

## **A-10.0 ILLEGAL DISCHARGES/ILLICIT CONNECTIONS COMPONENT**

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

1. **Section A-10.1**, Program Summary
2. **Section A-10.2**, Illegal Discharges/Illicit Connections Program
3. **Section A-10.3**, Education and Enforcement
4. **Section A-10.4**, Training and Outreach

### **A-10.1 PROGRAM SUMMARY**

Since illegal discharges and illicit connections (ID/ICs) are potential significant sources of pollutants for the municipal storm drain system, the City is implementing a comprehensive program for detecting, responding to, investigating and eliminating ID/ICs in an efficient and timely manner.

#### A-10.1.1 Program Overview

The ID/IC Program provides guidance for City 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 F.4 of the San Diego Order, Section VII of the Santa Ana Order, and **DAMP Section 10.0**.

## **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 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 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.

#### ***Roles and Responsibilities***

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

##### *Authorized Inspectors*

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

Contact Name: Devin Slaven  
Title: Water Quality Specialist  
Telephone: 949-461-3436

Contact Name: Jerry Beaudoin  
Title: Water Quality Inspector  
Telephone: 714-955-0248

Contact Name: Joe Vaughan  
Title: Water Quality Inspector  
Telephone: 714-955-0340

Contact Name: Rudy Contreras  
Title: Water Quality Inspector/Landscape Maintenance Inspector  
Telephone: 949-461-3416

*Spill Responder*

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

Contact Name: Devin Slaven  
Title: Water Quality Specialist  
Telephone: 949-461-3436

Contact Name: Jerry Beaudoin  
Title: Water Quality Inspector  
Telephone: 714-955-0248

Contact Name: Joe Vaughan  
Title: Water Quality Inspector  
Telephone: 714-955-0340

Contact Name: Rudy Contreras  
Title: Water Quality Inspector/Landscape Maintenance Inspector  
Telephone: 949-461-3416

*Enforcing Attorney*

The Enforcing Attorney is the City Attorney acting as counsel for the Permittee, and their appointee. For purposes of criminal prosecution, the City Attorney or the District Attorney or designee should act as the Enforcing Attorney.

For a more detailed discussion regarding the primary roles and responsibilities, the City of Lake Forest Water Quality Management Ordinance (**Section A-4**), Enforcement Consistency Guide (**DAMP Section 4.0, Exhibit 4.I**), and/or the Model Investigative Guidance Manual (**DAMP Section 10, Exhibit 10.I**) should be referenced.

Although the City is responsible for responding to water pollution complaints and incidents within its jurisdiction, the City has available resources to implement the spill response and Ordinance enforcement portions of the stormwater program. The City provides in-house response to Ordinance violations and spill incidents and after hours or augmented technical responses can also be facilitated through a Water Quality Ordinance Implementation Agreement with the Orange County Flood Control District (OCFCD).

A-10.2.3 Detection and Elimination of Illegal Discharges

The City of has a number of programs that facilitate the proactive detection of sources of illegal discharges and illicit connections. These programs include the following:

- 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 maintenance of a drainage facility, a field inspector will report any dumped materials and/or undocumented connections to the NPDES representative.

- Public Education (**DAMP Section A-6**) – assists with the distribution of public education materials that provide phone numbers and encourage the reporting of spills.
- Construction Activities (**DAMP Section A-8**) - assists with 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 industrial, commercial and residential areas.
- Water Quality Monitoring Program (**DAMP Section A-11**) – assists with the identification of problem areas through the collection of water quality data.
- Active participation in the Orange County Hazardous Materials Strike Force.
- Encourage the public to report water pollution problems to the 24-Hour Water Pollution Reporting Hotline at (877)-89-SPILL.

### A-10.2.4 Model Spill Response Procedures

In addition to the proactive detection and elimination of threatened or occurring discharges, a large portion of the City of ID/IC Program is responding to water pollution complaints and incidents.

While all spills to 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; for this reason sewage spill response procedures are covered separately in **Section A-10.2.5**.

The 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
- Education and Enforcement
- Program Effectiveness Evaluation

The Investigative Guidance Manual (Manual) (**Exhibit 10.I**) was developed for the Authorized Inspectors to specifically address the investigative portion of an ID/IC response. The Manual outlines the fundamental techniques that should be followed during investigations in order to collect legally defensible data. The Manual addresses record keeping, site entry, interviewing, photographs, sample collection, and report writing.

#### 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 City of Lake Forest uses a Pollution Notification and Investigation Request (PNIR) form (**Exhibit A-10.I**)

This form collects information on the:

- 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 initial entry of the information on the PNIR or related form, the information is entered into a database so that the data can be analyzed and future enforcement activities focused on either problematic responsible parties, locations or constituents. In addition, the use of the database allows the city to accurately provide the information that is necessary for the annual progress reports.

#### A-10.2.4.2 Notifications and Response Requests

In order to have a successful ID/IC program, the City of needs to obtain information about potential or existing complaints and spills as soon as possible so that the problem can be mitigated as quickly as possible.

In order to facilitate the reporting of problems by the general public, the city advertises the the 24-Hour Water Pollution Reporting Hotline number (877-89-SPILL), and the City's webpage, ([www.lakeforestca.gov](http://www.lakeforestca.gov)) on all of the public education brochures and posters.

In addition, the County's 24 hour hotline number and web address are included 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 city 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.

#### A-10.2.4.3 Response

After receiving a notification of a water pollution problem or spill, the City of Lake Forest dispatches an Authorized Inspector and/or refers the complaint to the OCFCD's Authorized Inspector. Each complaint or spill is 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;
- Notifications; and
- Containment.

After conducting an on-scene assessment, several notifications may be necessary.

Notifications may include:

- 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 Authorized Inspector will try to determine why the incident occurred and whether the discharge or release was deliberate or accidental and 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 collection of samples, photographic documentation, interviews and/or an incident report, per **DAMP Section 10.2.4.5**.

The *Investigative Guidance Manual* (Manual) (**DAMP Section 10 Exhibit 10.I**) was developed for the Authorized Inspectors to specifically address the investigative portion of an ID/IC response. The Manual outlines the fundamental techniques that should be followed during investigations in order to collect legally defensible data. The Manual addresses record keeping, site entry, interviewing, photographs, sample collection, and report writing.

#### 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 in the surrounding area of the incident. It is important that the clean-up is completed in a timely and cost-effective manner.

During this phase of the response, the Inspector /Spill 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 general responsibilities are:

- 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..

The Authorized Inspector may also deliver to the owner or occupant of any property, or any other Person who becomes subject to an Administrative Remedy such as a Notice of Violation or Administrative Compliance Order, and an Invoice for Costs. An Invoice for Costs is immediately due and payable to the City of for the actual costs incurred by the City in responding to, overseeing the clean up of and issuing and enforcing any notice or order.

#### 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 that are followed, the City implements the procedures that are outlined in **DAMP Section 10.2.4.6**.

#### A-10.2.4.6 Reporting

The ID/IC program has a number of reporting requirements. The requirements include:

- 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 dumping 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.

All discharges of non-stormwater that are prohibited within the San Diego Order must be reported to the San Diego Regional Board. At a minimum the items that are reported to the Santa Ana Regional Board include:

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- 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
- Hazardous substance spills where residents are evacuated.

The verbal notifications are submitted within 24 hours to:

- Mark Smythe  
Santa Ana Regional Water Quality Control Board  
Telephone: (951) 782-4998  
E-Mail: [msmythe@waterboards.ca.gov](mailto:msmythe@waterboards.ca.gov)
- James Smith  
San Diego Regional Water Quality Control Board  
Telephone: (858) 467-2732  
E-Mail: [jsmith@waterboards.ca.gov](mailto:jsmith@waterboards.ca.gov)

Key pieces of information that should be included with the verbal 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:

- Mark Smythe  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501
- James Smith  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego Ca 92123-4340  
Fax: (858) 571-6972

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/how 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 should 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.

While the protocols used in responding to any type of spill are essentially the same, the City of Lake Forest has developed and submitted an Overflow Emergency Response Plan to ensure that sanitary sewer overflows are responded to in a timely and efficient manner.

The city will utilize this Plan when responding to sewage spills.

The protocols used in responding to other types of spills are similar; however, the specific differences for sewage spills are described within this section.

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

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

The Lake Forest Municipal Code (LFMC) requires that private sewer laterals and septic systems be designed and operated in accordance with industry standards. The LFMC also requires the proper maintenance of these facilities in order to minimize possible spills, breakages, and failures. The City may 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 information is collected, the City of Lake Forest uses a PNIR form (**Exhibit A-10.I**).

In addition to the information that is collected on the PNIR form, the following pieces of information should be 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

Although there are instances where the municipal storm drain and sanitary sewage collection systems are under the same public agency (City) ownership, there are also many situations where the jurisdictions are not the same, as is the case with the City. The City of Lake Forest does not own, operate or maintain any sanitary sewer facilities. Therefore, responding to overflows that reach the municipal storm drain system is, in these instances, a joint or shared responsibility of both (stormwater and waste water) Permittees.

There are several water districts that own, operate and maintain sanitary sewer facilities within the City's boundaries and are responsible for preventive and corrective sewer maintenance programs. These special districts include the Irvine Ranch Water District, El Toro Water District, Trabuco Canyon Water District, and Santa Margarita Water District. The water district programs consists of procedures and methodologies provided for the operation, maintenance, repair and replacement of sewer mains, manholes, and pump stations, etc. 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.

Regardless of where the spill originates, if the spill has entered or may enter the storm drain system the Permittees 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 discontinued and 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.

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 Authorized Inspector/Spill 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 City of Lake Forest ensures that the general clean-up responsibilities outlined in **DAMP Section 10.2.5.4** are followed by Authorized Inspectors 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 City of 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). At a minimum, the Santa Ana Regional Board shall be notified of all sewage spills above 1,000 gallons.

##### Sewage Discharger Notifications

- Orange County Health Care Agency (OCHCA) - California Health and Safety Code Section 5411.5 requires that all sewage spills be immediately reported to the OCHCA 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 the County Communications number (714) 628-7008.
- State Office of Emergency Services (OES) - California Water Code Section 13271 and the CCR Section 2250 require that the State OES be notified immediately of all sewage spills of 1,000 gallons or more from public sewer systems by telephone (800) 852-7550.

##### Reporting requirements for other response agencies

- Santa Ana Regional Board - Order No. 2002-0014 requires that sewage dischargers such as water districts, 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 Regional Board at the end of each month. Submittal of SSO Summary Reports and certification statements are also required 30 days following the spill report period.
- San Diego Regional Board - Order No. 96-50 requires that sewage dischargers, such as water districts, report spills of at least 1,000 gallons, or to surface waters (all, of any volume), within 24-hours by FAX or telephone. In all instances the discharger must fax a SSO Report Form to the Regional Board within five days of the spill. The completed SSO Form must also be faxed to the Department of Health Services (DHS). A quarterly report of all sanitary sewer spills, including those not meeting the criteria stated above, must be submitted electronically to the Regional Board.

#### A-10.2.5.5 Sewage Spill Response Planning

The City of Lake Forest also participates in the Countywide Area Spill Control (CASC) Program as described **DAMP Section 10.2.5.6**.

#### A-10.2.6 Illicit Connection Investigations

As part of the municipal stormwater program, the City maintains efforts to detect and eliminate illicit connections within its municipal storm drain system.

Any illicit connection identified by the City 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** below, 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 City 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 trigger focused ID/IC studies by the City when the monitoring data indicate the presence of a problem.

When data from the routine Dry Weather Monitoring Program exceeds these criteria, this triggers a consideration that follow-up investigations are necessary. With this trigger, the County Dry Weather Monitoring Program will have identified a stormdrain that exceeded the criteria, and the City will be notified that a follow-up ID/IC investigation may be necessary. For extreme conditions that represent a clear and immediate risk to human health or receiving water quality then the appropriate 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 are notified.

#### A-10.2.7.1 Tracking a Pollutant Upstream

Once the 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 is maintained by Authorized Inspectors 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 should include:

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.

#### A-10.2.7.3 Elimination of ID/ICs

Depending on the type of ID/IC detected, the City 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 necessary corrections will be overseen by the **Authorized Inspector**. Compliance deadlines for corrective actions will be established by the Authorized Inspector through an administrative enforcement mechanism. In the event that the Inspector determines that the Responsible Party for the ID/IC is incapable of performing the actions by the compliance date, or if the Responsible Party chooses not to perform the activities, the City may conduct the necessary abatement measures, and seek to recover the costs. Follow-up will be conducted to ensure that abatement activities have been successfully and adequately completed.

### **A-10.3 Education and Enforcement**

#### A-10.3.1 Introduction

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

The City of has formally designated the staff responsible for carrying out the enforcement services according to the Enforcement Consistency Guide and reviews and updates these designations each year as a part of the Annual Program Effectiveness Assessment, as needed.

The City of generally utilizes four types of remedies including:

- Educational letters;
- Administrative Remedies - Notices of Violations, Administrative Compliance Orders, Cease and Desist Orders;
- Criminal Remedies – Misdemeanors, Infractions,; and
- Other civil or criminal remedies as appropriate

#### A-10.3.2 Choosing the Type of Enforcement

The Enforcement Consistency Guide and the City's procedures provide a framework to the Authorized Inspectors 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.

In order to promote and maintain consistency throughout the County, City of staff use the Enforcement Options Diagram along with the Enforcement Options Matrix to assist them in determining which type of enforcement action should be used for any given incident.

The Enforcement Options Matrix

- Identifies common types of complaints and violations;
- Identifies a range of initial and follow up responses;
- Defines a range of enforcement actions based on the nature and severity of the violations; and
- Designates personnel responsible for administering each of these responses.

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 Authorized Inspectors primarily rely on the administrative remedies as discussed below, there are still a few occasions when the City may use educational letters. For example, this may be warranted when an Authorized Inspector believes that the water pollution complaint may be valid, but does not have evidence to substantiate it.

Educational brochures, pamphlets, posters, magnets, etc. can be included in the letter so that the responsible party has additional information regarding the proper handling/disposal of materials or issues relative to the complaint (e.g. pool water, concrete, dog waste, etc.).

Examples of the types of educational materials that are distributed include the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Carpet Cleaners           | <input type="checkbox"/> Mobile Car Wash               |
| <input type="checkbox"/> Restaurant Cleaning       | <input type="checkbox"/> Pool Maintenance              |
| <input type="checkbox"/> Automotive Service Center | <input type="checkbox"/> Waste Oil Collection          |
| <input type="checkbox"/> Gas Station               | <input type="checkbox"/> Pest Control Products         |
| <input type="checkbox"/> Horse and Livestock       | <input type="checkbox"/> Permitted Lot and Pool Drains |
| <input type="checkbox"/> Dog Waste                 | <input type="checkbox"/> Car Wash Fundraisers          |

#### A-10.3.2.1 Administrative Remedies

The City of generally utilizes four types of administrative remedies (**Exhibit A-10.I**) including:

- Notices of Violation – This serves as a notification that the Responsible Party is in violation of the LFMC, and the violations are documented and will be maintained in City records. Additionally, the Responsible Party must correct the condition causing or threatening to cause a violation of the LFMC.
- Administrative Compliance Orders – This serves as a notice of violation and contains specific minimum orders/directives to correct the violation and achieve compliance. Sometimes the orders may contain certain milestones to be met within a certain schedule
- Cease and Desist Orders – This serves as a notice of violation and specifies immediate action by the Responsible Party to stop an existing discharge, and take appropriate actions to immediately abate the nuisance conditions.
- Other Administrative Procedures or Civil Actions
  - Where the City has issued a local permit, the Authorized Inspector may elect to initiate administrative actions to suspend, revoke or modify the permit.
  - In collaboration with the Enforcing Attorney, the Authorized Inspector may also consider and seek the use of an injunction or other civil enforcement proceedings.

#### A-10.3.2.2 Criminal Remedies

Criminal enforcement may be appropriate when evidence indicates that the responsible party has acted willfully with intent to cause, allow to continue, or conceal a discharge or violation of the LFMC.

- **Infractions** - At the discretion of the Enforcing Attorney, misdemeanor acts may be treated as infractions. Factors that the Enforcing Attorney may use in determining whether the misdemeanor is more appropriately treated as an infraction may include:
  - The duration of the violation or threatened violation
  - The compliance history of the person, business or entity
  - The effort made to comply with an established compliance schedule
  - The existence of prior enforcement actions
  - The actual harm to human health or the environment from the violation
- **Misdemeanors** - Criminal enforcement may be appropriate when evidence indicates that the violator/Responsible Party has acted willfully with intent to cause, allow to continue or conceal a discharge or violation of the LFMC.

#### A-10.3.2.3 Administrative Hearings

The ordinance provides for appeals of administrative enforcement to a designated Hearing Officer. The final decisions of Hearing Officers are appealable to a court with proper jurisdiction under statutory review procedures. For further information on the administrative hearing process, see the Enforcement Consistency Guide.

### **A-10.4 Training**

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

In addition to Permittee sponsored training, staff is also encouraged to attend training seminars or workshops related to stormwater management and water quality conducted by other organizations. Required training for municipal employees is included in **Table A-3.2** of this LIP.

#### 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 Permits.*

# Exhibit A-10.I

## Enforcement Forms





Citation No. 1734

**CITY OF LAKE FOREST  
NOTICE OF VIOLATION/ADMINISTRATIVE COMPLIANCE ORDER**

Lake Forest City Hall  
25550 Commercentre Drive, Suite 100  
Lake Forest, CA 92630  
Tel. (949) 461-3400

Date Order Issued:	Date Violation Observed:	Time of Violation: AM / PM	Day of Week:
Location of Violation (Address/Point(s) of Discharge):			
Issuing Officer:	Department:	Citation Served by: <input type="checkbox"/> mail <input type="checkbox"/> personal service <input type="checkbox"/> post on property	
Citation Issued to: Last	First	Middle	Identification/Driver's License:
Title/Relationship to the Violation (ex: Property Owner, Tenant, Contractor...):			
Business Name (if applicable):		NPDES Permit Number (if applicable):	
Mailing Address (if different from above):		City/State:	Zip: Phone Number:

**VIOLATION CATEGORIES AND FINE AMOUNTS**

- Failure/refusal to provide the City with information required by Chapter 15.14 of the Lake Forest Municipal Code  
 Fine amount: \$ \_\_\_\_\_
- Failure/refusal to Implement Best Management Practices required by Chapter 15.14 of the Lake Forest Municipal Code  
 Fine amount: \$ \_\_\_\_\_
- Violation of Section 15.14.030 of the Lake Forest Municipal Code (Illegal discharges/Illicit connections)  
 Fine amount: \$ \_\_\_\_\_
- Failure/refusal to timely comply with Previously issued Citation # \_\_\_\_\_  
 Fine amount: \$ \_\_\_\_\_

Conditions Observed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- NOTICE OF VIOLATION:** If this box is checked, you must correct the violation described above by \_\_\_\_ / \_\_\_\_ /20 \_\_\_\_, and you are ordered to take the remedial action(s) described below. Continued noncompliance may result in civil, criminal, or administrative enforcement actions against the owner and/or occupant.
- CEASE AND DESIST ORDER:** If this box is checked, you must immediately cease any and all activities contributing to the above noted violations and clean up the area affected by the violation.
- ADMINISTRATIVE COMPLIANCE ORDER AND PENALTIES:** If this box is checked, you are ordered to pay a fine in the amount of \$ \_\_\_\_\_, in addition to meeting the required corrective actions described below.

To correct the violation(s), you must: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Without admitting guilt, I acknowledge that I have received this citation.

Signature \_\_\_\_\_

Date \_\_\_\_\_

The law requires that you take steps to either: (1) **COMPLY** with this citation; or (2) **CONTEST** the issuance of this citation. To **COMPLY** with this citation, correct the violation and pay any required fine. To **CONTEST** this citation, follow the procedures listed on the reverse side of this citation.