting the infraction with the required activities will be provided by the Authorized Inspector. In the event that the Authorized Inspector determines that the individual responsible for the ID/IC is incapable of performing the actions by the compliance date, or if the individual chooses not to perform the activities, the County may conduct the necessary measures, and charge the resulting costs to the individual.

Follow-up will be conducted to ensure that abatement activities have been successfully and adequately implemented.

A-10.3 EDUCATION & ENFORCEMENT

A-10.3.1 Introduction

Enforcement activities within the County of Orange are undertaken according to the adopted Water Quality Ordinance and accompanying Enforcement Consistency Guide (**DAMP Exhibit 4.I**). Water pollution cases may be handled administratively or in more serious instances, be prepared for prosecution.

The County of Orange has formally designated staff responsible for carrying out the enforcement actions according to the Enforcement Consistency Guide and updates these designations every year as a part of Program Effectiveness Assessment.

The County generally utilizes four types of remedies including:

- Educational letters;
- Administrative Remedies - Notices of Noncompliance, Administrative Compliance Orders;
- Criminal Remedies - Misdemeanors, Infractions, Issuance of Citations; and
- Other civil or criminal remedies as appropriate

A-10.3.2 Choosing the Type of Enforcement

The Enforcement Consistency Guide provides a framework to the County for selecting the type of enforcement that should be pursued. Some of the factors that influence this decision include the duration and significance of the violation of threat, the cooperativeness and willingness of the responsible party to remedy the conditions, whether the incident is isolated or re-occurring and whether the violation or threat will affect or harm human health or the environment.



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

Although the discussion below provides some guidelines on the use of various enforcement tools, the Enforcement Consistency Guide is the primary document for the enforcement procedures and processes and is consulted when enforcement options are being considered or appeals of enforcement remedies are initiated.

A-10.3.2.1 Educational Letters

Although the County's authorized inspectors primarily rely on the administrative remedies as discussed below, there are still a few occasions when the use of an enforcement letter may be appropriate. These situations may occur when:

- A County authorized inspector believes that the water pollution complaint may be valid, but does not have evidence to substantiate it; and/or
- A second party, or resident, hires a contractor who causes an incident. In this case the contractor should receive the administrative remedy and the resident should receive an educational letter.

A-10.3.2.1 Administrative Remedies

The County generally utilizes two types of administrative remedies through its water quality ordinances, including:

- *Notice of Non-compliance* – This constitutes a request that the responsible party rectify the condition causing or threatening to cause non-compliance with the water quality ordinance. The Notice of Non-compliance may be issued when one or more of the following circumstances exist:
 - The violation or threat is not significant and has been short in duration;
 - The RP is cooperative and has indicated a willingness to remedy the conditions;
 - The violation or threat is an isolated incident;, or,
 - The violation or threat does not affect and will not harm human health or the environment

The Notice of Non-compliance typically provides the responsible party with a reasonable time period to correct the water quality ordinance violation before further proceedings are brought against them.

- *Administrative Compliance Order* – This enforcement tool is used by County authorized inspectors in the following circumstances:
 - An actual condition of non-compliance exists, but the condition cannot be remedied within a relatively short period of time; or,
 - The owner of the property or facility operator has indicated willingness to come into compliance by meeting milestones established in a reasonable schedule.



SECTION A-10, ILLEGAL DISCHARGES/ILLICIT CONNECTIONS

A-10.3.2.2 Criminal Remedies

Criminal enforcement is appropriate when evidence indicates that the responsible party has acted willfully with intent to cause, allow to continue, or conceal a discharge in violation of the water quality ordinance. For egregious incidents, the County's enforcing attorney (District Attorney) may elect to pursue misdemeanor charges when evidence indicates that the violator has acted willfully with intent to cause, allow to continue, or conceal a discharge in violation of the water quality ordinance.

A-10.3.2.3 Administrative Hearings

The ordinance provides for appeals of the Authorized Inspector's decisions to a designated Hearing Officer. The final decisions of Hearing Officers are appealable to the court with proper jurisdiction under statutory review procedures. For further information on the administrative hearing process, see the **Enforcement Consistency Guide, DAMP Exhibit 4.I**.

A-10.4 TRAINING

Education and training of staff is one of the keys to a successful stormwater program. This is especially true with the ID/IC Program because the County Authorized Inspectors will be in the public eye when conducting inspections, investigation efforts and proceeding with enforcement actions. To assist the County's staff in understanding the ID/IC Program, several different annual training sessions have been or are being developed (**DAMP Appendix B-10**).

A-10.4.1 Training Modules

In order to adequately address the different areas of the Illegal Discharge and Illicit Connection Program element, eight training modules have been developed and are included in **Appendix B-10**. The training modules, described in detail in **DAMP Section 10.4**, include: *Program Management Training- Introductory (Exhibit B-10.I-A)* *Program Management Training - Experienced (Exhibit B-10.I-B)* ; *Authorized Inspector Training - Introductory (Exhibit B-10.II-A)*; *Authorized Inspector Field Implementation (Exhibit B-10.II-B)* ; *Sewage Spill Response Training - Introductory (Exhibit B-10.III-A)* ; *"Hands-On" Sewage Spill Response Training - Experienced (Exhibit B-10.III-B)*; *Fire Department Activities (Exhibit B-10.IV)*; *Investigative Guidance Manual (Exhibit B-V)*. The modules will be substantially updated in 2010-11 to reflect the requirements of the Fourth Term MS4 Permits.

In addition to above training modules, staff is also encouraged to attend training seminars or workshops related to stormwater management and water quality conducted by other organizations.

A-10.4.2 Training Records

The County maintains records of training provided to staff. Training records are included in the Program Effectiveness Assessment.