

4. ILLICIT DISCHARGE DETECTION AND ELIMINATION

INTRODUCTION

This section describes the Program's planned tasks during FY 09-10 to assist Co-permittees in identifying and eliminating non-permissible non-storm water discharges associated with illegal dumping or illicit connections to the storm drain system. The planned tasks include Program efforts that are likely to be needed to assist the Co-permittees with compliance with the C.5. Provisions of the Municipal Regional Permit.

BACKGROUND

In December 1996, the Program developed the Illicit Connection and Illegal Dumping (ICID) Performance Standards to effectively prohibit the discharge of illicit, non-stormwater discharges to the municipal storm drain system by regularly inspecting storm drains and watercourses and correcting problems in a timely manner. The ICID Performance Standards were developed to meet an earlier permit requirement and were incorporated into the Program's *Urban Runoff Management Plan* (dated September 1, 1997). In October 2000, the performance standards were also updated to include conducting inspections and reporting the presence of stormwater infiltration devices (SWIDs); and reporting significant conditionally exempt **discharges that are not properly managed**.

In early 2001, the Program's Management Committee approved the formation of the ICID Reporting Ad hoc Task Group (ICID Reporting AHTG) to develop a Program-wide strategy to comply with the enhanced reporting requirements of the Program's newly adopted NPDES permit dated February 21, 2001. On September 7, 2001, the ICID Reporting AHTG recommended the adoption of Program-wide categories and enforcement actions developed by the ICID Reporting AHTG. These categories and procedures are described in the *Continuous Improvement of Illicit Connection/Illegal Dumping Reporting Technical Memorandum*. The Management Committee approved the memorandum as the Program's strategy to implement IC/ID reporting requirements (as required in Permit Provision C.6.a.ii). The memorandum was included as an attachment within the Program's *FY 00-01 Annual Report* and submitted to the Water Board on September 17, 2001. Each Co-permittee began implementing these procedures immediately thereafter. Implementation of the enhanced reporting requirements by the Co-permittees has been very successful as shown in the past six Program annual reports.

In accordance with the Program's *FY 04-05 Work Plan* submitted to the Water Board on March 1, 2004, the Program committed to updating the ICID Performance Standards during FY 04-05. The updates were essentially administrative (e.g., incorporating enhanced reporting requirements and results of Co-permittee evaluations) and were directed at modifying the Program's model ICID Performance Standards to reflect Management Committee direction and actual Co-permittee implementation. These administrative updates were provided to the ICID Reporting AHTG for review during January 2005. The Management Committee approved final updated performance standards on February 17, 2005.

The Municipal Regional Permit (MRP) will contain requirements for all six Phase 1 municipal stormwater (MS4s) programs in the San Francisco Bay Area. The draft MRP was released on December 4, 2007. It is anticipated that the revised draft MRP Tentative Order will be released in February 2009. Provision C.5. of the Tentative Order contains requirements for illicit discharge detection and elimination, including requirements for:

- Sufficient legal authority to fully implement an enforcement response plan;
- Development and implementation of an enforcement response plan;
- Spill and dumping response, complaint response, and frequency of inspections;
- Routine collection system screening to determine illicit discharges and illegal dumping;
- Making maps of the MS4 publicly available;
- Tracking and case follow-up of incidents;
- Illicit discharge control planning for the following year based on lessons learned; and
- Staff training.

PAST AND CURRENT ACTIVITIES RELATED TO ILLICIT DISCHARGE DETECTION AND ELIMINATION

Co-permittees continue to implement the ICID Performance Standards by responding to illicit discharges and illegal dumping incidents, conducting proactive investigations and initiating enforcement actions against responsible parties. In addition, Co-permittees continue to provide information on the origin of the report, source of incident, type of incident and enforcement actions for each ICID incident, as well as an evaluation of ICID program effectiveness, in their annual reports. To supplement individual Co-permittee ICID inspection data, Program staff prepares ICID summary tables for Co-permittee inspections that have occurred during a specific fiscal year. ICID summary tables have been included in each annual report since September 2002.

FY 09-10 IMPLEMENTATION TASKS

Table 4-1 presents the list of tasks that will be implemented in FY 09-10, their associated due dates, and the deliverables that will be completed for each task. These tasks include:

- Update the Program's Illicit Connection & Illegal Dumping Elimination Activities Performance Standards, as necessary.
- Continue to summarize Co-permittee reports of illicit discharge cases/investigations conducted, including types of violations and enforcement actions.
- Continue to maintain the Program database to include the most recent Co-permittee illicit discharge data.
- Continue to assist Co-permittees with evaluating and strengthening Enforcement Response Plans (ERPs), as needed.
- Continue to provide staff training on illicit discharge detection and elimination. Include training on quick and appropriate response, inspection procedures, enforcement actions, BMP implementation, local agency requirements and other inspection-related topics.
- Work with Co-permittees on standardizing inspection forms and data collection, data management, and reporting, once annual reporting requirements are defined for the MRP.

**Table 4-1
Schedule and Deliverables for FY 09-10 Illicit Discharge Detection and Elimination Tasks**

Tasks	Schedule	Deliverables
Update Illicit Connection & Illegal Dumping Elimination Activities Performance Standards		
<ul style="list-style-type: none"> Update the Program's Illicit Connection & Illegal Dumping Elimination Activities Performance Standards, as necessary. 	6/10	<ul style="list-style-type: none"> Updated Performance Standards
Create and Maintain ERP		
<ul style="list-style-type: none"> Continue to assist Co-permittees with evaluating and strengthening Enforcement Response Plans (ERPs), as needed. 	12/09	<ul style="list-style-type: none"> Model Enforcement Response Plan
Tracking and Case Follow-up		
<ul style="list-style-type: none"> Work with Co-permittees on standardizing inspection forms and data collection, data management, and reporting, once annual reporting requirements are defined for the MRP. Continue to summarize Co-permittee reports of illicit discharge cases/investigations conducted, including types of violations and enforcement actions. Continue to maintain the Program database to include most recent Co-permittee illicit discharge data 	6/10 Ongoing- FY 08-09 Annual Report and future ARs Ongoing	<ul style="list-style-type: none"> Standard inspection form, model database fields, annual report guidance Guidance on data collection and submittal for inclusion in Annual Report Up-to-date Program database
Inspector Training		
<ul style="list-style-type: none"> Continue to provide staff training on illicit discharge detection and elimination. Include training on quick and appropriate response, inspection procedures, enforcement actions, BMP implementation, local agency requirements and other inspection-related topics. 	6/10	<ul style="list-style-type: none"> Guidance materials, workshop