

# MS4 Permit Compliance RESOLUTIONS



**FORMAL MECHANISMS TO SUPPORT  
SUCCESSFUL QUESTIONNAIRE COMPLETION**

# Four Resolutions



- ❖ **Resolution 12-29:** Prohibit Illegal Discharges
- ❖ **Resolution 12-30:** Authority to Enforce on Permit Violations
- ❖ **Resolution 12-31:** Establish Enforcement Penalties
- ❖ **Resolution 12-32:** Revise Stormwater Management Manual

# Resolution 12-29



- *Pollution Reduction thru IDDE, i.e. Prohibit Illegal Discharges*

- ❖ Identifies what is considered 'stormwater' and will not be pursued for enforcement by the Division or SEMSWA

- ❖ Everything else is considered 'illegal', and prohibited from discharge into SEMSWA's MS4 system

Allowed

Water line flushing  
Landscape irrigation  
Irrigation return flows  
Diverted streams  
Rising ground water  
Pumped ground water  
Roof drains  
Foundation drains

Allowed

Footing drains  
Crawl space sump pumps  
Air conditioning condensation  
Springs  
Individual residential car washes  
Riparian habitat  
Wetland flows  
Dechlorinated pools and hot tubs

## Resolution 12-29, *Pollution Reduction*, continued



- ❖ Language matches the Division's non-stormwater list of 'allowable' discharges (i.e. won't be enforced upon) and therefore can change with the Division's list without Board action
- ❖ Provides the basis for answering the question: "Where does it say I have to stop discharging?"
- ❖ Provides authorization for access to property to conduct an inspection
- ❖ Exhibit A provides relevant definitions to provide a uniformity of understanding of terms
- ❖ Provides the foundation for Resolution 12-30 that authorizes enforcement for an 'illegal' discharge

# Resolution 12-30



- *Authorization for Enforcement*

- ❖ Previously through City Ordinances that referenced Program Manuals: IDDE (P3); GESC (P4); Stormwater Management (SMM) (P5)
  - ❖ These manuals establish criteria and standards, and procedures for investigations into Permit violations
- ❖ Internal procedures for implementing enforcements for Permit violations have been prepared and reviewed/approved by legal counsel
- ❖ With this resolution, SEMSWA authorizes enforcement in a manner consistent with Resolution 12-31, *Establishment of Penalties for Enforcement Related to the CDPS MS4 Permit*

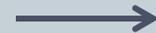
# Resolution 12-31



- *Establishment of Penalties for Enforcement*

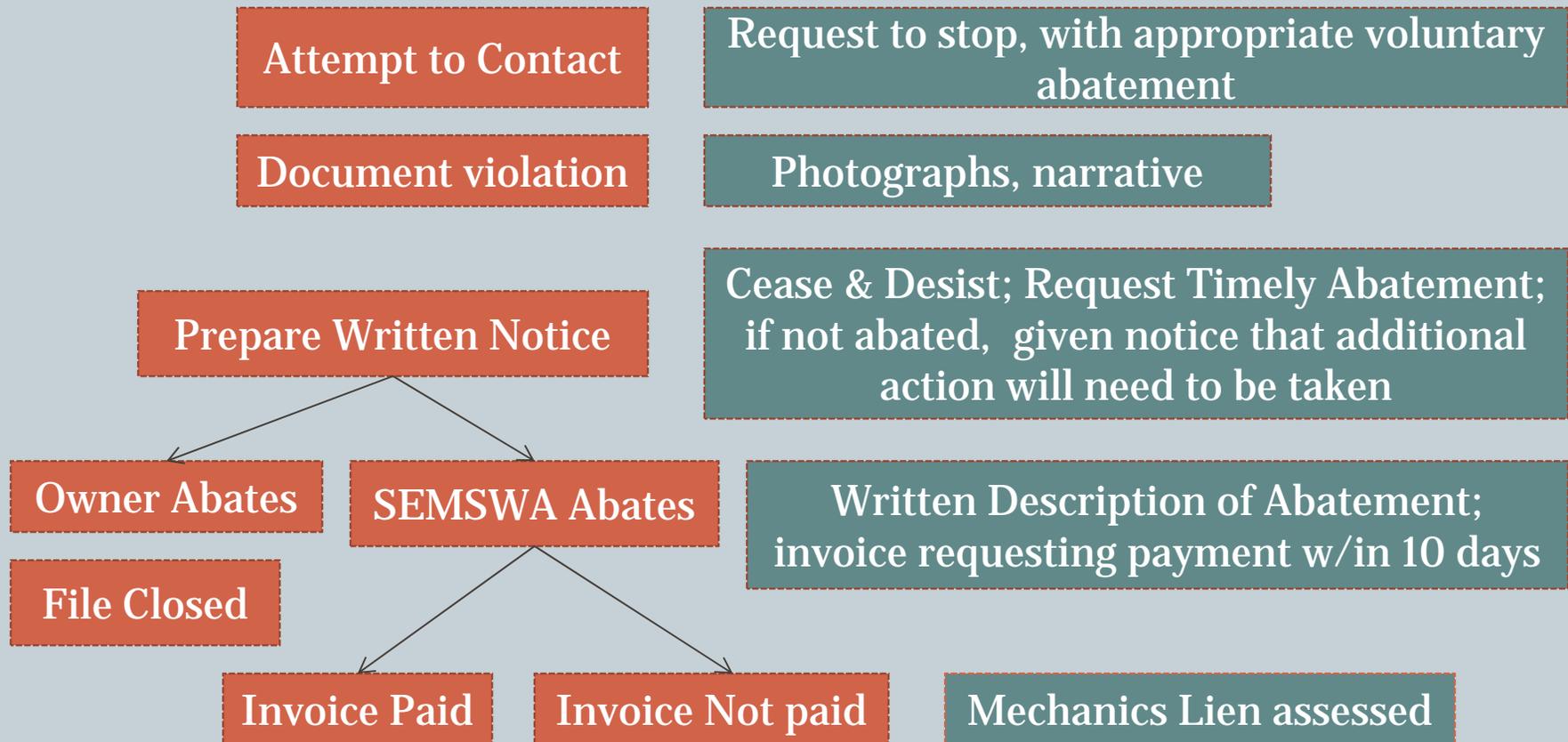
- ❖ Specific tools SEMSWA can use to 1) enforce standards and criteria in GESC Manual and SMM, and 2) eliminate an illicit discharge after an investigation per the IDDE Manual

- ❖ Several levels of enforcement or remedies to allow reasonable opportunities for non-compliant sites to be brought into compliance before formal enforcement procedures are taken



- Verbal Warnings
- Education Materials
- Permit Holds
- Revocation of Permits
- Pre-NOV
- NOV
- Stop Work Orders
- Compensatory Action
- Use of Collateral
- Abatement & Restitution
- Fines and Fees
- Judicial Relief

# Example Enforcement Flow Chart: Abatement



# SEMSWA Fine Schedule for IDDE



Fine Category	Classification	Fine
Level I	Minor Offense <sup>1</sup>	\$150
Level I (a)	Minor Offense <sup>1</sup>	\$300
Level II	Offense with Moderate Impacts <sup>2</sup>	\$500
Level III	Offense with Commercial Benefit <sup>3</sup> or Secondary Impacts <sup>4</sup>	\$1000
Level IV	Offense to Sensitive Areas <sup>5</sup> or with Required Mitigation <sup>6</sup>	\$2250
Level V	Offense with Severe Impacts <sup>7</sup>	\$10,000

<sup>1</sup>Minor Offenses in the Level I Fine Category can be defined as those discharges related to residential uses. Minor Impacts in the Level I(a) Fine Category are discharges not related to residential uses. Both Minor Offenses are non-hazardous with quantifiable, limited, and small discharges. Examples of minor Offenses are stockpiled landscape material or dirt that has been transported to the storm system.

<sup>2</sup>Moderate Impacts can be defined as discharges without specific flow limiting factors or those that require mitigation; however, the mitigation could be fulfilled in an expedited manner without the assistance of an Env. Contractor. Minor Offenses where the discharges continue to occur after an enforcement has been initiated through a Verbal Warning and/or and a Written Notification. Examples would be dumping oil into an inlet or dumping paint into an outfall.

<sup>3</sup>Commercial Benefits can be defined as discharges that likely occur for known financial savings as compared to proper and legal disposal methods. Examples would be cooking oil from a restaurant dumped into a storm sewer manhole or a tire repair shop dumping used tires in a drainageway.

<sup>4</sup>Secondary Impacts effect properties outside of the violator's ownership and/or that require mitigation outside of the discharger's property.

<sup>5</sup>Sensitive Areas can be defined as impaired waters, wetlands, or quantity and quality control facilities that require mitigation.

<sup>6</sup>Required Mitigation can be defined as discharges that result in consultant or third party environmental cleanup.

<sup>7</sup>Severe Impacts can be defined as toxic and/or hazardous discharges, typically knowingly discharged, into waters of the state with larger quantities of material typically ongoing or over a repeated period of time. These discharges result in calling in first responders for assistance.

# Resolution 12-32



- ***Amendment to Stormwater Management Manual***
  - Clarification in the SMM related to waivers, exemptions, and exclusions for post construction site program requirements
    - ✦ Removes waivers for post-construction water quality facilities
    - ✦ Staff provides assistance in providing water quality enhancement for all sites, i.e. all sites can provide some enhancement...
      - disconnecting downspouts from system and routing to an infiltration area/apparatus
      - Routing flows over a grassy area
      - Signage/educational component that promotes water quality

# Implementation SOPs



- Course of actions for enforcement as it relates to Program 3, 4 and 5 of the Permit
  - How we utilize enforcement tools on a day-to-day basis and what steps SEMSWA takes to maintain compliance with the Permit using standards and criteria in GESC Manual and SMM, and IDDE Manual procedures
- Legal Counsel has reviewed concept (approved) and will review final documents; Executive Director will review and approve the procedure parameters:

Example questions SOPs will answer:

When do we use a Stop Work Order?

How do we escalate a violation?

How do we classify a violation for penalties?

Who do we notify if an IDDE is reported?

What can we do in lieu of a penalty fine?

# Next Steps



- **By October 1<sup>st</sup>, Legal Counsel and Executive Director review and approve the Implementation procedure documents**
- **By October 15<sup>th</sup>, Questionnaire completed and submitted to the Division**
- **Continue to pursue City's IDDE Ordinance, with tentative schedule as follows:**
  - IDDE Ordinance to City for Legal Counsel Review 8/24
  - Early/mid September timeframe for 1<sup>st</sup> Reading
  - Early October timeframe for 2<sup>nd</sup> Reading

# Questions?

