

**Title:** NPDES Industrial & Commercial Violations Investigation Inspection Policy and Procedures and Progressive Enforcement Policy

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**Approved by:**

## **NPDES Industrial & Commercial Investigation-Enforcement Management**

### **Investigation/Inspection Procedures:**

If a violation is reported, or is witnessed during a routine inspection, a file is initiated by the NPDES investigator. The file will typically contain a copy of the NPDES Permit, if on file, correspondence, inspection reports, photographs, communications record with the violators, complainants, witnesses or their representatives, and other pertinent information.

The following investigation/inspection procedures apply:

1. The NPDES investigator initiates a file. The files are located in a designated filing cabinet within the CID office. Phase I Files are kept together in blue folders. Phase II Files are kept together in green folders. Electronic copies of photos and notices will be saved on the CID server drive. The investigator conducts an investigation of the site. Pictures are taken, inspections forms are filled, violations may be noted, samples of materials may be taken, any witnesses or parties to the action may be interviewed and any other evidence collected to investigate any incident. As needed, the investigator may call other County departments to assist with the incident such as the Fire Department, Sheriff, Environmental Health or Emergency Services. The incident is also reported to the NPDES Program Manager.
2. A chronology of the events is logged in the *Chrono Log* (Sample attached). The *Chrono Log* is filed inside of the front of violation File.
3. All pertinent information relating to the enforcement is entered in the corresponding Inventory and/or Log. Once the matter is addressed a final inspection is made, updates are made to the file and Chrono Log. Final notations are made in **green** font indicating the file is closed and the violation file is closed.

**Progressive Enforcement Policy for Complaints/Alleged Violations:**

San Joaquin County's Ordinance Title 5 – Health and Sanitation, Division 10 – Storm Water Management and Discharge Control, Chapter 4 Inspection and Enforcement provides the NPDES investigator the authority to investigate, inspect and enforce complaints and alleged violations of storm water management. San Joaquin County Ordinances can be found at:

**<http://municipalcodes.lexisnexis.com/codes/sanjoaquinweb>**

Pursuant to San Joaquin County's NPDES Permit and Stormwater Management Plan, the following progressive enforcement shall be taken for Industrial and Commercial sites.

1. First enforcement action is a verbal warning, if anyone is present during the time of inspection. The enforcement action and date of communication is entered into the violation file and Chrono Log.

The NPDES investigator will perform a follow-up/final inspection, prepare a report and take pictures. The follow-up actions will be entered into the violation file and Chrono Log and any follow-up material filed in the violation file. Once the matter is cleaned-up, updates are made to the violation file and Chrono Log.

2. Second progressive enforcement action is the issuance of a letter (**Warning Notice or Notice to Clean**). This letter must be sent Certified Mail with return receipt. The Certified Mail receipt is stapled to the copy of the letter and filed in the violation file. Notation is made in the violation file and Chrono Log of the issuance of the Notice. The owner/violator will be given ten (10) days from the mailing date to respond and to clean up the incident/violation. If an imminent hazard to life or property exists, a shorter time frame may be required. Should the letter be returned, the address must be changed and a new letter generated, sent out and copy retained in the violation file Updated entries must be made in the violation file and Chrono Log.

The NPDES investigator will perform a follow-up/final inspection, prepare a report and take pictures. The follow-up actions will be entered into the violation file and Chrono Log and any follow-up material filed in the violation file.

3. Third progressive enforcement action is issuance of a **Notice of Violation**. The Notice is sent Certified Mail return receipt. The Certified Mail receipt is stapled to the copy of the Notice and filed in the violation file. Notation is made in the violation file and Chrono Log of the issuance of the Notice. The owner/violator is given twenty-one (21) days from the mailing date to respond and to clean up the incident/violation. If an imminent hazard to life or property



exists a shorter time frame may be required. Should the letter be returned, the address must be changed and a new letter generated, sent out and copy retained in the violation file Updated entries must be made in the violation file and Chrono Log.

The NPDES investigator will perform a follow-up/final inspection, prepare a report and take pictures. The follow-up actions will be entered into the violation file and Chrono Log and any follow-up material filed in the violation file.

4. Fourth progressive enforcement as stipulated under San Joaquin County Ordinance 5-10312 ADMINISTRATIVE ENFORCEMENT, the NPDES investigator may issue an *Order to Cease and Desist* a discharge, practice, operation or construction for compliance with a requirement. The Order shall set a reasonable period of time to cure the action in a manner satisfactory to the County NPDES investigator. The Order shall be hand delivered whenever possible or sent Certified Mail return receipt. Notation is made in the violation file and Chrono Log of the issuance of the Notice.

The NPDES investigator will perform a follow-up/final inspection, prepare a report and take pictures. The follow-up actions will be entered into the violation file and Chrono Log and any follow-up material filed in the violation file. Once the matter is clean-up a final inspection letter is sent to the owner/violator of the property, updates are made to the violation file and Chrono Log. Final notations are made in **green** font indicating the file is closed and the violation file is closed.

In the event the owner/violator fails to conduct the required activities described in the Order the NPDES enforcement may cause such required described in the Notice and the cost thereof shall be invoiced to the owner of the Property. If the invoice is not paid within sixty (60) days, a lien may be placed upon the property (Ord. 3966 Section 1 (part), 1998).

5. Fifth progressive enforcement action is a **referral letter to San Joaquin District Attorney and the California Regional Water Quality Control Board State** with copy to the owner/violator sent by Certified Mail. The Certified Mail receipt is stapled to the copy of the letter and action noted in the violation file and Chrono Log and filed in the violation file. Notation is made in the violation file and Chrono Log of the issuance of the referral letter. Final notations are made in **red** font indicating the file is closed on our end and all matters have been referred to the proper authorities.