Contra Costa Clean Water Program Inspector Training Workshop May 3, 2018

Elements of an Effective Enforcement Program

Presented by Tim Potter,
Environmental Compliance Superintendent
Central Contra Costa Sanitary District

- Presentation Overview
 - Objectives of Regulatory Programs
 - Role of Enforcement to Meet Program Objectives
 - Enforcement Program Elements
 - Building Effective Enforcement Program Elements
 - Case Studies

- Objectives of Regulatory Programs
 - Protection of...storm water quality
 - Establish standards to achieve protection
 - Different levels of jurisdiction
 - Alignment of standards
 - Compliance by regulated businesses
 - Systems to ensure compliance
 - Communicating standards
 - Education vs. Enforcement

- Role of Enforcement to Meet Program Objectives
 - "3-legged stool" model for regulatory programs
 - Clear, achievable standards
 - Compliance assessment
 - Enforcement
 - Each "leg" is a critical component
 - Establishes incentive to achieve/maintain compliance
 - Escalation of enforcement
 - Responsive to varying circumstances

- Enforcement Program Elements
 - Statutes, Regulations (ordinances), Permits
 - Program Resources
 - Staff/Training
 - Systems/Forms
 - Communication/Education Resources
 - Documentation Systems/Standards
 - Enforcement Response Plan
 - Standards of response

- Enforcement Program Elements
 - Fair and equitable
 - Avoid disparate treatment among businesses
 - Evidence to support citations
 - Attention to details
 - Accuracy of code citations
 - Timeliness
 - Field issued citations
 - Follow-up actions

- Building Effective Enforcement Program Elements
 - Responsive/Dynamic
 - Balancing regulatory effectiveness with customer service
 - Stay within authority
 - Interpersonal skills of team members

- Case Studies
 - Selected to illustrate different conditions and responses
 - Review the conditions resulting in citation and resolution of case

- Forma Gym (Walnut Creek)
 - Diatomaceous earth (DE) filter media discharged to storm drain system
 - Chlorine feed container without containment













- Forma Gym (Walnut Creek)
 - NOV issued for pollutant discharge
 - Cleaning company contracted to remove and collect DE filter media from storm drain system
 - Secondary containment established for chlorine feed container
 - Condition resolved with issuance of NOV
 - Company maintained compliance

- California Pizza Kitchen (Walnut Creek)
 - Complaint received from Cal EPA complaint system
 - RWQCB referred to city staff who requested Central San response
 - Grease wastes observed on pavement and in storm drain inlet







- California Pizza Kitchen (Walnut Creek)
 - NOV issued for pollutant discharge
 - Company staff initially cleaned impacted area and hired cleaning company to remove greasy material from storm drain
 - Company committed to discontinuing practice
 - Condition resolved with issuance of NOV
 - Company maintained compliance

- Pacific States Petroleum (Pleasant Hill)
 - Improperly stored engine parts and hazardous materials/wastes
 - Signs of degreasing operations
 - Oily materials on ground
 - Oil sheen observed on liquid















- Pacific States Petroleum (Pleasant Hill)
 - NOV issued for pollutant discharge and pollutant exposure
 - Containers hauled off-site or stabilized
 - Company staff cleaned impacted area using dry absorbent materials
 - Condition resolved with issuance of NOV
 - Will reinspect to determine if company has maintained compliance

- Crow Canyon Commons (San Ramon)
 - Poorly designed temporary trash enclosure area
 - Capacity not adequate
 - Uncontained trash
 - Waste liquids released to ground

















Contra Costa CWP Training

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- Crow Canyon Commons (San Ramon)
 - WN issued for pollutant exposure
 - NOV issued for pollutant discharge
 - City issued order to address conditions and required construction of properly designed trash enclosure
 - Company has maintained compliance after new trash enclosure constructed

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- Postino's (Lafayette)
 - Enclosure uncovered and without berm
 - Grease waste on outside of tallow bin and on ground
 - Liquid from food waste recycling on ground
 - Company responded to each citation but failed to maintain compliance















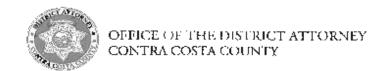












Mark A. Peterson DISTRICT ATTORNEY

September 30, 2014

Postino's Parry Tong – Owner 3565 Mt. Diablo Blvd. Lafayette, CA 94549

Re: Notice of Stormwater Violations

Dear Mr. Tong:

It was a pleasure meeting you and Mr. Beatty at my office this afternoon. We discussed an informal resolution involving remedial measures to ensure future environmental compliance. My belief is the following measures are necessary and essential; 1) Roof over the dumpster area; 2) Construct berm and 3) Employee training to include an employee assigned to check/inspect the area "x" number of times a day. It is my understanding that you have no objection to the employee training and construction of the berm but need to look into the feasibility of the roof. In that regard, you agreed to contact me within 30 days regarding the feasibility of the roof to include proof of substantial efforts to accomplish this remedial measure.

If my office and Central Contra Costa Sanitary District are satisfied with the remedial measures, then I will table this enforcement referral for one year. If no additional "Notices of Violations" are issued within one year, then I will permanently close this referral. However, my office will likely pursue formal enforcement if the agreed upon remedial measures are not completed or new violations occur within this one year tolling period.

If you have any other questions or concerns, please feel free to contact me at (925) 957-8787.

Sincerely, MARK A. PETERSON District Attorney

Stacey N. Grassini Deputy District Attorney Special Operations Division

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- Postino's (Lafayette)
 - Multiple NOVs issued for pollutant discharges and pollutant exposure
 - Case referred to Contra Costa DA for pattern of noncompliance
 - DA resolved case with informal agreement requiring structural improvement and maintaining compliance for one year
 - Company has maintained compliance after covered trash enclosure constructed with berm at entrance
 - Fringe benefit, employees appreciate cover from weather

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Questions/Discussion