

Town of Erie

Illicit Discharge Detection Elimination and Enforcement Plan

**TO THE STORM DRAINAGE SYSTEM
TO PROTECT WATER QUALITY**

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Table of Contents

SECTION 1.	INTRODUCTION.....	3
SECTION 2.	PURPOSE/INTENT.....	3
2.1	Municipal Code.....	3
SECTION 3.	PROHIBITED DISCHARGES.....	4
3.1	Illicit Discharges.....	4
3.2	Non-Stormwater Discharges.....	4
SECTION 4.	LOCATION OF PRIORITY AREAS.....	5
4.1	Field Inspections.....	5
4.2	Field Investigations.....	5
4.3	Area Prioritization.....	6
SECTION 5.	TRACING SOURCES OF ILLICIT DISCHARGES.....	6
5.1	Sewer Dye Testing Procedure.....	7
5.2	Smoke Testing Procedures.....	7
5.3	Source Investigation.....	8
SECTION 6.	REMOVAL OF ILLICIT DISCHARGES.....	10
6.1	Enforcement.....	10
SECTION 7.	EDUCATION AND OUTREACH.....	13
SECTION 8.	ANNUAL REPORTING.....	13
SECTION 9.	FORMS AND DISCHARGE DOCUMENTATION.....	13
9.1	Appendices.....	13
	APPENDIX I: EPA Regulatory Text/State Guidance.....	14
	APPENDIX II: Municipal Code Title 8 Chapter 4.....	15
	APPENDIX III: Spill Enforcement and Response Procedures.....	27
	APPENDIX IV: Illicit Discharge Reporting Form.....	41
	APPENDIX V: Prohibited Discharges.....	42
	APPENDIX VI: Discharges, Impacts and Sampling Information.....	43

Plan FOR
Illicit Discharge Detection Elimination and Enforcement
TO THE STORM DRAINAGE SYSTEM
TO PROTECT WATER QUALITY

SECTION 1. INTRODUCTION.

This Plan shall be known as the Town of Erie Illicit Discharge Detection Elimination and Enforcement Plan (IDDEE) and may be so cited.

SECTION 2. PURPOSE/INTENT.

The intent of this plan is to identify procedures for:

- Location of priority areas likely to have illicit discharges
- Tracing of sources of illicit discharges
- Removing the source of illicit discharges.
- Enforcement measures to ensure compliance.

All activities will be conducted in a manner pursuant to and consistent with the Federal Clean Water Act and any applicable State and local regulations to the maximum extent practicable (MEP).

As mandated in regulation CCR 61.8(11)(a)(ii)(C) this plan has been created for the municipal separate storm sewer system (MS4) within the Town of Erie to identify, track, and remove illicit discharges to the MS4.

2.1 Municipal Code

The Town of Erie Municipal Code Title 8 Chapter 4 - Illicit Discharges and Stormwater Quality Permit Requirements, gives the Town of Erie the legal authority:

- 2.1.a To regulate the introduction of pollutants to the municipal separate storm sewer system (MS4);
- 2.1.b To prohibit illicit connections and discharges to the MS4;
- 2.1.c To provide for inspection and monitoring procedures necessary to ensure compliance;
- 2.1.d To reduce pollutants in storm water discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land;
- 2.1.e To require permanent storm water runoff controls to be constructed along with development to reduce, to the maximum extent practicable, the deterioration of water quality; and

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- 2.1.f To promote public awareness of the hazards involved in the improper discharge of pollutants into the storm drainage system.

SECTION 3. PROHIBITED DISCHARGES.

Prohibited discharges to MS4s include, but are not limited to:
(From *Colorado's Phase II Municipal Guidance*, CDPHE, and October 2001)

3.1 Illicit Discharges

3.1.a Sanitary wastewater sources such as:

- Sanitary wastewater (usually untreated) from improper sewerage connections, exfiltration, or leakage
- Effluent from improperly operating or improperly designed septic tanks
- Overflows of sanitary sewerage systems

3.1.b Automobile maintenance and operation sources such as:

- Commercial car wash wastewaters
- Radiator flushing wastewaters
- Engine degreasing wastes
- Improper oil disposal
- Leaky underground storage tanks

3.1.c Landscape irrigation sources such as:

- Direct spraying of fertilizers, pesticides or herbicides onto impervious surfaces
- Over-application of fertilizers, pesticides or herbicides onto landscaping

3.1.d Other sources such as:

- Laundry wastes
- Non-contact cooling waters
- Metal plating baths
- Washing of concrete ready-mix trucks
- Contaminated sump pump discharges
- Improper disposal of household toxic wastes
- Spills from roadway and other accidents
- Chemical, hazardous materials, garbage, and sanitary sludge landfills and disposal sites

3.2 Non-Stormwater Discharges

Under the Phase II Stormwater regulations, there are only two types of discharges to an MS4 that are not composed entirely of stormwater that are allowable and do not need to be addressed by a Phase II permittee: discharges pursuant to an NPDES (CDPS) permit, and discharges due to fire fighting activities. There are also certain non-stormwater discharges, when properly managed, are allowed to be discharged into an MS4. These non-stormwater discharges include:

- Landscape irrigation
- Lawn watering
- Diverted stream flows

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- Irrigation return flow
 - Rising ground waters
 - Uncontaminated ground water infiltration {as defined at 40 CFR 35.2005(20)}
 - Uncontaminated pumped ground water
 - Springs
 - Flows from riparian habitats and wetlands
 - Water line flushing
 - Discharges from potable water sources
 - Foundation drains
 - Air conditioning condensation
 - Water from crawl space pumps
 - Footing drains
 - Individual residential car washing
 - Dechlorinated swimming pool discharges
 - Street wash water

The Town of Erie has developed this plan, in part, to identify priority areas for illicit discharges. Some of the methods to be utilized in this identification process are listed below and will be conducted by Town of Erie employees.

SECTION 4. LOCATION OF PRIORITY AREAS

4.1 Field Inspections

A field inspection of storm sewer inlets and outfall locations will be performed as a minimum of every 4 years to verify and update existing maps, and to identify priority areas for field investigations. Field inspections generally include the following basic steps:

- Inspect storm inlets and outfalls to receiving waters;
- Note the locations of on existing map, indicate if updates are required.
- Fill out an inspection sheet for each inlet and outfall, noting characteristics such as dry weather discharge, and debris or stains.

If staining or debris is discovered during the field inspection, or if a complaint regarding an illicit discharge is made, a follow up field investigation and/or cleaning will be scheduled.

4.2 Field Investigations

Field investigations include general observations of outfalls prompting suspected illicit discharges. Field investigations may include the following activities and observations as deemed practicable by Town of Erie.

1. Smoke or dye testing for detection of suspected illicit connections to storm sewer systems
2. Water quality sampling at outfalls near suspected or repeat offenders (high priority sites)
3. Investigative sampling at suspect outfalls to determine potential sources when practicable
4. Evaluating water samples (visual description and/or chemical/biological testing)

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5. Evaluating samples for discharges from leaking septic systems (E. coli tests)
 6. Internal review of past illicit discharge offenses and Town of Erie notifications
 7. Performing follow-up inspections of suspect outfalls
 8. Discoloration of discharges
 9. Noticeable odors at outfalls
 10. Biological indicators (fish kill, plant mortality, algal blooms, etc.)
 11. Sheen or film on water surface
 12. Visual screening during dry weather (no less than 72 hours after the last rain fall of 0.10 inches or more)
 13. Identification of areas of widespread septic system failure
 14. Complaint follow-up

4.3 Area Prioritization

Based on field inspections, and land use areas more prone than others to illicit discharges, town staff will prioritize areas for follow-up inspections.

Prioritization areas include

1. Historic Erie, due to mature trees and businesses in the area
2. Austin Industrial Park, due to the industrial businesses in the area
3. Erie Commons Filing 3, due to the businesses in the area
4. Vista Ridge Filing 11, due to the businesses in the area
5. Coal Creek Center, due to the businesses in the area
6. Arapahoe Ridge Filing 3, due to the businesses in the area

SECTION 5. TRACING SOURCES OF ILLICIT DISCHARGES

Town of Erie employees will also be tracing the sources of detected illicit discharges. Some of the methods to be included in this source location are listed below.

1. Use of storm sewer outfall maps to trace suspected discharges to a point of origin
2. Use of water quality data to determine potential household or industrial sources of detected chemicals, and trace them upstream.
3. On-the-ground physical investigation of outfalls and storm sewer inputs for evidence of prohibited discharges (discoloration of ground, odors, leaky containers, flowing water during dry periods, etc.)

Once an illicit discharge has occurred, various methods will be used to ascertain its source. Below is a list of technologies that may be incorporated in the Town of Erie's Illicit Discharge Detection and Elimination Plan:

- Conducting dye-testing to delineate potential source areas;
- Conducting smoke tests to delineate potential source areas;
- Collecting samples of the discharge and of potential sources of the discharge, and comparing the chemical analysis results; and
- Using TV or video cameras to inspect storm sewers.

5.1 Sewer Dye Testing Procedure

Sewer dye testing is used to study the flow or migration of water from one area to another. Tests are to verify discharge locations of storm sewer lines, check for illicit connections between storm and sanitary sewers, or verify the integrity of sewer lines.

Because of the brilliant colors used, they often cause concern to the general public when they show up down stream.

Sewer dyes used by Town of Erie employees and contractors shall be non-toxic and biodegradable. A current MSDS sheet should be readily available during its use. Sewer dye comes in tablets, liquids, powders, and wax. It also comes in many florescent/brilliant colors including red, green, yellow, and blue. Sewer dyes shall be used in accordance to the manufactures instructions.

When notified, these people will be able to respond to concerned citizen's calls in regard to dye testing. They will be able to say that it is routine water testing and the dyes, although colorful, pose no harm to the environment or human health.

5.2 Smoke Testing Procedures

Smoke testing is performed by blowing a high volume of very low-pressure smoke into the sewer at one or more manholes. Plugs or sandbags are used to confine the smoke to the section or sections of sewer being tested. Observation of the emergence of smoke enables the crew to deduce sources of inflow.

Every building served by the sewer will usually have two or more roof vents from which smoke will emerge. The roof vents (usually one for each trap) are not sources of inflow and are ignored. The residents and fire departments must be told to ignore the smoke as well.

Since the sewer is connected to roof vents at every building, the smoke has very low pressure regardless of the pressure capability of the smoke blower. Smoke will not escape through pipe defects (infiltration sources), which are below the groundwater table. Smoke may escape through pipe defects that are above the groundwater table, but the smoke must find a path to the surface in order to be observed. Smoke emerging from the ground or from cracks in the street surface indicates pipe defects above the groundwater table, but does not indicate the type or exact location of the defects.

Any conclusions drawn from sewer dye/smoke testing shall be reported. The information shall be written and shall include the following: (field investigation form may be used):

- Project Information (Number / Name / Manager)
- Date, Time and Location of Testing
- Reason for Testing
- Surface Water or System Affected
- Contact Information (Name / Company / Telephone Number)
- Summary of What Was Found (Include Maps / Drawings if Necessary)
- Responsible Party

5.3 Source Investigation

Regardless of how they are identified (e.g., field inspection, complaints, etc.), each potential illicit connection or illegal discharge must be investigated and eliminated. In many instances, since the initial investigation or report will not identify a specific source of contamination, further field investigation will be required. Depending on the particular situation, source investigations may include any or all of the following steps:

- Following flows or discharges upstream;
- Conducting field screening sampling;
- Contacting dischargers;
- Sampling for laboratory analysis; and
- Documenting source investigations.

5.3.a Following Flows or Discharges Upstream

Dry weather flows should generally be followed from the location where they are first observed in an upstream direction along the conveyance system. Investigators may need to consult drainage system maps. For belowground systems, it may be necessary to follow flows from the outfall or manhole to the next manhole with a junction. Manholes do not always need to be checked if there are no junctions between them.

Field staff should always be aware of the surrounding areas and look for water flowing in gutters and streets. Areas where illegal dumping may typically occur include parking lots and garages behind buildings and warehouses. When investigating a location with multiple inlets, if flow is observed coming from only one, continue tracking from that inlet. If flow is observed coming from more than one inlet, track them one at a time, using visual observations, odors, and/or field screening sampling to determine the order of investigation.

It is generally easiest to track the largest flows first, but if they are about the same size, start with the one that is easiest, shortest, or with the least number of junctions, or track those originating from areas with the greatest potential for illegal discharges. If the source of flow is found, the site visit should be documented and appropriate actions taken to ensure that the illicit connection or illegal discharge is eliminated. If the flow originates in another jurisdiction, investigators should immediately inform them of the situation.

If initially unable to locate the source of the flow (e.g. it disappears between manholes; the pipe, network, or channel terminates, etc.) the following possibilities should be considered. First, the flow may originate from a storm gutter. Check catch-basins and gutters between manholes for evidence of flows such as runoff from steam-cleaning operations, car washing, irrigation runoff, etc. There may also be a new or illicit connection to the system, possibly between manholes. Look for areas in the road that have been dug up and re-paved. Finally, look for evidence of recent or past dumping such as wet or stained pavement or gutters.

If the source is not found, the field investigation should be documented and the location of the last place that flow was observed marked on a map so that the area can be investigated again at a later date. The following additional source investigation techniques may be considered at a later time.

- *Water discharges*—This involves discharging water from a potential source and noting the location of the downstream discharge to establish a hydraulic connection between the source and the discharge connection. Water discharges are preferred to dye testing and smoke testing, described below, and can be utilized under most conditions.
- *Dye testing*—Dye testing can also be conducted to confirm hydraulic connections. This involves discharging fluorescent dye at the source of a potential illicit connection or illegal discharge. This procedure should be performed sparingly because of the need to inform the surrounding public and appropriate regulatory agencies of the cause of downstream discoloration in the storm drain system.
- *Smoke testing*—Smoke tests may also be used to confirm the hydraulic connection between a potential source and a downstream location. Smoke tests are used only on underground stormwater conveyance facilities, and should also be performed sparingly because of the need to inform the surrounding public and agencies of the cause for smoke coming from the storm drain system.
- *Video monitoring*—Video inspections involve the deployment of a mobile video camera into an underground stormwater conveyance facility. The mobile video camera will “walk” the drain and record observations on a videocassette. Public notifications are not necessary with this method. This can be time-consuming and expensive. If the flow under investigation is suspected to be sewage-related, this may often be confirmed through the presence of odor and visible solids. However, since this may often not be readily evident, the following may also be useful in determining whether flows are sewage-related:
 - *Field screening for ammonia*— Sewage frequently contains ammonia levels of 30 ppm or greater. This can be measured with an inexpensive field screening kit.
 - *Bacteria testing*—Sewage is high in total and fecal coliforms and enterococci. Many sewage treatment plants, the County Public Health Laboratory, and commercial laboratories routinely conduct these indicator analyses.

5.3.b Conducting Field Screening Sampling

During a source investigation, the collection of samples for field screening analysis may be helpful for comparison with downstream samples. All sampling and analysis conducted during source investigations should be documented.

5.3.c Contacting Dischargers

If a specific discharger is identified as the source of a flow, they should be contacted by staff in the field and informed that it is illegal to discharge anything but stormwater to the conveyance system without a valid NPDES permit. Investigators should work with the responsible party to find out what they are discharging and, if possible, whether or not the discharge is permitted. If the source is determined to be exempted or permitted, this information should be recorded. If the flow is determined to be illegal, or its status cannot be determined, staff should document the violation and require the responsible party to discontinue the illicit connection or illegal discharge. At that time, a decision should also be made as to whether samples should be collected for laboratory analysis.

5.3.d Sampling for Laboratory Analysis

In some situations (e.g. for enforcement, etc.) samples may need to be collected for laboratory analysis. In these cases, sample collection should always be conducted according to applicable evidence sampling collection protocols. Samples should be documented in a laboratory chain-of-custody record, which is available at the Town of Erie Treatment Plants.

5.3.e Documenting Source Investigations

Proper documentation of all illicit connection or illegal discharge investigations is crucial. During an investigation, photographs should be taken to verify all suspected illicit connection or illegal discharges, whether or not they are confirmed. Sample results, notices of violation, correspondence, and other associated documents should be collected and filed with the complaint. This type of documentation will be crucial for any type of enforcement that becomes necessary. Each investigation might require a separate hard copy file containing all pertinent documentation even though much of the complaint information can be stored electronically in a complaint database.

SECTION 6. REMOVAL OF ILLICIT DISCHARGES

Once illicit discharges are located and traced to their source Town of Erie employees or their contracted agents will act to remove them. This section outlines some of the methods to be used in the removal and/or prevention of illicit discharges to the storm water system

6.1 Enforcement

There are various proven methods that can be used to remove/correct illicit discharges. Often, training of designated personnel on how to contact sources of illicit discharges and secure the cooperation of the party who is responsible to correct the problem is the most beneficial method

in correcting illicit discharges and eliminating future discharges. Should the responsible party not be willing to remedy the problem, legal actions may be necessary to secure their cooperation. It may also be desirable to establish time frames for illicit discharge elimination and compliance certification programs and incorporate these factors as a performance measure.

While illicit connection or illegal discharges cannot always realistically be eliminated immediately, the Town is responsible for taking all necessary actions to eliminate them in as timely a manner as possible, and for verifying that compliance has been achieved. This section describes a variety of enforcement options available for investigating illicit connection or illegal discharges and enforcing applicable authorities. It further describes the general responsibilities of field staff in conducting follow-up and enforcement activities.

6.1.a Voluntary Compliance

Illicit discharges and illegal connections can generally be eliminated through voluntary compliance. Most people are readily willing to change their behaviors when they learn that their actions are detrimental to the environment. Therefore a variety of options should be used under a flexible and graduated system of enforcement actions, emphasizing voluntary return to compliance when possible. Field staff will be trained to evaluate each situation and within certain statutory and departmental guidelines, choose an appropriate enforcement mechanism. Voluntary return to compliance will be used for first-time, minor violations, whereas more serious violations or continued non-compliance may warrant a more aggressive and enforcement-oriented approach. Increasingly severe enforcement actions will be taken until compliance is achieved or the illicit connection or illegal discharge is otherwise eliminated.

6.1.b Enforcement Options

More serious violations, or situations where a reasonable attempt has been made to educate a responsible party, but compliance has not been achieved, may require a more aggressive and enforcement-oriented approach. Enforcement approaches and actions should be based on several factors including the severity of the violation (environmental health threat), site-specific circumstances, and past compliance history. Potential enforcement tools are summarized below.

6.1.c Enforcement Responsibilities

When serious violations are observed, Town of Erie staff should take appropriate actions which may including the following:

- Assessing the threat to public health and the environment,
- Sampling the discharge(s),
- Identifying the responsible party,
- Identifying individuals involved in the activity,
- Photographing the violation(s),
- Obtaining reports or records related to the incident,
- Issuing a NOV to the responsible party, and
- Making appropriate referrals to other regulatory agencies and requesting assistance.

Should the investigator determine that the situation poses an immediate risk to public health or the environment, they may need to coordinate with other agencies or teams that are specially trained to assess and mitigate emergency situations (e.g., those involving hazardous wastes/materials, etc.).

An example of the enforcement steps that might be specified are summarized below.

- The authorized enforcement agency sends the property owner a Notice of Violation (NOV), which may require the violator to take steps such as monitoring, elimination of an illicit connection or discharge, or payment of a fine.
- The person receiving the NOV may appeal it.
- If the person receiving the NOV does not appeal or loses the appeal and fails to correct the violation, the enforcement agency may “take any and all measures necessary to abate the violation and/or restore the property.” The agency then may require reimbursement from the violator for the cost of the abatement, including administrative costs.

Investigators will be trained to carefully document noncompliant activities during every investigation. It is not always possible to know during an initial investigation whether more aggressive enforcement actions will be required in the future. Good documentation is the key to developing a complete case file. This file may be the deciding factor in a successful prosecution. In preparing an appropriate file for referral to the prosecuting agency, the investigator will include all information from the site investigation, any analytical results, records of previous violations or complaints, and overall compliance history. The file may include the following:

- Chronology of events
- Witness list
- Case summary
- Explanation of the violations
- Time and expense log
- Request-to-file form
- Inspection reports
- Field notes
- Complaints
- Emergency incident reports
- Phone conversation records
- Lab results
- Correspondence
- Chain-of-custody for samples
- Maps and diagrams
- Permit applications
- Photographs
- Sampling plans
- Reports from regulatory agencies
- Other supporting documents

When samples are necessary, these should be immediately delivered to the Town of Erie laboratory through a chain-of-custody. Investigators should always ensure that chain-of-custody procedures are followed, and that appropriate analyses are requested of the laboratory.

For complete enforcement responsibilities/procedures please refer to Appendix III Spill Enforcement and Response Procedures.

SECTION 7. EDUCATION AND OUTREACH

Town of Erie will integrate IDDEE educational plans and informational campaigns into existing programs (public education, household hazardous waste disposal programs, watering and fertilizing campaigns, etc.). Town of Erie will ensure that illicit discharge response data reporting takes place so that outreach/education programs can be further developed and evaluated.

SECTION 8. ANNUAL REPORTING

The State requires an Annual Report that must at a minimum, illicit discharge responses and enforcement actions.

SECTION 9. FORMS AND DISCHARGE DOCUMENTATION

9.1 Appendices

APPENDIX I: EPA Regulatory Text/State Guidance.....	14
APPENDIX II: Municipal Code Title 8 Chapter 4.....	15
APPENDIX III: Spill Enforcement and Response Procedures.....	27
APPENDIX IV: Illicit Discharge Reporting Form.....	41
APPENDIX V: Prohibited Discharges.....	42
APPENDIX VI: Discharges, Impacts and Sampling Information.....	43

APPENDIX I: EPA REGULATORY TEXT

EPA REGULATORY TEXT

(i) You must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at Sec. 122.26(b)(2)) into your small MS4.

(ii) You must:

(A) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;

(B) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;

(C) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system; and

(D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

(iii) You need to address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, 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, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

APPENDIX II: MUNICIPAL CODE TITLE 8

CHAPTER 4

8-4-1: PURPOSE AND INTENT:

The purpose of this chapter is to regulate nonstorm water discharges to the storm drainage system, as required by federal and state law, to protect and enhance the water quality of our watercourses, water bodies and wetlands in a manner consistent with the federal clean water act. The objectives of this chapter are:

- A. To regulate the introduction of pollutants to the municipal separate storm sewer system (MS4);
- B. To prohibit illicit connections and discharges to the MS4;
- C. To provide for inspection and monitoring procedures necessary to ensure compliance with this chapter;
- D. To reduce pollutants in storm water discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land;
- E. To require permanent storm water runoff controls to be constructed along with development to reduce, to the maximum extent practicable, the deterioration of water quality; and
- F. To promote public awareness of the hazards involved in the improper discharge of pollutants into the storm drainage system. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section:

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce, to the maximum extent practicable, the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CDPHE: The Colorado department of public health and environment.

CLEAN WATER ACT: The federal water pollution control act (33 USC section 1251 et seq.), and any subsequent amendments thereto.

DIRECTOR: The town of Erie public works director or designee.

DISTURBED AREA: That area of the land's surface disturbed by any work or activity upon the property by means including, but not limited to, grading; excavating; stockpiling soil, fill, or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned for agricultural use.

FACILITY: Any building, including a private home, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

HAZARDOUS MATERIALS: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTIONS: Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system, including, but not limited to, any conveyances which allow any nonstorm water discharge including sewage, process wastewater, and wash water to enter the storm drainage system; and any connections to the storm drainage system from indoor drains, sump pumps and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved.

ILLCIT DISCHARGE: Any direct or indirect release of pollutants to the storm drainage system, except as exempted in subsection [8-4-5B](#) of this chapter.

INDUSTRIAL ACTIVITY: Activities subject to NPDES industrial permits, as defined in 40 CFR, section 122.26(b)(14).

MOBILE WASHING OPERATION: A commercial activity involving power washing, steam cleaning, and any other method of mobile cosmetic cleaning of, by way of example, the following: vehicles, fabric, pets and/or exterior surfaces.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): Publicly owned facilities by which storm water is collected and conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, and natural and humanmade or altered drainage ditches/channels/lakes/reservoirs, and other drainage structures.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT OR NPDES PERMIT: A permit issued pursuant to

section 402 of the clean water act, including permits issued by the state of Colorado in compliance with the act.

NONSTORM WATER DISCHARGE: Any discharge to the storm drain system that is not composed entirely of storm water.

OPERATOR: The individual who has day to day supervision and control of activities occurring at the construction site, includes the owner, the developer, the general contractor or the agent of one of these parties.

OWNER: The person who owns a facility, development, part of a facility, or land.

POLLUTANT: Any sewage, sewage biosolids, garbage, chemical waste, biological material, solid waste, incinerator residue, ash, munitions, radioactive material, heat, rock, sand, cellar dirt and industrial and agricultural wastes discharged into the water.

POLLUTION: The presence in waters of the state of any substances, contaminants, or manmade or man induced impairment of waters or alteration of the chemical, physical, biological, or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

PREMISES: Any building, lot, parcel of land, or portion of land whether improved or unimproved, and including adjacent sidewalks and parking strips.

RECEIVING WATER: Any water of the state of Colorado that receives a storm water discharge from MS4, including all watercourses, even if they are usually dry, and irrigation ditches that receive municipal storm water. It also includes storm sewer systems owned by other entities.

SPILL: Any intentional or unintentional release of solid or liquid material which may cause pollution of the MS4 or waters of the state.

STORM DRAINAGE SYSTEM: See definition of Municipal Separate Storm Sewer System (MS4).

STORM WATER: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER MANAGEMENT PLAN (SWMP): A plan describing the BMP and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, MS4, and/or receiving waters to the maximum extent practicable.

THREATENED DISCHARGE: A condition creating a substantial probability of harm, which make it reasonably necessary to take immediate action to prevent, reduce or

mitigate damages to persons, property or natural resources.

WASTEWATER: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

WATERCOURSE: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake, including major drainageways, in which storm water runoff and floodwater flow, either regularly or infrequently.

WATERS OF THE STATE OF COLORADO (WATERS OF THE STATE): Any and all surface and subsurface waters that are contained in or flow in or through the state of Colorado. This definition includes all watercourses, even if they are usually dry. (Ord. 08-2004, 11-9-2004; and. per correspondence dated 11-13-2006)

8-4-3: APPLICABILITY OF CHAPTER:

This chapter shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by this chapter. (Ord. 08-2004, 11-9-2004; and. per correspondence dated 11-13-2006)

8-4-4: RESPONSIBILITY FOR ADMINISTRATION:

The director shall administer, implement, and enforce the provisions of this chapter. (Ord. 08-2004, 11-9-2004; and. per correspondence dated 11-13-2006)

8-4-5: ILLICIT DISCHARGE PROHIBITED; EXEMPTIONS:

A. Illicit Discharges Enumerated: No person shall discharge or cause to be discharged into the MS4 or watercourses any illicit discharge, including, but not limited to, the following:

1. Chemicals, petroleum products, paint, varnishes, solvents, oil and grease and other automotive fluids, pesticides, herbicides, and fertilizers, or other toxic materials;
2. Nonhazardous liquid, solid wastes and yard wastes;
3. Hazardous materials, sewage, fecal coliform and pathogens, dissolved and particulate metals;
4. Trash, refuse, rubbish, garbage, food wastes, pet wastes, litter, other discarded or abandoned objects, floatables and cleaning products;
5. Landscaping materials, sediment, lawn clippings, leaves, branches or other landscaping and yard debris;

6. Construction activities wastes and residues including, but not limited to, painting, paving, concrete placement, saw cutting, material storage and earthwork;

7. Wastes and residues that result from mobile washing operations; discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning; commercial vehicle cleaning and substances added to the storm drain to control root growth;

8. Any other material that is considered harmful to humans, animals, or aquatic life and its habitat.

B. Exemptions: The following discharges, when properly managed, are exempt from the discharge prohibitions established by this chapter:

1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, irrigation return flows, diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, roof drains, foundation or footing drains, crawl space pumps, air conditioning condensation, springs, individual residential car washing, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, less than 0.05 ppm chlorine), firefighting activities, street wash water and any other water source not containing pollutants.

2. Discharges approved by the authorized enforcement agency necessary to protect public health and safety, such as flows from firefighting and street sweeping.

3. Dye testing, provided the person undertaking such testing provides verbal notification to the authorized enforcement agency twenty four (24) hours prior to the time of the test.

4. Runoff of roadway and sidewalk anti-icing and deicing agent; provided that they are applied according to best management practices.

5. The prohibitions set forth in this section shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued and administered under the authority of the federal environmental protection agency (EPA), 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 by the town for any discharge to the storm drain system. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-6: ILLICIT CONNECTIONS PROHIBITED:

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. 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. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-7: THREATENED DISCHARGES:

A. It is unlawful to cause materials to be deposited in such a manner or location as to constitute a threatened discharge into MS4 or waters of the state. Pollutants that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.

1. **Cleaning Of Paved Surfaces Required:** The owner of any paved parking lot, street or drive shall clean the pavement as necessary to reduce, to the maximum extent practicable, an illicit discharge of pollutants. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this chapter.

2. **Materials Storage:** Materials including, but not limited to, stockpiles used in construction and landscaping activities shall be stored to reduce, to the maximum extent practicable, the release of pollutants.

3. **Pesticides, Herbicides And Fertilizers:** Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Pesticides, herbicides and fertilizers shall be stored in a manner to prevent release to the MS4. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-8: BEST MANAGEMENT PRACTICES:

The owner or operator of a commercial or industrial establishment or a disturbed area shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of structural and nonstructural BMPs. Further, any person responsible for premises, which are, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-9: ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES:

A. Whenever the director has reasonable cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the director shall have the right to enter the premises at any reasonable time to determine if the owner or operator is complying with all requirements of this chapter. In the event that the owner or occupant refuses entry after a request to enter has been made, the town is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

B. The director shall have the right to set up on the property of any discharger to the MS4 such devices that are necessary to conduct an investigation of such

discharges. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing staff on alleged violations, and access to any and all facilities or areas within the premises that may have any effect on the discharge.

- C. If the violation constitutes an immediate danger to public health or public safety, the director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-10: NOTIFICATION OF SPILLS:

Notwithstanding other requirements of law, as soon as any person responsible for any premises, facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4, or waters of the state, that person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the director in person or by phone no later than twenty four (24) hours after the release. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within five (5) calendar days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-11: APPLICABILITY OF PERMIT:

- A. Permit Required: It shall be unlawful for any person to conduct any activity resulting in the following total disturbed area without first obtaining a storm water quality permit:

1. One acre or more.
2. Less than one acre if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
3. The town may also require a storm water quality permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, special use permit, or site development plan, or if the construction activities are adjacent to a watercourse or wetlands.

- B. Exemptions: The following activities are exempt from this chapter:

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1. Agricultural land management activities; and
 2. Maintenance and repair to any storm water facility or practice deemed necessary by the director.
- C. Permit Application: Applications for storm water quality permits shall be filed on a form prescribed by the town.
1. In support of the application, the applicant shall submit all information required on the town's form and any additional information requested by the town.
 2. The application shall be signed by all persons responsible for compliance with the permit throughout the permit's validity.
 3. The application shall include documentation of an application for a CDPHE storm water general permit for construction activities and a completed SWMP which must include an erosion and sediment control plan.
- D. Permit Approval Required: Construction activities may not proceed until permit approval is received from the town.
- E. Permit Issuance/Denial: The town shall within thirty (30) working days of its receipt of a completed storm water quality permit application either issue or deny a permit. The permit may be denied if the applicant fails to provide the information required by this section. If a permit is denied, the applicant shall be notified, in writing, of the grounds for denial and of the corrective actions that must be taken to obtain a permit. An applicant may appeal the denial in writing to the town administrator no later than thirty (30) calendar days from the date of issuance of denial. The appeal must set forth the grounds for the appeal and include any documents in support of the applicant's appeal. The town administrator shall within thirty (30) calendar days of receipt of an appeal rule on the matter based solely upon review of the application, denial, appeal, and all documents related thereto. The parties shall receive written notice of the town administrator's decision.
- F. Permit Fees: Fees for any permit required by this chapter shall be established from time to time by resolution of the town board of trustees, and no permit shall be issued until and unless the fee has been paid. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-12: CONSTRUCTION STORM WATER MANAGEMENT PLAN:

- A. Preparation Of SWMP: The SWMP shall be prepared in accordance with the requirements of the most recent SWMP guidance document prepared by the CDPHE, and the engineering, hydrologic and pollution control practices outlined in the town's current standards and specifications for design and construction of public improvements.
- B. SWMP Required On Site: The owner or its representative will be required to have the approved SWMP on site at all times and shall be prepared to respond to maintenance of specific BMPs.

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- C. Inspection Of BMPs: The owner or their representative shall inspect all BMPs at least every fourteen (14) days and within twenty four (24) hours after any precipitation or snowmelt event that causes surface runoff. Effective March 30, 2005, inspections of BMPs shall be conducted by an individual who has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the director. A certification of successful completion of such training shall be provided upon request.
 - D. Modifications To SWMP: Based on inspections performed by the owner or by town personnel, modifications to the SWMP will be necessary if at any time the specified BMPs do not meet the objectives of this chapter. In this case, the owner shall meet with town personnel to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, and shall be recorded on the owner's copy of the SWMP.
 - E. SWMP Review/Changes: The operator shall amend the plan whenever there is a significant change in design, construction, operation, or maintenance, which has a significant effect on the potential for discharge of pollutants to the MS4 or receiving waters, or if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activities.
 - F. Records Of Inspection: Records of inspection are to be maintained on site with the SWMP and are to be available to the town inspector upon request. (Ord. 08-2004, 11-9-2004; and. per correspondence dated 11-13-2006)

8-4-13: TECHNICAL STANDARDS AND SPECIFICATIONS:

- A. All BMPs designed to meet the requirements of this chapter shall comply with the following technical standards:
 - 1. "Urban Drainage And Flood Control District's Urban Storm Drainage Criteria Manual", volume 3, BMP or its successor.
 - 2. Any other alternative methodology approved by the town, which is demonstrated to be effective. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-14: POSTCONSTRUCTION REQUIREMENT OF PERMANENT BMPs:

- A. Permanent BMPs: Land development that meets the requirements of this chapter must address storm water runoff quality through the use of permanent BMPs which shall be maintained in perpetuity.
 - 1. Structural BMPs, such as pipes and inlets, located on private property shall be owned and operated by the owner(s) of the property on which the BMP is located,

unless the town in writing agrees that a person other than the owner shall own or operate such BMP.

2. As a condition of approval of the BMP, the owner shall also agree to maintain the BMP to its design capacity unless or until the town relieves the property owner of that responsibility in writing. The obligation to maintain the BMP shall be memorialized on the subdivision plat, annexation plat, development agreement or other instrument or in a form acceptable to the town and shall be recorded in the office of the county clerk and recorder.

B. Certification Of Permanent BMPs: Upon completion of a project, and before construction acceptance and/or a certificate of occupancy shall be granted, the town shall be provided a written certification stating that the completed project is in compliance with the approved final drainage plan. All applicants are required to submit "as built" plans for any permanent BMPs after final construction is completed and must be certified by a Colorado licensed professional engineer. A final inspection by the town is required before the release of any performance securities can occur.

C. Ongoing Inspection And Maintenance Of Permanent BMPs:

1. Maintenance Agreements: The owner of site must, unless an on site storm water management facility or practice is dedicated to and accepted by the town, execute an inspection and maintenance agreement, that shall be binding on all subsequent owners of the permanent BMPs.

2. Long Term Inspection Of Permanent BMPs: Permanent BMPs included in a final drainage plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the plan and this chapter. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-15: FINANCIAL SECURITY:

A. As a condition for the issuance of a storm water quality permit, applicants shall be required to provide security in the form of an irrevocable letter of credit. The amount of the security shall be based upon one hundred fifteen percent (115%) of the estimated cost of the work required to ensure compliance with the permit's terms and conditions and requirements of this chapter. After the issuance of construction acceptance, the letter of credit shall be released.

B. If the permittee does not successfully complete all required work or violates any requirement of the permit or this chapter, the town may take corrective measures and charge the cost of such to the permittee. Such costs shall include the actual cost of any work deemed necessary by the town plus reasonable administrative and inspection costs and penalties pursuant to the town's storm water quality enforcement policy. If the total of such costs exceeds the security, the permittee shall be responsible for payment of the remaining balance within thirty (30) calendar

days of receipt of an accounting of such from the town. (Ord. 08-2004, 11-9-2004; amd. per correspondence dated 11-13-2006)

8-4-16: ENFORCEMENT AND PENALTIES:

- A. Violation: It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who violates any of the provisions of this chapter shall be subject to one or more of the enforcement actions outlined in this section.
- B. Enforcement: All authorized personnel under the supervision of the director shall have the power to conduct inspections, issue notices of violations and implement other enforcement actions under this section.
- C. Determination Of Violation: Whenever the director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the director shall have the right to enter the premises at any reasonable time to determine if there exists an actual or potential violation of the requirements of this chapter. In the event that the owner or occupant refuses entry after a request to enter has been made, the town is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.
- D. Abatement: In the event the violation constitutes an immediate danger to public health or public safety, the director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.
- E. Cost Of Abatement Of The Violation:
 - 1. If the town abates a violation, then within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, by personal delivery or by mail to the last known address of the owner as shown in the records of the county assessor. The notice shall be effective upon the date of mailing or personal delivery. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days of the effective date of the notice.
 - 2. If no protest is filed, then the charges shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file an appeal, and such charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
 - 3. In the event a protest is filed, a hearing on such protest shall be held before the town administrator or its designee within fifteen (15) days from the date of receipt of the written protest. If any charges are upheld upon completion of such hearing, then such charges shall become due and payable ten (10) days after the issuance of the order upon such protest and if not timely paid, such charges shall become a special

assessment against the property and shall constitute a lien on the property for the amount of the assessment.

4. If the amount due is not paid within ten (10) days of the decision of the town administrator or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The assessment shall be certified by the director of finance to the office of the county treasurer for collection in the same manner as the collection of general property taxes.

- F. Stop Work Order: Whenever the director determines that any activity is occurring which is not in compliance with the requirements of this chapter, the director can order the activity stopped upon service of written notice upon the responsible owner and/or operator. The owner and/or operator shall immediately stop all activity until authorized in writing by the town to proceed. If the owner and/or operator cannot be located, the notice to stop shall be posted in a conspicuous place upon the area where the activity is occurring and shall state the nature of the violation. It shall be unlawful for any owner and/or operator to fail to comply with a stop work order.
- G. Criminal Penalties; Enforcement Costs: It is unlawful and an offense for any person to violate or permit or cause violation of this chapter or of the provisions of any discharge permit issued under this chapter. Violators shall be punishable as provided in [title 1, chapter 4](#) of this code. Each day or part of a day any violation occurs or continues is a separate offense.
- H. Violations Deemed A Public Nuisance: Any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance. Any court of competent jurisdiction shall enjoin violations of this chapter, upon proof of such violations.
- I. Remedies Not Exclusive: Except as expressly provided above, the remedies in this chapter are cumulative and the exercise of any one or more remedies shall not prejudice any other remedies that may otherwise be pursued for a violation of this chapter. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (Ord. 08-2004, 11-9-2004; and. per correspondence dated 11-13-2006)

APPENDIX III: SPILL ENFORCEMENT AND RESPONSE PROCEDURES

SPILL RESPONSE AND ENFORCEMENT PROCEDURES

Purpose: The purpose of this document is to outline coordinated spill and enforcement response procedures and be used as a reference by both Town of Erie and Public Health staff fielding calls and responding to incidents.

Spill Response

Reported by Citizens
 Town Employees
 Commercial/Industrial Employees

Reported to 911 (emergency)
 Town of Erie (non emergency)
 Boulder County Public Health (non emergency)
 Weld County Public Health (non emergency)

- 4CS OF SPILL RESPONSE**
- contact
 - control
 - containment
 - cleanup

All emergency incidents should be referred to 911

The Boulder and Weld County Sheriff’s Office are the principal agencies, which respond to spills of hazardous materials. The agencies are the designated emergency response agency (DERA) as defined by state statute 29-22-102 and are responsible for providing and maintaining the capability for emergency response to a hazardous substance incident occurring within its jurisdiction. The County Hazardous Material Team provides cleanup assistance when required and the Public Health Environmental Emergency Response Team (EERT) provides an advisory role if the environment is impacted.

The Town of Erie will respond to non-emergency incidents.

Type of incident	Agency response and data base maintenance	Possible enforcement action
<p>Emergency/Hazardous or Unknown Hazardous Response</p> <p>Example: report of pesticide spill or abandoned 55 gallon drum</p>	<p>Instructs compliant to call 911 to report spill/dumping of hazardous or unknown materials</p> <p>Dispatch – contacts Fire Department and/or police</p> <p>Police – controls traffic</p> <p>Fire – secures area, evaluates situation</p> <p>HazMat Team - attempts to coordinate identification of material and oversees cleanup</p> <p>EERT – attempts to coordinate identification of material and oversees cleanup, enters data at Health Department, ensures state is contacted if spill enters waters of the state</p> <p>Town of Erie – provides information on storm/sanitary sewer location and potential impact to environment, ensures data entry is completed</p>	<p>Police/Enforcement Authority – issues citation (Illicit Discharges and Stormwater Quality Permit Requirements, Municipal Code Title 8 Chapter 4</p> <p>Fire – re-coup cost of clean-up from violator, files incident report</p> <p>HazMat Team - files incident report</p> <p>EERT – files incident report, ensures responsible party notifies state health or EPA</p> <p>Town of Erie– follows up with Fire Department to receive reports, issues letter of violation if no citation issued by police</p> <p>Other Agencies– at their discretion</p>

<p>Non-emergency/Non-Hazardous response</p> <p>Example: concrete contractor rinsing mixer chute to gutter or restaurant alley storm drain covered in grease or possible illicit connection</p>	<p>Instruct compliant to call non-emergency County Communication number who will contact Boulder County Public Health or local police.</p> <p>Police – investigates</p> <p>BCPH– 303 441 1564 receives report, asks if incident is happening currently, contacts Town of Erie contact list until live body is reached</p> <p>WCPH-970-304-6415 receives report, asks if incident is happening currently, contacts Town of Erie contact list until live body is reached</p> <p>Town of Erie - responds to location to identify source and potential environmental impact and oversees cleanup. Enters resolution into database</p>	<p>Town of Erie – issues verbal warning, letter of violation, or other enforcement action, notifies state health or EPA</p>
<p>Sewage Spill</p>	<p>Public Works Department responds</p>	

Emergency Response - hazardous or unknown material incident

Communication contacts Fire Department and/or Hazmat Team

The Fire Department with assistance from Hazmat Team and County Public Health Environmental Emergency Response Team (EERT) responses

Fire Department/Hazmat Team

- Identifies, isolates and contains hazardous materials.
- Assesses area of contamination and public safety.
- Decontaminates individuals (on site) exposed to hazardous materials.
- Handles rescue operations and transmit information to assisting units.

Hazmat Team EERT

- Coordinates cleanup and disposal of hazardous materials by authorized environmental contractor.
- Ensures a contractor is contacted for clean up and disposal of hazardous materials spilled.
- Ensures notification of other governmental agencies for assistance and/or potential violations of federal, state and local regulations.
- Ensures that contractor prepares Uniform Hazardous Waste Manifest.
- Initiates enforcement action by documenting details of incident

Police Department

- Handles traffic control and evacuation procedures.
- Enforces transportation requirements of hazardous materials.

Town of Erie

- Coordinates with Fire Department and County Public Health Environmental Emergency Response Team for cost recovery and enforcement actions.

Mtn View Fire Protection District 303-772-0710
 Boulder County Public Health EERT 303-441-1564
 Weld County Public health EERT 970-304-6415

Non-emergency Response - see Attachment B

Town of Erie:

- Conducts site inspections for non-emergency spills
- Coordinates with property owner, responsible party, public works or contractor for cleanup
- Conducts enforcement actions and follow-up inspections
- Records and reports all illegal dumping/illicit connection cases
- Delegates other personal to act as responders

Public Works Operations/Contractor

- Contains, removes and disposes non-hazardous materials
- Calculates and assesses cost recovery actions, if needed

Enforcement Actions

Fire Department/Hazmat Team (for emergency and toxic spills)

- Notifies other government agencies for potential violations of federal, state and local regulations
- Calculates and assesses cost recovery actions, if needed
- Documents and reports illegal discharge incidents to the Town of Erie

County Public Health Environmental Emergency Response Team (EERT)

Contact: Boulder County Public Health 303-441-1564 Weld County Public Health 970-304-6415

- Calculates and assesses cost recovery actions, if needed
- Documents and reports illegal discharge incident to the Town of Erie
- Ensures appropriate disposal of materials

Town of Erie

Contact: see Attachment A

- Conducts site investigations
- Issues Compliance Directive
- Conducts follow up inspections to insure compliance with directives
- Distributes brochures, door hangers and other information for proper disposal of non-storm water materials
- Issues Notice of Violation
- Gathers information
- Ensure reporting form is complete
- Insures that the individual who reported the illicit discharge is followed up with and thanked

ATTACHMENT A
Contact Information for Non-Emergency

Town of Erie

Wendi Palmer
Town of Erie
Erie, CO 80516
303 926 2875
wpalmer@erieco.gov

General
303-926-2880

Other Numbers

Mtn View Fire Protection District
303 772 0710

Boulder County Public Health EERT
303 441 1564

Weld County Public Health EERT
970-304-6415

Boulder County Public Health
303 441 1564

Colorado Department of Public Health and Environment 24 hour reporting
303 370 9335
Written notification must follow in (5) days. or general state chemical spill reporting
number
1 877 518 5608

ATTACHMENT B
Examples of Non-Hazardous or Threatened Discharges

Non-emergency calls typically involve illicit discharges that are made up of:

1. Trash.
2. Yard waste.
3. Landscaping materials.
4. Pet waste.
5. Cleaning products.
6. Sediment.
7. Illicit discharges from toilets, sinks, industrial processes, cooling systems, or boilers.
8. Fabric cleaning.
9. Equipment cleaning.
10. Commercial vehicle cleaning.
11. Construction activities including but not limited to; painting, paving, concrete placement, sawcutting, and grading.
12. Existence of illicit connections to the storm drain system.
13. Any material deposited in such a manner or location as to constitute a threatened discharge into storm drains, gutters or waters of the state. A “threatened discharge” is a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources. Domestic or industrial wastes that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.
14. Any maliciously destroyed or interfered with stormwater pollution prevention BMP.
15. Any watercourse that is not free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
16. Any discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system.
17. Any visible buildup of mechanical fluid, waste materials, sediment or debris.
18. Mobile cleaning operations discharging to the storm drainage system.
19. Any leak or spill related to equipment maintenance in an outdoor, uncovered area.
20. Any vehicles, machinery and equipment leaking fluids.
21. Materials stored to as to potentially release pollutants.

ATTACHMENT C

Enforcement Response Plan

Introduction

This Enforcement Response Plan explains the types of enforcement action which the Town may take in response to violations of the storm drain provisions of Municipal Code Title 8 Chapter 4, Illicit Discharges and Stormwater Quality Permit Requirements. Authority for these actions is found in Title 8 Chapter 4 of the Town of Erie Municipal Code, the Colorado Discharge Permit System under Division Regulation No. 61, and the Federal Clean Water Act. Administrative actions are typically initiated by the Town's Public Works Department, with assistance from the Town's Attorney. Any required litigation would be initiated by the Town's Attorney or the District Attorney's Office with the assistance of the Public Works Department.

Immediate Enforcement Response in the Field

Immediately upon identification of an illegal discharge or threatened discharge (threatened discharges are also violations of Municipal code Title 8 Chapter 4, Illicit Discharges and Stormwater Quality Permit Requirements), the inspector typically issues a verbal COMPLIANCE DIRECTIVE to immediately stop the discharge and remedy the situation.

If the responsible party is not cooperative, a written COMPLIANCE DIRECTIVE (Attachment D) will be issued to the responsible entity. The COMPLIANCE DIRECTIVE orders cessation of the discharge and clean up of any remaining problem by a time certain, typically within several hours.

If the responsible party is still not cooperative or if criminal sanctions may be appropriate, Town of Erie Police assistance is immediately requested and a citation requiring court appearance is issued.

Recovery of Town Clean-up Costs

If the responsible party does not remove and clean-up discharged materials from Town or public property (such as gutters, storm drains and creeks) the Town or other government entity must conduct the work. If the Town conducts the work, the responsible party will be billed by the Town for time and materials. This billing procedure is conducted separately from any penalty action taken.

Civil or Criminal Litigation

Civil or criminal litigation may be initiated at any point in the enforcement process as warranted by the facts. Civil litigation is typically used when the administrative actions described above do not achieve the desired results or when substantial violations of Compliance Agreements occur. The litigation may result in a CONSENT AGREEMENT or a court order. Criminal litigation is intended for knowing, intentional violations with a substantial risk to human health, the environment, or private property.

ATTACHMENT D
Compliance Directive Template

No person shall discharge or cause to be discharged into the municipal separate storm sewer system (MS4) or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

It is unlawful to cause materials to be deposited in such a manner or location as to constitute a threatened discharge into storm drains, gutters or waters of the State. Materials that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.

It has been noted that following is a pollutant contained in a threatened or actual discharge to the municipal separate storm sewer system:

- paints, varnishes, and solvents;
- oil and other automotive fluids;
- non-hazardous liquid and solid wastes;
- yard wastes;
- trash, refuse, rubbish, garbage;
- food waste;
- litter;
- oil and grease;
- cleaning products;
- pesticides, herbicides, and fertilizers;
- landscaping materials;
- hazardous substances and wastes;
- sewage, fecal coliform and pathogens;
- dissolved and particulate metals;
- animal wastes;
- wastes and residues from construction activities including but not limited to, painting, paving, concrete placement, sawcutting, and grading;
- wastes and residues that result from mobile washing operations;
- discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning; commercial vehicle cleaning;
- substances added to the storm drain to control root growth
- noxious or offensive matter of any kind.

Other: _____

Location: _____

You are required to immediately remedy the situation.

A follow up inspection will be performed on _____.

Received

by: _____ (signature) _____ (address) _____ (phone)

APPENDIX IV: ID REPORTING FORM

Illicit Discharge Reporting Form

Followup by entering data online at: <http://oldbcn.enfo.com/basin/kicp/spill/cgi-bin/Spill.cgi>

Reporting Date		BASIN ID	
Reported by			
Date of Incident		Time of Incident	
Business Sector		Hazard Type	
Incident Name			
Observed Location			
Address			
City		Zipcode	
Longitude		Latitude	
Location of Incident			
Narrative			
Materials Involved		Material Type	
Quantity of Materials		Source of the Spill	
Enforcement Action		Date of Resolution	
Hazard Description		Has the site been secured ?	
Water Contamination ?		Name of Waterbody Contaminated	
Soil Contamination ?		Other Contamination ?	
Has the soil been disposed		Destination of Disposal	
Responsible Party (RP)		RP Address	
RP City		RP State	
RP zip		RP phone	
Followup			

APPENDIX V: PROHIBITED DISCHARGES

APPENDIX VII: PROHIBITED DISCHARGES

Sanitary wastewater sources such as:

- Sanitary wastewater (usually untreated) from improper sewerage connections, exfiltration, or leakage
- Effluent from improperly operating or improperly designed septic tanks
- Overflows of sanitary sewerage systems

Automobile maintenance and operation sources such as:

- Commercial car wash wastewaters
- Radiator flushing wastewaters
- Engine degreasing wastes
- Improper oil disposal
- Leaky underground storage tanks

Landscape irrigation sources such as:

- Direct spraying of fertilizers, pesticides or herbicides onto impervious surfaces
- Over-application of fertilizers, pesticides or herbicides onto landscaping

Other sources such as:

- Laundry wastes
- Non-contact cooling waters
- Metal plating baths
- Dewatering of construction sites
- Washing of concrete ready-mix trucks
- Contaminated sump pump discharges
- Improper disposal of household toxic wastes
- Spills from roadway and other accidents
- Chemical, hazardous materials, garbage, and sanitary sludge landfills and disposal sites

APPENDIX VI: DISCHARGES, IMPACTS AND SAMPLING INFORMATION

DISCHARGES, IMPACTS AND SAMPLING INFORMATION

Sediment	Can interfere with photosynthesis, growth and reproduction. Can transport other pollutants. Can decrease velocities and increase erosion in streams.	Total Suspended Solids (TSS) and Total Solids (TS) 1 liter, unfiltered, preserved on ice.
Nutrients	Accelerated growth of algae and vegetation, depleting the oxygen in water bodies.	1 Liter, unfiltered, preserved with nitric acid.
Bacteria and Viruses	Recreational use impairment. Wildlife impacts.	1 Liter preserved on ice
Oils, grease and fuels	Hydrocarbons harmful to aquatic life forms	10 ml VOA vials, preserved with ice
Heavy Metals	Toxic to all life, oftentimes affect the pH of waters	1 Liter preserved with nitric acid and ice
Chemicals/Pesticides	General interference with life processes (reproduction, growth, etc.)	1 Liter Glass amber bottle.