

**MS4 PERMIT
MINIMUM
CONTROL
MEASURE**

#3

**ILLICIT DISCHARGE
DETECTION
AND ELIMINATION**



Illicit Discharge Detection and Elimination

Standard Operating Procedures (SOP) for Staff

The following procedures and policies are established in order to create a consistent method of identifying illicit discharges to the City storm sewer system, for responding to discharge or spill situations appropriately and to maintain records of activities related to IDDE incidents.

Excerpts from the City of Blaine IDDE ordinance are included at the end of this SOP to make staff familiar with what an illicit discharge or connection consists of, and to provide information to inform residents during inspections or enforcement actions.

Discovery of Illicit discharges or spills

1. Establish "hot-line" procedures (see appendix c-2 of EPA manual)
 - a. Phone calls to city hall
 - b. See, Click, Fix reports from city web site
 - c. Report from field staff and other city employees
2. Video tape storm sewer pipes
 - a. x% of system per year
3. Septic system inspections
 - a. are homeowner reports filed timely

Training and Pre-incident Preparation

1. Obtain training materials and set schedule
 - a. identify staff to be included;
 - b. Include review of safety measures
2. Obtain necessary field materials for all vehicles and/or staff
3. Establish city involvement – what can/will be done; cost to violator
4. Prevention campaign (see Chapter 9 of EPA manual)

Field Inspections

1. Staff will make observations during normal field operations and make note of discharges or connections to the storm sewer system that may be of an illicit nature.
 - a. Identify potential "hot spot" areas
 - i. Map complaints
 - ii. Perform a desktop assessment
 - b. Outfall inspections (map)

- c. Industrial areas
- 2. Dry weather inspections; look for:
 - a. Continuous or intermittent discharges
 - b. Odors, discolored water, materials that shouldn't be there
- 3. Grab sample if necessary (testing lab arrangement)
- 4. A written report/record will be made of the location of suspected illicit activity and will include a description of the activity. If possible, photos should be attached to the report. (see Appendix D of EPA manual)
- 5. Record in Track It

Response to Violation

1. Report Received:

- a. Staff must respond immediately
- b. A work order must be created immediately
 - 1. Contact information of person making the report
 - 2. Location of suspicious material or odor
 - 3. Time and date of observation
 - 4. Description of material
 - 5. Other required standard work order information
 - 6. All work orders for illicit discharges **must** be assigned immediately
- c. Report to Duty Officer, if required: (651-649-5451)
- d. Report to local authority
 - Police: emergency – 9-1-1
 - Non-emergency: 763-427-1212
 - Police offices: 763-785-6168
- e. Report to other agencies (County, MPCA, DNR, MDH, etc.) as necessary

2. Clean-up:

- a. Assess location, type of material and what resources are needed
- b. a clean-up crew should be dispatched immediately.
- c. Spill kits are located in _____ .
- d. Inlet protection should be placed in downstream storm sewer inlets immediately if spilled material could enter storm sewer system. Utilize the City's Storm Sewer System maps.
- e. If City crews/staff are not available, a contractor should be contacted to respond.

Enforcement Procedures

1. Determine responsible party
 - a. Name and contact info
 - c. Type of violation
 - d. Address of violation
 - e. Date and time of violation
3. Inform responsible party of illicit activity
4. Determine source of discharge
5. Determine repair/corrective action needed
6. Set deadline for correction
7. Schedule a follow up inspection
8. Determine if necessary correction has been made or if continued enforcement/legal action required
9. Determine if fees/fines apply
 - a. inform violator of amount;
 - b. assess payment.
10. Set proactive measures to prevent future illicit activities
11. Add details to the record:
 - a. what action(s) was taken,
 - b. by whom,
 - c. dates,
 - d. fine if any,
 - e. follow up requirements,
 - f. other, as determined.

City Ordinance Chapter 34 – Environment
Article XI: Stormwater
Division 5: Illicit Discharge Detection and Elimination

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Blaine through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the MS4 permit issued to the City of Blaine by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this division.

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the City of Blaine.

What the ordinance prohibits:

Sec. 34-568. - Discharge prohibitions.

(a)

Prohibition of illegal discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1)

The following discharges are exempt from discharge prohibitions established by this division: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.

a.

Discharge of swimming pools, crawl spaces, sump pumps, footing drains, and other sources that may be determined to contain sediment or other forms of pollutants may NOT be discharged directly to a gutter or storm sewer. This discharge must be allowed to flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City of Blaine.

(2)

Discharges or flow from firefighting, and other discharges specified in writing by the City of Blaine as being necessary to protect public health and safety.

(3)

Discharges associated with dye testing, however this activity requires a verbal notification to the City of Blaine prior to the time of the test.

(4)

The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b)

Prohibition of illicit connections.

(1)

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2)

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3)

A person is considered to be in violation of this division if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(4)

Improper connections in violation of this division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Blaine.

(5)

Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Blaine requiring that such locating be completed. Such notice will specify a

reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Blaine.

Property owner responsibilities:

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Discharges from swimming pools, sump pumps and similar activities shall not be pumped directly into the street, storm sewer and/or gutter. Discharge flow shall be directed across a grassy or vegetated area, away from the foundation of houses, for a reasonable distance before the flow of discharge enters the city facilities.

Right of entry

The City of Blaine shall be permitted to enter and inspect facilities subject to regulation under this division as often as may be necessary to determine compliance with this division.

Violations and penalties.

Any person violating any provision of this article is guilty of a misdemeanor.

(1)

Emergency cease and desist orders. When the City of Blaine finds that any person has violated, or continues to violate, any provision of this division, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Blaine may issue an order to the violator directing it immediately to cease and desist all such violations

(2)

Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this division may have their MS4 access terminated if such termination

would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.

(3)

Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this division is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.