



THE CITY OF SAN DIEGO

February 7, 2014

Electronic Submission: David.Barker@waterboards.gov

David Barker
Supervising Engineer
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

Subject: Qualcomm Trash Issues and Future Board Agenda Item on Trash

Dear David:

Thank you for meeting with me on January 17 to review our response to Mr. Powers' complaint of trash and debris in Murphy Canyon Creek. The information below addresses the specific questions you posed in your follow-up email of January 21, 2014.

Illegal Dumping Response Procedures

As I described in our initial meeting, the City has a timely and efficient system for responding to complaints of illegal dumping like the ones submitted by Mr. Powers over the years. There are multiple paths that lead complainants to one of many departments that respond to illegal dumping. These paths begin with either direct contact with a responsive department or with an indirect report provided to the department by another City office (Council, Police, Fire, etc.)

Reports of trash and/or debris in the City's storm sewer system are managed by the Storm Water Division of the Transportation and Storm Water Department. Reports of trash and/or debris in other areas of the City are typically addressed by the Waste Reduction and Disposal Division of the City's Environmental Service Department. I have described the documentation and response procedures for both Divisions below.

Response by the Storm Water Division

The Storm Water Division Enforcement Unit is responsible for the enforcement of the San Diego Municipal Code regarding storm water discharges found in Section 43.03 et al. The City maintains a Storm Water Enforcement Standard Operating Procedures

Transportation & Storm Water Department

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(SOPs) Manual that was updated in 2013 to provide guidance to the Code Compliance Officers assigned to the Division (Attachment 1). The SOP manual outlines response procedures for complaints of trash and debris and describes how and when to contact other City agencies should those complaints be associated with transient persons' encampments. A matrix showing responsibilities for addressing trash and debris complaints is included with this letter (Attachment 2).

As proscribed in the Public Rights of Way Service Level Agreement maintained by the City the Storm Water Division works with the San Diego Police Department (SDPD) Homeless Outreach Team (HOT), the City's Environmental Services Department and other City divisions and departments as needed to abate and cleanup transient persons encampments. The Public Right of Way Service Level Agreement was incorporated as Section 2.8 of the Storm Water Enforcement Standard Operating Procedures Manual.

The specific trash investigation procedures included in the Manual were developed and incorporated as Section 3.15 to give direction on the updated process to address trash complaints as shown in the agreement. The Division's Enforcement Unit strives to achieve a two business day response time for 75% of all complaints. Please note that reports of active or on-going discharges (including those associated with trash and debris) are prioritized for immediate response. As a matter of practice, the Storm Water Division does assign a higher priority and more rapid responses to active direct discharges to sensitive downstream water bodies like estuaries or Areas of Special Biological Significance. All complaints and reports received by the Division are logged into the City's electronic Enterprise Asset Management system and assigned a sequential case number that is made available to the complainant.

As part of the Municipal Storm Water Permit requirements, the channels are to be cleaned of trash and debris each year. These cleaning events are scheduled through the Storm Water Division's Operations & Maintenance Section. On April 16 and 17, 2013, the lower 2,270 feet of the Murphy Canyon Creek channel was cleared of trash/debris by crews with the Urban Corps the City's contractor for this work. Over the two days, Urban Corps removed 1,950 pounds of trash for the channel.

As I described on January 17, the City must follow very specific procedures when abating transient encampments like those identified as the source of the trash and debris described by Mr. Powers. Per the *Isaiah v. the City of San Diego* court ruling, the City must post notices of abatement and intent to clean sites for a minimum of 72 hours prior to initiation of cleanup efforts. This posting is typically preceded by requests to the City's Homeless Outreach Team for site visits and attempts to assist and disperse the transient population identified.

Response by the Environmental Services Department

The Environmental Services Department (ESD) is the city's first line of defense regarding trash/debris concerns related to transient persons' encampments across the

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City. Once a complaint about trash and/or debris is submitted (regardless of the suspected source) the Department's Waste Reduction & Disposal Division initiates an investigation within approximately 3 working days. However, responses to some transient encampment locations require San Diego Police Department (SDPD) escort. The coordination for an SDPD escort may extend beyond the targeted three working days. In any event, all complaints are logged into the City's Enterprise Asset Management system database and assigned a service request number which is made available to the complaint if desired.

Based on the findings of the Code Compliance Officer assigned to the investigation, the problem is documented as one of two categories: private or public. When a problem occurs on private property, a Notice of Violation (NOV) is sent to the property owner/responsible person giving approximately 14 days to clean-up the site. Failure by the property owner to make significant efforts to clean the site will result in escalating enforcement. When the problem is occurring on public property, the complaint is referred to the appropriate department based on the service level agreement, or ownership of the property. The responsible department has the opportunity to clean up the site with their staff, contracts, or coordinate with the ESD to perform the clean up for them via a service request. ESD may also receive service requests directly from other departments without receipt of a complaint. When the request is received, ESD staff will visit the site to assess the type and amount of trash/debris to be removed. These requests have an approximate response time of 2 weeks based on the overall unit work load.

The ESD Enforcement Unit has a field staff of 9 Code Compliance Officers. Between July 1 and December 31, 2013, this unit received 14,926 complaints leading to the abatement and cleanup of 13,713 locations with trash, litter and/or transient encampments. This work included investigations and enforcement of dumping in the alleys and rights-of-way within the City. During a typical year also participate in 78 annual mini clean ups – scheduled community-events not associated with a unique complaint. Staff also provides and participates in an additional 30 large-scale community clean up events, and twice per month transient camp abatements each year. Non-emergency complaints are normally addressed in the order that they were received.

I have attached a chronology of efforts we took in response to Mr. Powers' complaints (Attachment 3).

Additional Considerations

Not all complaints of trash and/or debris require formal documentation and response processes. City crews from every department are trained to identify and address problems and potential risks in our communities. A field crew working to repair a roadway may find trash and debris near a job site and will address that issue as possible in advance of a complaint or request for service.

As we discussed in our meeting in January, all City operations are subject to change given specific weather conditions. Rain events trigger a "storm patrol" status for crews in

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the Storm Water and Streets Divisions of the Transportation and Storm Water Department. That status may take these crews away from normal trash abatement efforts and reassign them to service for areas with known histories of flooding or potential for clogged inlets or outfalls. Rain may also delay normal trash abatement efforts should it be sufficient to make work areas unsafe (slick muddy conditions in channels for instance) or otherwise impassable.

Qualcomm Stadium

Qualcomm stadium staff takes their responsibilities to protect and improve water quality very seriously. They have been good partners with the City's Storm Water Division staff and have adopted recommendations for improvements as offered by our team.

In response to your concerns and those expressed by Mr. Powers, the stadium will purchase additional scrim to place on the chain link fence near the Murphy Canyon Creek channel and along the southern fence line under the Trolley. The rodent stations along the edge of the stadium property have been removed. Staff has been informed, again, that the vehicle barn is the designated location for all automotive repairs, and that no employees are allowed to change vehicle oil in the parking lot. The stadium storm drain inlets were cleaned of all trash/debris on February 3, 2014.

Stadium staff had previously been sand bagging the inlets and using plastic mats, but has ordered coconut fiber mats that will cover all 28 inlets on stadium property. Stadium staff has assumed all responsibility for this effort and will no longer rely on tenants and event organizers to handle this effort. In the southeast corner storm water inlet, a re-usable sock type drain insert will be installed to capture a larger amount of debris. This location is the apex of the flood plain and gathers larger amounts of debris.

In the future, when cleaning the stadium parking lot, crews will move off-site to collect additional trash visible from the stadium parking lot. They will go from the outside of the K-Rail that marks the stadium property line to the berm on the east side of the property and the south end as well. Crews have gone under the I-15 overpass and cleaned that area. Additionally in the past, the ground crew has gone off site, up the bike path that is underneath San Diego Mission Road, to clean on occasion. Stadium staff will now monitor that area on a more regular basis.

The stadium is also purchasing secondary containment for all portable toilets. When on-site during the sports season, they will be cleaned no less than twice per week – more should there be multiple events across a full week. In the off-season when the number of portable toilets is reduced and events are scheduled farther apart, they will be cleaned at least once per week when there are no events and more often when multiple events occur.

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Future San Diego Water Board Agenda

The City of San Diego is always willing to discuss opportunities to collaborate and jointly present information to the San Diego Regional Water Quality Control Board members regarding this issue.

If you have additional questions, please contact Ruth Kolb at (858) 541-4328 or at rkolb@sandiego.gov.

Sincerely,



Kris McFadden
Deputy Director
KM/rk

cc: Barrett Tetlow, Chief of Staff, Office of Scott Sherman Council District 7
Tony Heinrichs, Deputy Chief Operating Officer, Office of the Mayor
Jeff Sturak, Deputy Chief Operating Officer, Office of the Mayor
Jim Barwick, Director, Real Estate Assets Department
Mike McSweeney, Stadium Manager, Real Estate Assets Department
Chris Gonaver, Director, Environmental Services Department
Mario Sierra, Assistant Director, Environmental Services Department
Linda Giannelli-Pratt, Deputy Director, Environmental Services Department
Lisa Poston, Supervising Code Compliance Officer, Environmental Services Department
Garth K. Sturdevan, Director, Transportation & Storm Water Department
Heather Stroud, Deputy City Attorney, City Attorney's Office
Ruth Kolb, Program Manager, Transportation & Storm Water Department



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Acronyms & Abbreviations

AHLD	Administrative Hold
AHP	Administrative Hearing Program
Airport Authority	San Diego County Regional Airport Authority
Animal control	County of San Diego/Animal Wildlife Services
ASBS	Area of Special Biological Significance
BMP	Best Management Practice
California EMA	California Emergency Management Agency (formerly OES)
CITE	Administrative Citation
City	City of San Diego
COMP	Compliance
County	County of San Diego
County Hazmat	County of San Diego/Hazardous Materials Division
County Health	County of San Diego/Department of Environmental Health
County Pet Waste	County Watershed Protection Programs
CP	Civil Penalty
CSD	City of San Diego
CSLB	California State License Board
DMS	Document Management System
DMV	Department of Motor Vehicles
DNR	Do Not Respond
DOB	Date of Birth
DSD	Development Services Department
DUP	Duplicate
EDU	Education
El Nino/PTS	El Nino/Project Tracking System
ENFLTR	Enforcement Letter
ESD	Environmental Services Department
ESD/Hazmat	ESD/Environmental Protection Hazmat Program
EXE	Exempted
FBN	Fictitious Business Name
FEWD	Food Establishment Wastewater Discharge
Fish & Game	United States Department of Fish and Wildlife Service
GENLTR	General Letter
HOA	Home Owners Association
ICID	Illicit Connection/Illegal Discharge
IRPT	Investigation Report
IT	Information Technology
JURMP	Jurisdictional Urban Runoff Management Plan
LLC	Limited Liability Corporation
LLP	Limited Liability Partnership



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METRO	Metropolitan Waste Water Division
MS4	Municipal Separate Storm Sewer Systems
MSDS	Material Safety Data Sheet
MWWD	Metropolitan Waste Water Division
N/A	Not Applicable
NAT	No Action Taken
NCCD	Neighborhood Code Compliance Department
NEF	No Evidence Found
NOV	Notice of Violation
NPDES	National Pollution Discharge Elimination System
NRC	Federal National Response Center
Ocean Blue	Citywide Hazardous Waste Contractor
OneSD	City of San Diego SAP accounting system
OSHA	Occupational Safety and Health Administration
P&E	Policy and Enforcement
PDF	Portable Document Format
POC	Point of Contact
PRA	Public Records Act
PUD	Public Utilities Department
QC	Quality Control
RCK	Re-check
RDO	Required Day Off
REF	Referred
ROW	Right-of-Way
RP	Responsible Party
RSPLTR	Response Letter
RWQCB	Regional Water Quality Control
SAP	Database Management System
SDFD	San Diego Fire Department
SDFD/Hazmat	San Diego Fire Department/Hazmat Unit
SDMC	San Diego Municipal Code
SOP	standardized operating procedures
SUV	Sports Utility Vehicle
SWPP	Storm Water Pollution Prevention
TBD	To be determined
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
US Coast Guard	United States Coast Guard
USD	University of San Diego
WMB	Water Main Break
WRED	Waste Reduction & Enforcement Division



SECTION 1 BACKGROUND, PURPOSE, AND PROGRAM REVIEW

This *Policy & Enforcement Standard Operating Procedures Manual* (Manual) was prepared at the request of the City of San Diego (City) Transportation and Storm Water Department, Storm Water Pollution Prevention Division, Policy & Enforcement Unit. The Policy & Enforcement Unit, through the Storm Water Pollution Prevention Program (Storm Water Program) is the lead office for the City's efforts to reduce pollutants in urban runoff and storm water to the maximum extent practicable. These activities include, but are not limited to, public education, employee training, water quality monitoring, source identification, code enforcement, watershed management, and development/implementation of Best Management Practices (BMPs) within the boundaries of the City.

The Policy & Enforcement Unit is responsible for fielding and processing complaints received from the public regarding possible code violations; investigating those complaints; enforcing the pertinent City codes, including issuing violation notices; ensuring that violations are corrected; and maintaining a database of the violations that are reported and the status of those violations.

1.1 Regulatory Drivers and Purpose of the Policy & Enforcement Program

The Clean Water Act of 1972 and the Federal Water Quality Act of 1987 created a framework to regulate municipal, commercial, and industrial discharges into receiving waters of the United States (U.S.) by implementing a permitting process regulated through the National Pollutant Discharge Elimination System (NPDES) program. In the state of California, the State Water Resources Control Board (SWRCB) is responsible for administering the NPDES permit system through its nine Regional Water Quality Control Boards (RWQCBs). The San Diego RWQCB (Region 9) administers the program throughout San Diego County using a Co-permittee system. The San Diego County Co-permittees consist of all incorporated communities within the County, including the City, as well as properties under the jurisdictions of the San Diego Unified Port District (Port District) and the San Diego County Regional Airport Authority (Airport Authority).

In 2013, the San Diego RWQCB adopted Order No. R9-2013-0001 (NPDES Permit No. CAS0109266), titled *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority*. This order requires compliance with storm water regulations. Verification and enforcement of compliance with Order No. R9-2013-0001 (Permit) is the responsibility of the City Storm Water Pollution Prevention Division (SWPP) Policy & Enforcement Unit, Policy & Enforcement Program (P&E).

SWPP Program personnel are responsible for the detection, elimination, and enforcement of illicit discharges and illegal connections that occur within the jurisdictional boundaries of the City. The Permit specifies that the City is to "investigate and inspect any portion of the MS4s that, based on visual observations, dry-weather field screening, and analytical monitoring results, or other appropriate information, indicates a reasonable potential for illicit discharges, illicit connections, or other sources of non-storm-water (including non-prohibited discharge[s])..." Also, the Order mandates that the City to



“implement and enforce its ordinances, orders, or other legal authority to prevent illicit discharges and connections to its MS4.”

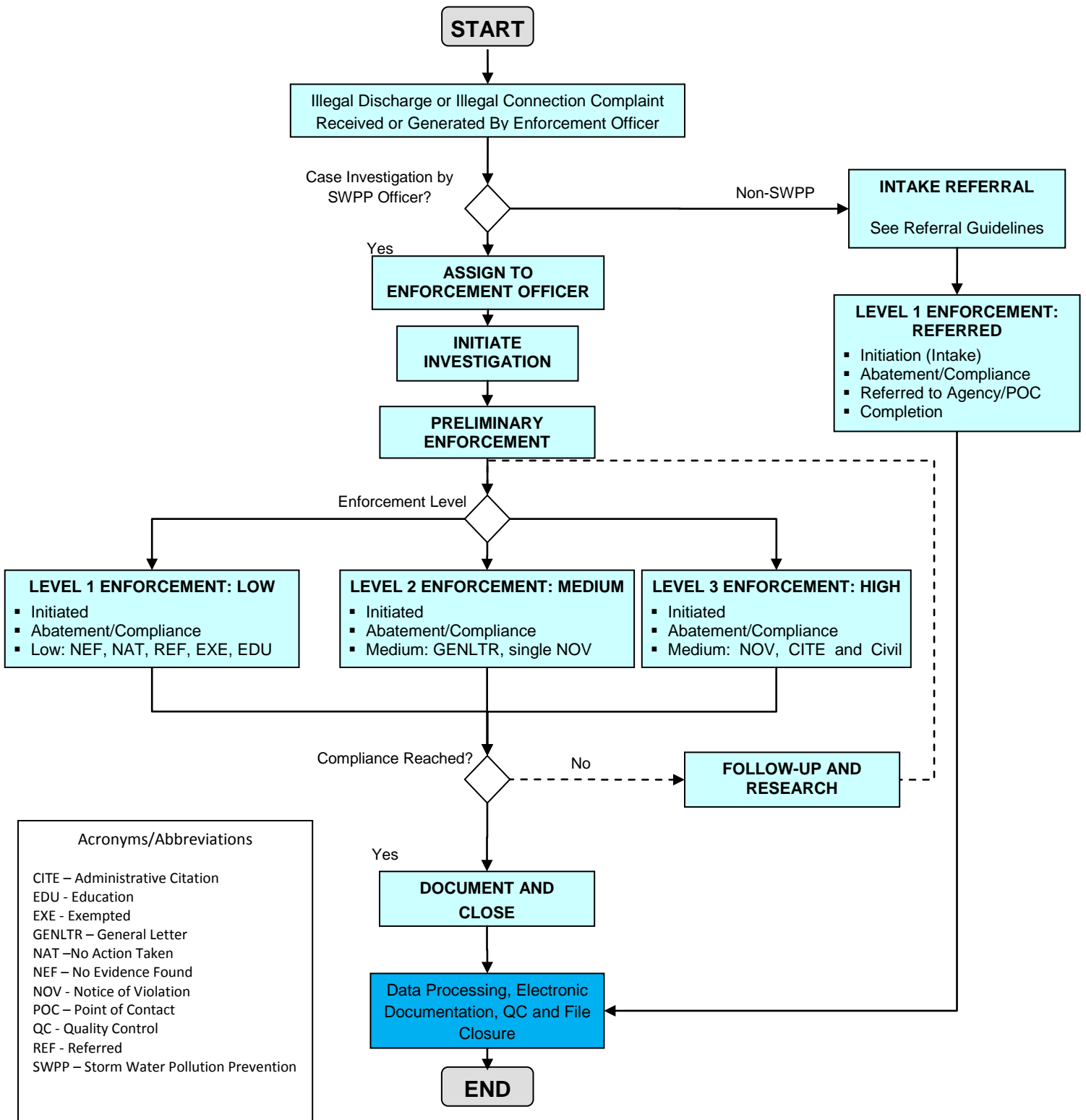
This Manual was prepared to provide City Storm Water Enforcement Officers (hereafter Enforcement Officers) and P&E staff a comprehensive guide to performing investigations and enforcement activities associated with responses to reported illicit discharges and illegal connections. The use of the standardized operating procedures (SOPs) described in this Manual by the Enforcement Officers will result in: (1) more efficient utilization of City staff resources, and (2) improvements to the levels of service available to manage storm water regulatory compliance issues. A primary objective of the SOPs performed by Enforcement Officers is to reduce the volume of pollutants entering the storm water system.

This manual provides a step-by-step process to track non-storm-water discharge complaints from the time the complaint is received to the assignment of the complaint to an Enforcement Officer through the completion of the investigation and enforcement process. This Manual describes the daily tasks that may be conducted by Enforcement Officers, including processing complaint-related calls, performing the initial investigation activities, collecting photographic documentation of violations, conducting follow-up visits, determining the proper and consistent enforcement levels associated with specific violations, handling correspondence, and conducting other activities to ensure proper resolution of violations, including those violations that require legal action.

This Manual is organized into 11 sections, each of which pertains to the major milestones that constitute the overall investigation and enforcement process. The Policy & Enforcement process is depicted in Figure 1.



Figure 1. Overall Policy & Enforcement Process 2012



Acronyms/Abbreviations

- CITE – Administrative Citation
- EDU - Education
- EXE - Exempted
- GENLTR – General Letter
- NAT –No Action Taken
- NEF – No Evidence Found
- NOV - Notice of Violation
- POC – Point of Contact
- QC - Quality Control
- REF - Referred
- SWPP – Storm Water Pollution Prevention



1.2 Jurisdiction and Authority

The County of San Diego (County) is divided into seven watershed management areas, six of which are under the partial jurisdiction of the City: Mission Bay, Los Peñasquitos, San Dieguito River, San Diego River, San Diego Bay, and the Tijuana River (see Figure 2). Management of runoff from these areas is critical to maintaining the quality of water within the individual watershed areas. Urban runoff management practices are described in the City's Jurisdictional Urban Runoff Management Plan (JURMP). The current JURMP for the City was adopted by the City Council on January 22, 2008, in Resolution No. 303351. The JURMP describes the programs and activities that have been designed to protect rivers, streams, bays, and the ocean from storm water pollution within City boundaries. In addition to the requirements outlined in the JURMP, the San Diego Municipal Code, Chapter 4, Section 3, Division 3 (Appendix A) mandates that the City investigate and enforce potential violations of the Permit.

The Permit Co-permittees¹ share responsibility to comply with the Permit. Each Co-permittee has its own jurisdiction, but must work together with the City to investigate and enforce potential violations in shared areas, as needed. Any potential violations associated with properties within the watershed areas (i.e., small MS4s, construction sites 1 to 5 acres in size, and industrial facilities owned or operated by small MS4s) that are *not* within the City's jurisdiction are referred by the City to the RWQCB whenever enforcement is needed. Also, violations that occur within the boundaries of the jurisdictions of the Port District and Airport Authority, though they may involve land within the boundaries of the City, are also referred to the RWQCB for action.

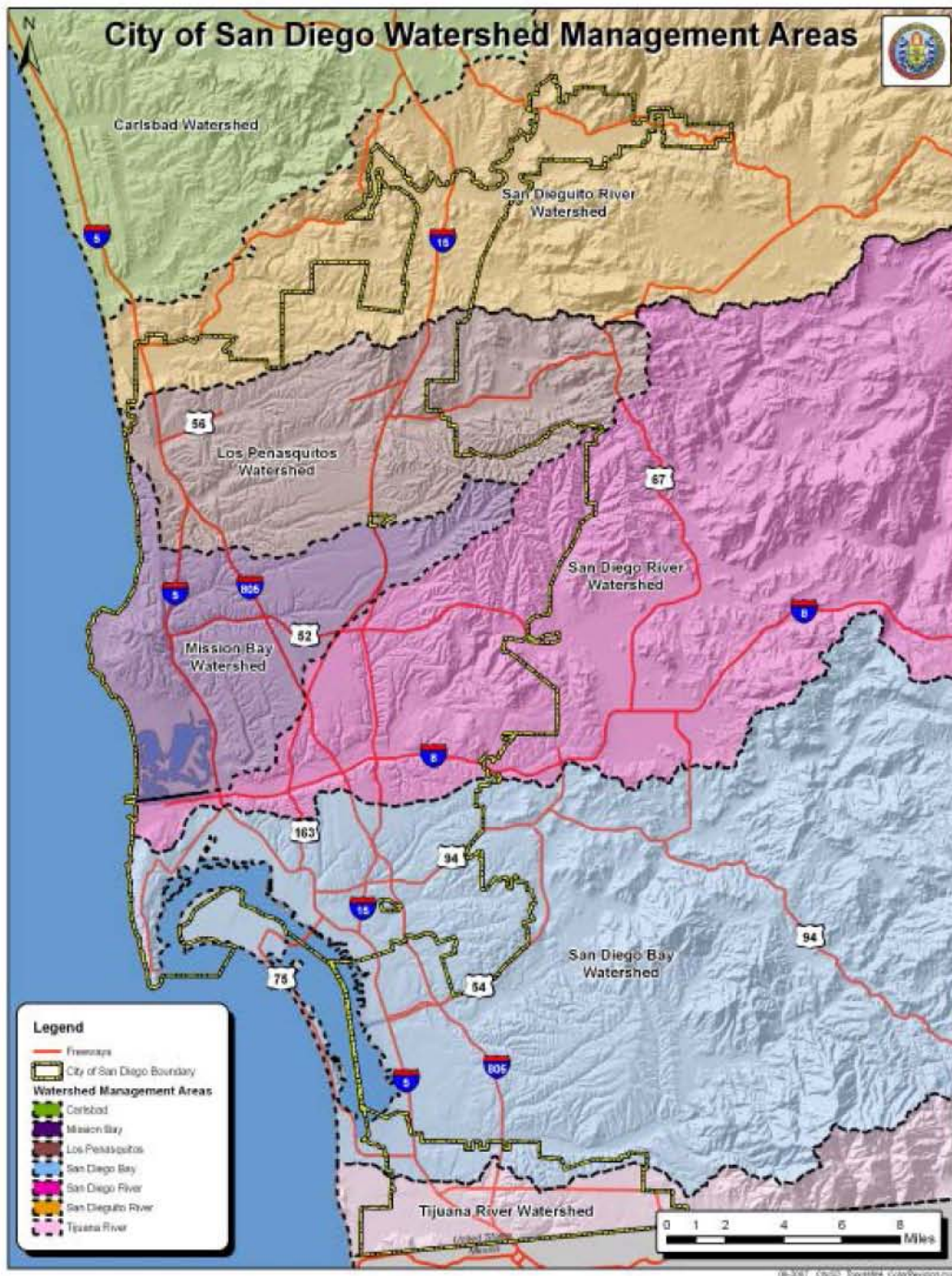
The Enforcement Officers have the authority to mandate enforcement activities that may be necessary to effectively implement and enforce storm water pollution prevention. These activities may include conducting sampling activities, issuing Notices of Violation (NOVs), performing monitoring activities, mitigating potential discharges, requiring the development of storm water pollution prevention plans (SWPPPs), providing education and outreach, and requiring implementation of BMPs, as indicated by law. Violations of the municipal codes can be subject to administrative citations or administrative civil penalties of up to \$10,000 per day per violation, not to exceed \$100,000 per parcel or structure.

In addition to the City of San Diego, other agencies, such as the RWQCB, U.S. Department of Fish and Wildlife Service and the U.S. Coast Guard, have the authority to enforce storm water pollution violations, discharges directly to the ocean, bay or any water body. However, the activities of these agencies are not discussed further because they are outside the scope of this Manual.

¹ NPDES Permit No. CAS0109266 Co-permittees include the incorporated cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority.



Figure 2. City of San Diego Watershed Management Areas





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SECTION 2 COMPLAINT INTAKE PROCEDURE

The following paragraphs describe the processes associated with managing complaints that are received by the Policy & Enforcement Unit.

2.1 Public Resources: Phone, Online, Email and Walk-In Submittals

Through its Think Blue² program, the City offers phone, online (Figure 3), email, and walk-in resources that the general public can use to report storm water pollution complaints. Information regarding methods of accessing these resources is provided below.

- Phone the City directly at (619) 235-1000.
- Phone the County of San Diego at (888) THINK-BLUE, or (888) 844-6525.
- Email the City at swpp@san diego.gov.
- Visit the City in person at 9370 Chesapeake Drive, Suite 100, San Diego, CA 92123.
- Complete the Online Complaint Form at <http://www.sandiego.gov/thinkblue/>.

The Online Complaint Form can be found by clicking on the link on the City's *Think Blue* website <http://www.sandiego.gov/thinkblue/> (see Figure 3). Complaints received by the City are routed to the SWPP Administrative Support staff responsible for intake (Administrative Staff) for processing and are entered into the P&E database.

Figure 3. City of San Diego Think Blue Home Page



² Think Blue is the City's storm water education campaign for both external and internal audiences, and is managed by the Pollution Prevention Division's Education and Outreach Program. The Think Blue campaign is a multi-faceted effort that encompasses education, public outreach, storm water pollution prevention advocacy, mass media advertising, and employee training.



2.2 General Complaint Information to Be Collected

The first step in the complaint intake process is to assess the nature of the violation. Administrative Staff should obtain as much detailed information as possible to determine the appropriate next steps. Next steps to be performed by the assigned officer could include research into whether prior or active investigations are on file regarding the facility being reported, whether potential witnesses are available to be interviewed, and who the potential Responsible Party is. Information obtained during the intake process can also be used to assess which complaints should be referred to other agencies or City departments, whether a joint investigation should be conducted with other Co-permittees, and whether other non-Co-permittee organizations should be involved. Information obtained during the intake process should be recorded on the Storm Water Intake Form (Appendix B).

2.2.1 Determination of Request Type

Information submitted for complaints can vary widely, depending on the nature of the issue that prompted the initial contact. Examples of information that may be requested from or provided by the public include:

- A general question from the public regarding a health and/or safety issue.
- A wrong number.
- An issue that is not storm water-related (i.e., not a complaint or a service request). For example, a citizen may want to report a non-storm-water-related health and/or safety issue, such as trash not being picked up on schedule by the City. These types of complaints do not need to be tracked on the P&E database.
- A complaint-related call. If the call is related to a complaint, additional information must be collected and logged into the corresponding P&E database. Examples of such complaints include:
 - Street sweeping.
 - Storm drain repairs (e.g., clogged drain, clogged channel, object inside the storm drain or other storm-drain-related issues).
 - Illicit connection or illegal discharges, implemented by P&E.

2.2.2 Complaint Address

Information regarding the address or the location of the violation should be entered into the P&E database in accordance with the City's Standard Naming Conventions (Appendix C). Examples of proper naming conventions are provided below.

- Single address: House number, then street name, then street type (e.g., 12345 29th Av).
- Intersection: Street name at street name (e.g., Skyline Dr at 69th St).
- Blocks or street sections: House number range, then street name (e.g., 600 – 700 Main St).



Examples of improper address entries and how to correct them are provided below.

- Incorrect address entry → Correct address entry
- 600 block of Main St → 600-700 Main St.
- Northwest corner of Clairemont Trail Blvd → Clairemont Trail Blvd at Genesee Av.
- Directly in front of 9191 Kearny Mesa Dr → 9191 Kearny Mesa Dr.
- Atlantic Dealer 4400 Blk Mission Cove Dr → 4433 Mission Cove Dr.
- 5841 & 5901 La Jolla Mesa Ct → 5800 – 5900 La Jolla Mesa Ct.

If the reporting party is unable to provide the exact street number, then use the street section, nearest street number, or intersection to identify the location. Additional details should be added to the Notification Long Text section of the Storm Water Intake Form to facilitate locating the property (e.g., in rear alley, across from xxx, next to xxx, color of the house, color of the garage doors, description of large objects, such as planters or fences, and/or direction of the property from an identifiable landmark [north, east, west, or south of xxx]). For locations having multiple addresses, the complaint should be logged under the nearest street section to the location of the discharge or under the main address for the facility (if applicable).

2.2.3 Calling Party/Complainant

For complaints taken over the phone, the caller should be asked to provide contact information so that the investigating Enforcement Officer can reach the complainant in instances where additional information is needed or when the complainant needs to be called as a witness during legal proceedings. Whenever possible, the following information should be collected:

- Full name
- Address
- Phone number
- Company (if applicable)

2.2.4 Anonymous Callers

Intake personnel should not ask complainants if they wish to remain anonymous. If the complainant refuses to provide his or her name and/or phone number, the Enforcement Officer will investigate the complaint, but if the Enforcement Officer is unable to find the location of the violation, the case will be closed without further action or follow-up. Anonymous callers wanting additional information pertaining to a case file will be required to submit a Public Records Act (PRA) request.



2.3 SWPP Illicit Connection or Illegal Discharge Complaint Information

The following sections provide an overview of the process for recording information regarding SWPP illicit connections or illegal discharges.

2.3.1 Priority

The SWPP policy requires Enforcement Officers to investigate active discharges within four hours of receipt of the complaint before the evidence disappears. All other complaints should be investigated within two business days. Therefore, it is important to document complaints that are related to active discharges versus complaints pertaining to discharges that have ceased. In general, illicit connection and illegal discharge complaints can be divided into three categories.

- **Referral by Intake Only:** Complaints that do not require the involvement of an Enforcement Officer as a result of the discharge having been addressed by another City Department or other agency (as described in Figure 1), these complaints are referred by intake.
- **Medium Priority.** Not an active discharge. The discharge occurred prior to the complaint being submitted or the complaint was received on the weekend or outside of business hours. These cases must be entered in the P&E database and assigned to an Enforcement Officer within one hour after the complaint is received.
- **High Priority:** Active discharge at the time the complaint is received. This type of complaint requires that an Enforcement Officer perform the initial investigation within four business hours of the time the complaint was received. "Active discharge" means that the substance is flowing down the street during the intake process; active discharge does not include existing stains or standing or ponding water that was a result of non-storm-water runoff that occurred more than two hours prior to the receipt of the complaint. These cases must be assigned and the Enforcement Officer notified by email and phone; information regarding the case must be entered in the P&E database within one hour after the complaint is received.

2.3.2 Responsible Party

Callers should be asked to provide as much information as they can to assist the Enforcement Officers in identifying the Responsible Party. Examples of the types of information that should be obtained from callers are provided below.

- House number.
- Vehicle license plate, color, make, and type of vehicle (e.g., sedan, truck, SUV, motor home).
- Owner/tenant/manager name.
- Company name (if a business).
- Contractor or construction company names (displayed on uniforms or vehicles).



- Homeowners association (HOA)

2.3.3 Substance/Discharge Category

Intake personnel can assist Enforcement Officers by collecting specific information and classifying the discharge in terms of the categories listed below (see also the list of non-storm-water discharges provided in Appendix D). Identifying the potential illicit connection or illegal discharge is important in assessing the severity of the violation and whether additional agencies or City departments must be notified regarding the complaint.

- Animal Waste
- Automotive Fluids
- Construction Waste
- Fertilizer
- Food Waste
- Green Waste
- Hazardous Substance
- Illegal Connection
- Impervious Surfaces
- Irrigation
- Paint
- Pesticides
- Petroleum Hydrocarbons
- Pool
- Sediment
- Sewage
- Trash
- Wash Water
- Waste Water
- Water Main Break (WMB)
- Other/Unknown

2.3.4 Photographs and Witness-Provided Evidence

Complainants may have taken photographs that can be used to support enforcement actions. If Administrative Staff received information during intake, the information should be indicated on the intake notes, and the investigative files would be saved on the S drive for Enforcement Officer use (e.g., photographs, business cards, videos).

2.3.5 Documenting Call-Back Request for Reporting Parties

If the reporting party requests updates on the status of investigations, Enforcement Officers should contact them on an as-needed basis to provide such updates. Enforcement Officers and Administrative Staff have a responsibility to ensure that proper communication takes place with reporting parties. When a reporting party requests a call back, it should be documented on the intake notes for the Enforcement Officer's knowledge.

2.4 Electronic Case File Preparation

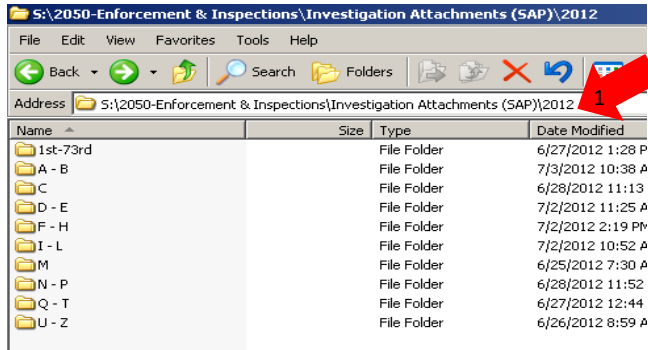
The procedures for creating/maintaining electronic case files are described below.

1. Administrative Staff should create and place a new case folder on the S Drive in the following location: S:\2050-Policy & Enforcements\Investigation Attachments (SAP)\YYYY\.



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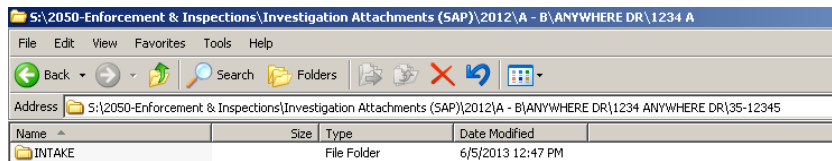
- The case folder should be created under the appropriate letter of the alphabet, associated with the case location. Cases with prefixes before the street name should go under the street name. For example, “1234 ANYWHERE DR” should be filed under “A” and then under the street name “ANYWHERE DR”.
- The folder name should be the same as the complaint’s address (e.g., “1234 Anywhere Dr”).



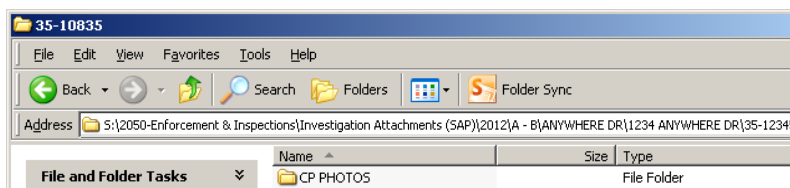
- When multiple investigations are performed at the same address, additional subfolders should be created for each case, using the complaint number (e.g., 35-12345 and 50-123456) .



- Save any emails, photos, or evidence received from the complainant in the case folder by creating a subfolder named “INTAKE” as follows: S:\2050-Enforcement and Enforcement\Investigation Attachments (SAP)\YYYY\Initial\StreetName\Address\INTAKE.



If the calling party provides photos only, then name the folder “CP PHOTOS” (S:\2050-Enforcement and Enforcement\Investigation Attachments (SAP)\YYYY\Initial\StreetName\Address\CP PHOTOS)





2.5 Hard-Copy Case File Preparation

Intake will prepare and deliver a hard-copy case file to the corresponding Enforcement Officer with the following documentation.

- Printed complaint information (P&E database template).
- Printed photos, emails, and any evidence received from the complainant.
- Copy of the completed hand-written Storm Water Intake Form (Appendix B).
- The hard-copy case file will be placed in the corresponding Enforcement Officer's outbox (next to reception desk).

2.6 Intake Referral Guidelines for Complaint Calls

Depending on the type and location of the substance that is the subject of the complaint, the complaint might require enforcement by other agencies or City departments. When a complaint is received, Administrative Staff must determine if the complaint should be handled by SWPP Enforcement Officers or if the complaint should be directed to another agency or City Department or Section based on the information provided in Table 1.

If the Administrative Staff fails to identify these types of cases as **Refer Only** during intake, the Enforcement Officer should notify and give the case file to their Supervisor for referral and processing without performing a field visit.

- Change the status to "Administrative Hold" (AHLD).
- Add Activity Code S175 and add the text "Refer Only," the date, and the time.
- Add Activity Code S158 and add the text "Referred" and who it was "referred to" (agency, department, etc).
- Return the case to the Enforcement Supervisor.

2.7 Inspection Referrals for Complaint Calls

Non-residential cases from the Industrial – Commercial Inspection Program being referred to the Enforcement Unit for investigation and enforcement shall include:

- active discharges to the public and/or private storm drain conveyance system(s); and,
- when there is evidence of a discharge to the public and/or private storm drain conveyance system(s).

All changes to this procedure are to be negotiated between the respectively Program Managers.



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Table 1. Intake Referral Guidelines

Illegal Discharges/Substance	Intake	Enforcement Officer Action	Other agencies/Departments
Animal/pet waste – private property	Refer only	DNR	Animal Control or County Pet waste
Animal/pet waste – public property	Officers	Investigate and Enforce	NCCD
Automotive Fluids/Oil: small amount (up to 2 gallons) from cars, trucks, boats, lawnmowers, etc.	Officers	Investigate and Enforce	If abatement needed: Street Sweeper (spills on the ROW, sand and sweep) ESD/WRED (containers on the ROW)
Construction Waste	Officers	Investigate and Enforce (Discharges/Connections)	DSD (BMP deficiencies)
Fertilizer	Officers	Investigate and Enforce	TBD by Officer (as needed)
Food Waste/FEWD	Officers	Investigate and Enforce	Industrial commercial inspectors BMP deficiencies
Green Waste	Officers	Investigate and Enforce	N/A
Hazardous Substance (if chemical release over 10 gallons see Chemical Release Reporting Assessment Form)	Supervisor	To Be Determined	<u>Illegal Dumps leaking/spilling</u> SDFD/Hazmat (Unknown substance to be identified) RWQCB and Fish & Game (Spilling directly into a water body) US Coast Guard (Discharge into Ocean or Bay) <u>Not leaking/spilling</u> ESD/WRED (ROW) or NCCD (private property) to evaluate storage violations
Batteries	Refer only	DNR	ESD/WRED
Fuming/Omitting Gases/On Fire	Refer only	DNR	SDFD
Paint/Solvents (latex and oil based)	Officers	Investigate and Enforce	If abatement needed: ESD/WRED (not leaking/spilling or container on ROW) or SDFD/Hazmat (discharge on ROW)
Acid/Bleach/Chemicals up to 10gl	Officers	Investigate and Enforce	As needed Officer might refer to County Hazmat or SDFD/Hazmat
Acid/Bleach/Chemicals over 10gl	Refer only	DNR	County Hazmat and SDFD/Hazmat
Storage/containers (unknown)	Refer only	DNR	SDFD/Hazmat (identify)
Oil spill (between 2 and 55gallons)	Officers	Investigate and Enforce (not City property)	ESD/WRED (City property)
Oil spills (over 55 gallons)	Officers	Investigate and Enforce (Private/Residential)	County Hazmat and SDFD/Hazmat (Business) ESD/WRED (City/Public)
Impervious Surfaces	Officers	Investigate and Enforce	TBD by Officer (as needed)
Irrigation	Officers	Investigate and Enforce	Water conservation
Pesticides	Officers	Investigate and Enforce	TBD by Officer (as needed)
Petroleum Hydrocarbons	Officers	Investigate and Enforce	TBD by Officer (as needed)
Pool	Officers	Investigate and Enforce	N/A
Power washing	Officers	Investigate and Enforce	N/A
Power washing: Paint/paint chips	Officers	Investigate and Enforce	ESD/Lead Abatement (Hydro blasting paint 1972)
Sediment	Officers	Investigate and Enforce	TBD by Officer (as needed)
Sewage	Officers	Investigate and Enforce	NCCD (Contained on Property) or PUD/MWWD (on conveyance system)
Trash/Illegal Dumping	See below	See below	See below
Illegal Dumping on R.O.W.	Refer only	DNR	ESD/WRED
Trash cans	Refer only	DNR	ESD/WRED
Leaks/liquid from trash cans	Officers	Investigate and Enforce	TBD by Officer (as needed)
Leaks/liquid City vehicle	Officers	Investigate and Enforce	ESD
Wash Water	Officers	Investigate and Enforce	N/A
Waste Water	Officers	Investigate and Enforce	TBD by Officer (as needed)
Water Main Break (WMB)	Officers	Investigate and Enforce	PUD/MWWD
Other substances	Officers	Investigate and Enforce	TBD by Officer (as needed)
Other Calls/Complaints	Intake	Enforcement officers	Other agencies/Departments
Illicit Connection	Officers	Investigate and Enforce	TBD by Officer (as needed)
Duplicate of active investigation	Cancel	DNR – Hand to Supervisor	N/A
Not ICID complaint: Repairs/damaged structures or sweeping complaints	Transfer	Not SWPP	Log to appropriate database (S1), street sweeping or storm drain

Abbreviations and phone numbers for Referrals and Abatements:

- Animal control: County of San Diego/Animal Wildlife Services (619) 767-2675
- California EMA: California Emergency Management Agency (800) 852-7550 formerly OES
- County Hazmat: County of San Diego/Hazardous Materials Division (858) 505-6657
- County Health: County of San Diego/Department of Environmental Health (858) 505-6657 after hours call (858) 565-5255
- County Pet Waste: County Watershed Protection Programs (858) 495-5318
- DSD: Development Services Department (619) 446-5000
- ESD: Environmental Services Department (858) 694-7000
- ESD/Hazmat: Environmental Services Department/Environmental Protection Hazmat Program (858) 492-5051
- ESD/Lead Abatement: Environmental Services Department /Lead Abatement (858) 573-1262
- ESD/WRED: Environmental Services Department/Waste Reduction & Enforcement Division (858) 694-7000
- FEWD: Food Establishment Wastewater Discharge
- Fish & Game: U.S. Department of Fish and Wildlife Service (800) 424-8802
- NCCD: Neighborhood Code Compliance Department (619) 236-5500
- Ocean Blue: Ocean Blue (877) 658-6653 they are the Citywide Hazardous Waste Contractor
- NRC: Federal National Response Center (800) 424-8802
- PUD/MWWD: Public Utilities Department/Metro Waste Water Division:
- Sewer lateral information/Daniel Carter (858) 654-4152 Eddie Salinas (858) 614-5742 or (619) 980-3764
- Water Main Breaks & Planned maintenance/ Michael Chandler (619) 515-3500 Emergencies (619) 515-3525
- RWQCB: Regional Water Quality Control Board (858) 467-2988



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- SDFD: San Diego Fire Department HIRT (619) 533-4380
- SDFD/Hazmat: San Diego Fire Department/Hazmat Unit (619)533-4411
- Street Sweeper: Transportation and Storm Water Department/Storm Water Division/Operations and Maintenance Section/Street Sweepers (619) 527-3482
- U.S. Coast Guard: United States Coast Guard (800) 424-8802
- Water Conservation: Public Utilities Department/Water Conservation Division waterwaste@san-diego.gov (619) 533-5271





2.8 Public Rights of Way Responsibilities

Public Rights-of-Way Responsibility Matrix

Environmental Services Dept., Transportation & Storm Water Dept:

(Eff. Date: 12-01-08 Rev: 10-14-13)

Red Highlighted: Street Division responsible for removal

Blue Highlighted: ESD responsible for removal

Green Highlighted: Storm Water - (may refer to ESD for enforcement/removal)

Pink Highlighted: Metro Wastewater

Purple Highlighted: Park and Rec

Description	ESD	Street Division	Storm Water	Other/ Comments
MEDIANS				
Medians in Rights of Way (unplanted/unlandscaped) <ul style="list-style-type: none"> • weeds • Litter in conjunction w/weeds • Litter 	X	X X		Street Division will remove litter only in conjunction with weed removal. Complaint Basis Only
Medians in Rights of Way (unplanted/unlandscaped) <ul style="list-style-type: none"> • illegal dumps (large bulky items) • Small Items 	X	X		(Able to be handled by One Person)
Medians in Rights of Way (orphaned/abandoned) (*no longer under EMRA) <ul style="list-style-type: none"> • weeds • litter 	X	X		Street Division will remove litter only in conjunction with weed removal. ESD will address on a complaint basis
Medians in Rights of Way (orphaned) <ul style="list-style-type: none"> • Illegal dumps (large bulky items) 	X			
Landscaped Medians <ul style="list-style-type: none"> • weeds • litter 				Park & Rec
Landscaped Medians <ul style="list-style-type: none"> • Illegal dumps (large bulky items) 	X			



Description	ESD	Street Division	Storm Water	Other/ Comments
BIKE LANES/BIKE PATHS/BIKE ROUTES				
Bike Lanes (clearly marked in street/traveled portion of streets) <ul style="list-style-type: none"> • Weeds • Litter 		X	X	
Bike Routes/Bike Paths <ul style="list-style-type: none"> • Weeds • Litter • Transient waste/camps (include removal from paved portion as well as the sides of bike path/route. <p>Note: In San Diego Riverbed/Rose Creek Channel-in drainage channel, on paved portion of bike route/path and areas on both sides</p>			X X X X	
Bike Lanes/Bike Routes/Bike Paths in rights of way <ul style="list-style-type: none"> • illegal dumps (large bulky items) 	X			
DRAINAGE CHANNELS				
Drainage Channels improved (e.g. concrete) (fenced in area) <ul style="list-style-type: none"> • Weeds • Litter • Illegal Dumps (lg bulky items) • Transient Camps • Haz Waste/Medical <ul style="list-style-type: none"> • Waste • Graffiti 			X X X X X X X	In storm drains/channels



Description	ESD	Street Division	Storm Water	Other/ Comments
Drainage Channels - Outside fenced area (e.g. between curb line and fence) <ul style="list-style-type: none"> • Weeds • Litter • Haz waste/medical waste • Transient camps/waste • Graffiti 	X	X		If in street right-of-way, Street Division is responsible. If in Drain Easement (up to 2ft out) Storm Water responsible. If sidewalk exists see "SIDEWALKS/PARKWAYS" below (eval for responsibility)
Drainage Channels - Outside of fenced area (e.g. between curb line and fence) <ul style="list-style-type: none"> • Illegal Dumps (large bulky items) 	X			
SIDEWALKS/PARKWAYS				
Sidewalks/Parkways (6am to 4pm) <ul style="list-style-type: none"> • Litter • Illegal dumps (large bulky items) • Haz waste/medical waste 	X			See attached Medical Waste Guideline *Over 15 Needles - Call DEH
Sidewalks/Parkways <ul style="list-style-type: none"> • Human Waste/Fecal Matter 				<ul style="list-style-type: none"> • Property Owner Responsible to the curb
Sidewalks/Parkways (Hazards After 4pm) <ul style="list-style-type: none"> • Illegal dumps (large bulky items) (may refer to ESD to remove) • Haz waste/medical waste) • Human Waste/Fecal Matter 		X		<ul style="list-style-type: none"> • Property Owner Responsible to the curb



Description	ESD	Street Division	Storm Water	Other/ Comments
ALLEY RIGHTS OF WAY				
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> Litter Illegal Dumps 	X X			
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> Weeds Haz waste/medical waste 	X	X		Eval if Dirt Alleys (policy: removal to middle of alley)
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> Human Waste/Fecal Matter 	➤		➤	Excrement Not Contained Excrement Contained/In bucket
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> Sewage 				Metro Wastewater
STREET RIGHTS OF WAY				
Street Rights of Way (improved/developed portion of street) <ul style="list-style-type: none"> Weeds Litter Human Waste/Fecal Matter 	➤	X	X ➤	Storm Water will remove litter from the street (curb face to curb face) Excrement Not Contained Excrement Contained/In bucket
Street Rights of Way - improved/developed portion of street <ul style="list-style-type: none"> Illegal Dumps (large bulky items) 	X			
Street Rights of Way (improved/developed portion of street) <ul style="list-style-type: none"> Sewage 				Metro Wastewater
Street Rights of Way (undeveloped/paper streets) <ul style="list-style-type: none"> Litter 				



<ul style="list-style-type: none"> Illegal Dumps (large bulky items) 	X X			
Description	ESD	Street Division	Storm Water	Other/ Comments
Street Rights of Way Basketball hoops or skateboards ramps in street rights-of-way	X			
Street Rights of Way Temporary Ramps/blocks at curb/in gutter		X		Temporary Ramps/blocks at curb/in gutter
Street Rights of Way (undeveloped/paper streets) <ul style="list-style-type: none"> Human/Fecal Waste Matter 		X		Street Div. to eval.
Street Rights of Way (undeveloped/paper streets) <ul style="list-style-type: none"> Haz Waste/Medical Waste 	X			*ESD will eval - If any City emp responds and 1-3 needles only, they should remove using safe practices
Street Rights of Way (undeveloped/paper streets) <ul style="list-style-type: none"> Sewage 				Metro Wastewater
MEMORIALS				
Memorials in Public Rights of Way (streets/alleys/sidewalks/parkways) maintained or not Note: May or may not be affixed to signs/poles.		X		
PEDESTRIAN WALKWAYS/FOOTBRIDGES				
Pedestrian Walkways and Foot Bridges <ul style="list-style-type: none"> Litter Weeds Transient camps. Human waste/fecal waste Haz /medical waste Petco Foot Bridge & Elevator (includes litter) 		X X X X X X		FY14 - Under Contract w/Urban Corp thru Streets
Pedestrian Walkways/Foot				



Bridges • Illegal Dumps (bulky items)	X			
Description	ESD	Street Division	Storm Water	Other/ Comments
WEEDS/VEGETATION				
Vegetation/Weeds encroaching public rights of way		X		
Palm Fronds/trees fallen into Streets or alleys from trees planted in parkways		X		
Palm Fronds/Trees fallen into public rights of way from private property		X		
Tree Droppings – excessive amounts in public right of way – reporting person claiming safety/slipping hazard; or impedes use of sidewalk (e.g. wheelchair difficult to move through)	X			*Default - Property Owner Responsible ESD will eval. complaint and responsibility on a case by case basis If reported during storm patrol the assigned crews from Street Div. and/or Storm Water Dept. may eval/address
VEHICLE BRIDGES				
• Bridge ▪ • Channels Under Bridges		X	X	All bridges and shelves under bridge = Streets Maintained by Responsible Property Owner, Managing Dept or Easement holder

 Stephen Grealy
 Deputy Director, ESD/WRAD

 Date

 John Helminski
 Deputy Director, TSW/Street Div

 Date

 Kris McFadden
 Deputy Director, T&SW/Stormwater

 Date





SECTION 3 INITIAL INVESTIGATION GUIDELINES

Upon receiving a complaint, Enforcement Officers must initiate the investigation process to determine if a non-storm water discharge exists, if such discharge is a violation of the Municipal Code, and the impact to water quality. Enforcement Officers must respond in a timely manner to obtain evidence supporting their investigation results to determine the corresponding enforcement level. This chapter provides guidelines for Enforcement Officers to perform initial investigations, research responsible parties, properly document findings, and deal with obstacles and limitations.

3.1 Enforcement Officer Assignments

The SWPP auto-assigns cases to Enforcement Officers based on assigned areas within the City's jurisdiction by zip code. Once Intake logs new complaints, the P&E database will assign the corresponding Enforcement Officer, and the hard-copy case file is placed in the Enforcement Officer's inbox.

Several factors can cause the auto-assignments to be modified or the cases to be reassigned or changed. These changes must be approved by the Enforcement Supervisor. These factors are:

- Enforcement Officer is Out of the Office: RDO, vacation, or sick leave.
- Microsoft Outlook Calendar³ availability.
- Abnormal calls in an Enforcement Officer's area might require other Enforcement Officer's support.
- Administrative Staff has been trained to notify an Enforcement Officer's backup of any cases received during the Supervisor's absence.
- When an Enforcement Officer is out of the office for more than one day and the backup is unable to conduct the investigation, the case must be returned to the Enforcement Officer responsible for the area the following business day.
- In cases where the Enforcement Officer responsible for an area is out of the office for two or more days, then the backup is fully responsible for the investigation.
- The Supervisor may change investigation assignments due to conflicts that may arise. All changes are to be approved by the Supervisor (or P&E Program Manager).

³ Microsoft Outlook is a personal information manager from Microsoft, available as a part of the Microsoft Office suite. Although often used mainly as an email application, it also includes a calendar, task manager, contact manager, note taking, a journal, and web browsing. It can be used as a stand-alone application or can work for multiple users in an organization, such as shared mailboxes, calendars, and meeting schedules.



3.2 Self-Generated Investigation

Enforcement Officers are constantly performing investigations within the City's boundary; whenever the Enforcement Officers observe a violation directly, they should follow the same process used for a regular complaint, except that the complaint and data entry will occur after the case has been initiated. Such self-generated cases are to be called into the hotline before leaving the site of the investigation and will be assigned to the Enforcement Officer generating the case.

3.3 Response by Multiple Enforcement Officers to the Same Violation

Sometimes, multiple complaints are identified during intake for one violation. However, the complainants do not always provide accurate information on the source, location, or substance of the violation, and it is possible that two Enforcement Officers will respond to the same violation under different case numbers and as part of separate investigations. In such cases, the following applies:

- Enforcement Officers are to review the cases to determine if they are the same violation.
- The Enforcement Officer assigned to the area should take over the investigation as the primary Enforcement Officer; if no Enforcement Officer is assigned to the area, then the first Enforcement Officer on the scene will take lead over the case (any changes are to be approved by the Enforcement Supervisor).
- Other investigations that have been started will be treated as duplicates, and all documentation will be transferred to the primary case file.
- The secondary Enforcement Officer is to place any photos in the primary case file.
- All Enforcement Officers involved in the same investigation should record their observations and any contact/witness interview information (under comments for low and medium cases or under the Investigation Report (IRPT)).

3.4 Daily Assignments

Procedures for daily assignments are as follows:

- Document all meetings and appointments on Microsoft Outlook.
- Designate a time on voicemail when the Enforcement Officer will make call-backs (beginning or end of day).
- Check mailbox, voice mail, and e-mail twice daily.
- Check the P&E database for any new assignments.
- Prioritize assignments for investigations based on priority level and substance.



3.5 Case Initiation: Response Time Based on Priority Level

As shown on the P&E Enforcement Selection Process flowchart (Figure 4), there are different ways to initiate and repond to complaints. Four scenarios that will determine how much time the Enforcement Officer has to initiate the investigation.

Refer-Only Complaints (Non-Storm-Water Pollution Prevention Enforcement)

Complaints that should only be referred by intake and that do not require Enforcement Officer assignments or investigations (where the discharge has been addressed by another agency or City department or section [as described in Table 1, Intake Referral Guidelines]) are therefore initiated, referred, and closed during intake by Administrative Staff.

Low Priority: Referral by Intake Only

Complaints that do not require the involvement of an Enforcement Officer because the discharge has been addressed by another City department or other agency (as described in Figure 1) are referred by intake.

Medium Priority: Non-Active Discharges

If a discharge is not active, either because it occurred before the complaint was initiated or because the complaint was received on the weekend or outside of business hours, the case must be initiated within 2 business days after the complaint is received, with the exception of irrigation discharges, documented groundwater sources, known locations identified as “do not respond,” or as determined by the Enforcement Supervisor.

High Priority: Active Discharges

Active discharges reported during hours of operations (Monday through Friday between 7:00 a.m. and 3:00 p.m. except for holidays) require Enforcement Officers to perform the initial investigation within 4 business hours of the complaint time and generally require a site visit unless directed otherwise by the Enforcement Supervisor. *Active discharge* means that the substance is flowing or running down the street during the intake process. It does not apply to existing stains or to standing or ponding water that was a result of flow that occurred more than 2 hours before the discharge was reported.

When an active discharge complaint is received, the assigned Enforcement Officer must respond immediately or notify the Enforcement Supervisor if unable to do so.

- Active discharges are to be investigated the same day reported.
- Enforcement Officers are to respond as soon as possible.
- Active discharges will take precedence over investigations reported the day before or earlier the same day of the active discharge call.



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- If the assigned Enforcement Officer has a conflict, he or she should notify the Enforcement Supervisor immediately to evaluate and reassign if necessary.
- An Enforcement Officer must notify the Enforcement Supervisor immediately of active discharge complaints received during the last two hours of his or her shift for approval of overtime or reassignment.
- If a non-active discharge is reported during the last two hours of a work shift, the Enforcement Officer can investigate the next day.

Duplicate/Do Not Respond/Multi Address Complaints

Complaints received may be identified as duplicates during the initial investigation and/or preliminary research or identified as “Do Not Respond” by the Enforcement Supervisor. These complaints must be canceled, because they do not require further investigation.

- Administrative Staff are responsible for treating each address as a separate complaint and might not be able to determine that cases are duplicates during intake.
- The Enforcement Officer is responsible for canceling multiple cases when it is determined that multiple discharges are associated with the same Responsible Party. (e.g., the business encompasses more than one street block).

In this case, the Enforcement Officers must complete the Enforcement Unit Investigation Report form (Appendix E) with the following information:

1. Identify the prior entry/active case number for which this case is a duplicate “DUP ##-#####” or Do Not Respond (DNR).
2. Add a short comment indicating why the case is a duplicate or DNR:
 - a. Multiple complaints received for the same violation; duplicates canceled, and records transferred to main investigation case number ##-#####.”
 - b. Water main break reported by METRO once cleanup was completed and photos were provided. Does not require an investigation, compliant.
3. Transfer the hard-copy case to the Enforcement Supervisor for quality control (QC) and close.

Data processing instructions for duplicate cases are provided as part of the SAP Data Standardization Manual document ID CSD-RT-12-URS42-07.V4, Sections 8.1 and 8.2.

Table 2 summarizes the Enforcement Officer response times.



Table 2. Enforcement Officer Response Times

Priority	Description	Response Time	Officer Response
Intake Referrals	Refer Only	Same day initiate and close	N/A
Medium Priority	Non-Active Discharges	2 days to investigate/research	2 days
High Priority	Active Discharges	4 hours to investigate/research	4 hours
Duplicate/Do Not Respond	Canceled	Same day initiate and close	Supervisor

3.6 Initial Investigation Procedure

The purpose for the following standard operating procedures is to provide guidance for the Enforcement Officer as to what is needed in a thorough initial investigation.

1. Review the complaint information. If it is a Refer Only case, return to Intake for closeout.
2. Perform a site visit or initiate from the office within 4 hours or 2 days, as required by type of incident.
 - o Business inspection referral cases that provide evidence of the discharge can be initiated without a field visit by sending a letter. A follow-up visit might be required to ensure compliance when the discharge was not contained/cleaned during business inspection.
 - o Discharges reported by SWPP staff after the fact where evidence of the discharge was collected (e.g., a biologist has provided photos of a violation obtained during monitoring field efforts).
3. Determine if a discharge occurred and why or if there was no discharge, why not. Include a detailed description of any discharge.
4. Thoroughly inspect the area and call the reporting party when unable to locate the discharge or if additional information is needed.
5. Take photos showing the discharge location, where the discharge originated, upstream of the discharge, the path of the discharge, where the discharge ended, and any close-up photos, as necessary. When there is no evidence of a discharge, take enough photos to show that a discharge did not occur. Measure and record the distance the discharge traveled when possible.
6. Contact known potential witnesses or involved parties (homeowners, contractors, neighbors, the reporting party, witnesses, reporting party, and anyone who might be able to provide information about the discharge).
7. Document initial investigation results and update the P&E database regarding the following:



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- Self-generated or complaint investigation.
- Substance\Illicit Connection
- Point of origin, path, and final flow location.
- Cause of violation\Source
- Photos.
- Interviews.
- Research.
- Responsible Party determination/discharger type (reponsible party determination and customer information must be saved on the case file and/or entered on the P&E database).
- Samples collected.
- Nearest waterbody.
- Obstacles or issues.

8. Results of any research relevant to the case (if applicable).

9. Records indicating on whether other agencies and/or departments were notified.

10. Preparation of thorough evidence and documentation for hearings and management review, when applicable.

3.7 Relevant Information to Collect

Enforcement Officers should clearly document case findings to support enforcement actions and in case someone else might have to represent them during a hearing process. Enforcement Officers should keep in mind the “five W’s” of initial investigations.

1. Who? Identify all parties involved.
2. What? Identify the type of substance discharged or illegal connection. Add information relating to field sampling (if applicable).
3. When? Note the date and time when the discharge occurred.
4. Where? Record the exact location where the discharge originated, its path, and its final location. Describe the distance and direction the discharge traveled and whether it entered the storm drain inlet.
5. How? Describe what caused the discharge, including the type of work or activity that caused it and if there were any measures or BMPs in place to contain and/or capture the substance.



3.8 Third-Party Observations and Evidence

Enforcement Officers should evaluate photos, statements, and any third-party-provided evidence to determine if a discharge occurred. The following applies to third-party observations:

- If third-party photos do not provide evidence of a discharge, Enforcement Officer should send a general letter.
 - Third-party documentation is not required if the Enforcement Officer provides evidence of a discharge.
 - Third-party documentation may be used in conjunction with Enforcement Officer documentation to support evidence that a discharge occurred.
 - Notify third party of requirement to attend hearing if administrative or civil penalty actions are appealed and when all the evidence has been provided solely by the Calling Party. If third party refuses to attend the hearing, then a Notice of Violation is the maximum extent of the enforcement action.

Enforcement Officers can issue Notices of Violation and/or Administrative Citations when the only evidence available is provided by a reporting party and the following conditions are met. A Notice of Violation can be issued when the reporting party has met the first three criteria. Additional enforcement action (Administrative Citation or Civil Penalties) can only be pursued when all four criteria are met.

1. A member of the public reports the discharge (whether or not they actually elect to “file a complaint”).
2. The reporting party is an eye witness to the discharge when it is actually occurring and, to the satisfaction of the division, accurately identifies the Responsible Person creating the discharge.
3. Reporting parties must submit an affidavit as to what they witnessed and other evidence to support their allegations of the identity of the Responsible Person and the illegality of the discharge. The affidavit and other evidence must be submitted before the division makes a determination on whether to prosecute the case and, in the opinion of the division, the affidavit and other evidence validates that there is a prosecutable violation of the Municipal Code.
4. The reporting party must be willing to testify if a hearing occurs.

3.9 Photo-Documentation Guidelines

This section describes instructions and procedures for all aspects of photo-documentation and storage.

3.9.1 Relevant Photographs to Be Captured

The main purpose of photo-documentation is to obtain photographic evidence proving that a violation occurred or did not occur and whether it entered the Conveyance System or not. The photos must provide evidence of the location and a timeline of the violation. Make sure the photos show the location, path, and source of the discharge.



- The first photograph should show the complaint location or address such as building number and/or street signs.
- Overview photo of the discharge location (origination) showing the property in relation to the storm water Conveyance System, including any structures, work areas, vehicles, etc. This photo helps the code compliance Enforcement Officer and others to understand the activities that may have contributed to the discharge.
- Photos showing the person or activity causing the discharge, if possible.
- Photos showing street or business signs, etc., that identify the Responsible Party, when appropriate. Photos showing company vehicles or a vehicle and its license plate, if possible, are also useful.
- Photos showing the path of the discharge to an inlet, channel, or receiving water. These photos should show where the discharge originated and where it ended. Take the minimum number of photos needed to represent the discharge and its path (e.g., 10 yards between photos).
- A photo should show the discharge entering the Conveyance System, curb, and gutter, when appropriate.
- A photo should also show upstream of the discharge to indicate that there are no other contributing discharges.
- At construction sites, photos should indicate any BMPs and/or other measures used to control discharges (or the photos should show the lack of BMPs).
- Photos should show compliance with cleanup requirements, when performing follow-up inspections.

3.9.2 Verify and Set the Date

The date and time should be set to match the City of San Diego computer system; use a computer desktop clock as a reference when changing the camera's date and time. Enforcement Officers must verify that the date on the camera is correct before taking photographs.

3.9.3 Image Size

Image size should be set at 640 x 480 pixels or higher for investigation photos.

3.9.4 Printing Photographs for Case Files

- Print/convert photos to PDF on letter-size paper (8½ x 11).
- Modify the PDF file to include the case number and address on the header and the page number and total number of pages on the footer (i.e., Page X of Y).
- To reduce printing cost, print hard-copy photos using the following guidelines:



- Print four photos to a sheet double-sided for level 1 investigation cases.
- Print two photos to a sheet double-sided for level 2 investigation cases.
- Print one photo to a sheet double-sided for level 3 investigation cases.
- Photos for hearing exhibits are to be printed single sided.

3.10 Photograph Storage and Preservation

Once photographs have been taken during field investigations, they should be transferred to the server to ensure proper filing and preservation:

- Download daily photos from the camera on arrival to SWPP office.
- Save photographs to: S:\2050-Investigation and Enforcement\Investigation Attachments (SAP)\YYYY\Initial\StreetName\Address\PHOTOS.
 - YYYY: Calendar year when the complaint was received.
 - Initial: Subfolders are organized in alphanumeric order by the first letter/number of the street name. Find the corresponding folder based on the complaint address.
 - Address: Complaint address.
 - If not included, create a subfolder named PHOTOS and save all images to that location.
 - If needed, add additional text to differentiate multiple sets of photographs (e.g., PHOTOS CALLER, PHOTOS RCK, PHOTOS RP).
- The SWPP server (S drive) is preserved by City's IT Department, and daily and weekly backups are performed. If an image is lost accidentally, it can be retrieved by sending a service request to the IR helpdesk at (877) 796-5999 or extension x65999, or via email to CityHelpdesk@sanidiego.gov.
- During processing, the photos must be converted to PDF files with one photo per page for level 2 and 3 investigation cases and two photos per page for level 1 investigation cases.

3.11 Sampling

When evidence of water is present, field tests may be required, and Enforcement Officers should consult the Enforcement & Compliance Sampling Standard Operating Procedure (Document ID CSD-PL-10-URS35-02). The most common tests performed are:

- pH.



- Chlorine.
- Ammonia.
- Bacteria.
- Total suspended solids (TSS).

3.12 Research, Identify, and Locate Responsible Persons

The purpose of these guidelines is to provide guidance for Storm Water Enforcement Officers in determining the “Responsible Parties.” The ultimate goal is to hold the business or person causing the discharge responsible for their actions. However, this is not always possible.

Being in direct contact with responsible parties can present a risk to investigating Enforcement Officers. In any situation where the responsible parties are hostile, uncooperative, or represent a threat, the health and safety of Enforcement Officers is a priority, and the investigation might need to be postponed. Section 3.14 provides guidelines on how to proceed in these situations.

If the Enforcement Officer discharges an eyewitness, the Enforcement officer should obtain the following information from the individual before leaving the violation site:

- Written statement from alleged Responsible Party.
- Obtain California Driver License or Identification information.
 - a. Driver License or Identification number.
 - b. Name.
 - c. Valid address (ask if address is valid).
 - d. Date of Birth (DOB).

There are multiple resources and online tools that can be used to find supporting registered owner and responsible persons. Appendices F, G and H provide step-by-step procedures on how to access the various databases and resources; the ones marked with an asterisk are public resources and can be found on the Internet. The Enforcement Supervisor and TCSS are City databases.

- State of California Business information for Corporations/ LLC/LLP (Appendix F)*.
- County of San Diego Fictitious Business Name (Appendix F)*.



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- Business License Information TTCS system.
- Rental Tax Information.
- State of California Contractor License Board (Appendix F)*.
- The Enforcement Supervisor pertaining to CCS utility bill information (Appendix G).
- El Niño/Project Tracking System (PTS) (Appendix H).
- Police Communication for DMV registered owner information.
- Response Letter received identifying a contractor, tenant or service provider.

Once the Responsible Party is identified, the following information must be documented:

- Full Legal Name.
- Address.
- Identification (driver license, identification card, passport)
- Role/Level of responsibility

Hierarchy of Responsibility

When there is not enough evidence to determine the Responsible Party, Enforcement Officers should start by issuing a Notice of Violation and/or Response Letter to the property, vehicle, or business owner. The owner will be held liable for all discharges where there is no valid contract or where the information provided is incomplete. A representative for corporations and businesses may sign on behalf of their employer. The Enforcement Officer must make sure that the owner is notified or sent a copy of the Notice of Violation and/or Administrative Citation.

1. Property Owner: The Property Owner (including individuals and/or trusts) is held responsible for violations, including:
 - Hiring an out-of-state business or persons whose business information cannot be verified.
 - Hiring persons from another country without any valid U.S. identification.
 - Hiring friends, relatives, or any individual where a contract is not involved.
 - Failing to reply within 10 calendar days of Response Letters.



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2. Business: The business (sole proprietor, corporation, partnership, or limited partnership) is held responsible for violations when:
 - Hiring any business or individual where a contract is not involved.
 - Violations caused by their employees.
 - Multiple tenants/lessees may be involved, and there is no clear evidence to identify a single source of the discharge.
 - Failing to reply within 10 calendar days of Response Letters.
3. General Contractor, Handyman, Sub-Contractors and Service Providers: Contractors and other service providers are held responsible for violations when:
 - Enforcement Officer eye-witnesses the contractor/service provider who caused the discharge.
 - They have been identified as the Responsible Party by the property owner or business, and have failed to reply within 10 days of response letters.
4. Vehicle's Registered Owner is held responsible when:
 - Hiring an out-of-state business or persons whose business information cannot be verified to work on their vehicle.
 - Hiring persons from another country without any valid U.S. identification to work on their vehicle.
 - Lending vehicle to friends or relatives.
 - Failing to reply within 10 calendar days of Response Letters.
5. Tenant/Lessee: Tenants are held responsible for violations when:
 - Enforcement Officer eye-witnesses the tenant/lessee causing the discharge.
 - There is evidence to prove that a single tenant/lessee caused the discharge.
 - The tenant/lessee is responsible for laterals, trash bins, or any other discharge source indicated on their lease agreement.
6. Employees: Individual employees, not the business, are held responsible when:
 - Employer provided documentation for employee training.
 - Training was received within the past 6 months.



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- Proper BMPs were provided.
- 2nd offense.

When the Responsible Party is not determined at the time of verifying the discharge, advise the alleged Responsible Party, property owner, or tenant that he or she will be held responsible to clean the discharge. The tenant will be responsible when it is a business, which is not the property owner, responsible for the person/employee causing the discharge. A Notice of Violation must be issued to all possible responsible parties on site.

If there are no contacts on site, Enforcement Officers can post a Notice of Violation. Enforcement Officers could call alleged Responsible Parties to meet them during the inspection, when time permits.

Once the Responsible Party(ies) is determined, the Enforcement Officer is responsible for adding/updating the corresponding information on the P&E database, as described in Section 7 of the SAP Data Entry Standardization Manual CSD-RT-12-URS42-07.V4.

3.13 Obstacles, Limitations, and Common Issues

There are three general categories of obstacles that might prevent Enforcement Officers from collecting evidence of violations and/or performing adequate investigations.

Category 1

No one is available, and the violation is readily observable from the public right-of-way. Document attempts to make contact with the property owner on the tickler log (i.e., field, phone call, mailed investigation request form, and/or door hanger). Attempt to contact adjacent witness who may provide information to assist you in locating the responsible person or the best time to attempt contact. Post the NOV/Administrative Citation or Warning in a conspicuous location. Take a photograph to document it. Mail the NOV (both via certified mail with return receipt requested and regular mail) to the owner of record, as identified.

Category 2

No one is available, and the violation is not readily observable. Obtain as much information as possible from places where Enforcement Officers are lawfully entitled to be (i.e., view from public right-of-way or view from areas open to the public). Neighbors might be willing to allow Enforcement Officers to access their property to view the adjacent property. The violation must be in plain view. Enforcement Officers may not use a ladder or similar device to document the violations. The violation may be visible from the second story on the adjacent property, but that may cause the complainant's identity to be obvious and it is not recommended. Post the NOV/Administrative Citation or Warning in a conspicuous location. Take a photograph to document it. Mail the NOV (both via certified mail with return receipt requested and regular mail) to the owner of record, as identified.



Category 3

No one is available, and neighbors were not able to provide any additional information. If the Enforcement Officer is unable to identify a responsible person for the property, he or she should return to the office and conduct research to determine Owner information and then send a Response Letter. If needed, the Enforcement Officer should contact the City Attorney's Code Enforcement Unit for investigative assistance.

Trespass

"No Trespassing" signs are applicable to citizens and City employees, including Enforcement Officers. Enforcement Officers have the right to enter property in the manner of any other citizen. Enforcement Officers may open a gate and proceed to the front door only. If there is a "no trespassing" sign on the fence going to the side or rear of the property, Enforcement Officers may not open a gate and go into that area without the permission of the owner/tenant/lessee. Enforcement Officers may not peer over the fence or look through the crack to take a photograph.

Enforcement Officers may take photographs from the complainant's property if they see the violation in plain or view the violation from their second-story deck, window, or yard area, as long as the complainant's identity is protected. The use of a ladder or other device to look over the fence is not appropriate.

3.14 Threat and/or Hostile, Uncooperative, or Argumentative Violators

The purpose of this section is to provide guidance for Enforcement Officers on how to proceed with investigating complaints involving hostile confrontations, uncooperative or argumentative citizens, and threats.

Hostile Confrontations

- Try to obtain cooperation to complete the investigation.
- If a hostile citizen persists or denies permission to continue the investigation, leave the property.
- Accurately document the situation and conversations, using quote signs, on a separate report, not on the IRPT. Describe the interaction in detail as soon as possible after contact with the citizen. This information will be necessary in evaluating follow-up actions by the Supervisor. The Enforcement Officer may note that there was hostile confrontation on the IRPT but must omit any details.
- Notify your supervisor or upper management immediately.
- Call the citizen or send a letter to request a meeting at a later date.
- Once a citizen has agreed, proceed to investigate with another staff member (Enforcement Officer, Inspector, or Supervisor).



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- Call for police assistance if the investigation is warranted to be completed the same day.
- Warrant investigation, if necessary.

Threats

When threats of bodily harm are made:

1. Leave the property as quickly as you can.
2. Call for police assistance (if required).
3. Notify your supervisor or upper management immediately.
4. Accurately document the situation and conversations, using quote signs, on a separate report, not on the IRPT. Describe the interaction in detail as soon as possible after contact with the citizen. This information will be necessary in evaluating follow-up actions by the Supervisor. The Enforcement Officer may note on the IRPT that there were threats but must omit any details.
5. Call for police assistance to complete the investigation.
6. Warrant investigation, if necessary.

Police Assistance Required

Three different types of situations can occur.

The first situation is when Enforcement Officers know ahead of time that they should involve a representative from the Police Department either because they have referred the case recommending a Police Officer be present, or they have requested that they attend. During the investigation, the Enforcement Officer maintains the lead unless circumstances warrant differently. If the purpose of the investigation and the cooperativeness suddenly shifts so that the Police take charge, or if the Enforcement Officer is uncomfortable, they can leave the premises.

The second situation is when Enforcement Officers are in the field and determine that they need a Police Officer to be present. The first goal is the Enforcement Officer's safety, and therefore Enforcement Officers must leave the property as quickly as possible. An Enforcement Officer's cell phone provides the opportunity to clearly communicate with Station 38, and then notify the Supervisor or Program Manager. Make arrangements to go back to the property with a Police Officer.

The third situation is when the Police have requested an Enforcement Officer to accompany them. The Police Officer is the lead, but should be able to identify the purpose of the Enforcement Officer's presence. If the purpose of the investigation and/or the cooperativeness of the alleged Responsible Party, complainants, or witnesses suddenly shifts, and Enforcement Officers are uncomfortable, they need to inform the Police Officer and leave the area.



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Investigation Warrant

If the property owner/tenant refuses to grant entry to the property, an investigation warrant may be requested. An investigation warrant may only be obtained when:

- The facts and circumstances provide reasonable cause to believe that a violation exists in a particular residence or building.
- The occupant of that building has refused to allow an investigation, which is documented (provide a physical description of the person who refused to allow the investigation).
- There has been a good faith attempt to contact the owner or occupant for the purpose of investigation, which has proved futile. (Document a minimum of two calls/phone messages, a door hanger left at the premises, and/or a mailed request for investigation that is not responded to within 10 days of the date requested.)

Sufficient reasonable cause for the issuance of an investigation warrant can be developed by a complaint from a neighbor/citizen or by a visual investigation of the exterior of the building or premises from the public right-of-way or neighbor's property.

Prepare a narrative report discussing the following:

- Reasons why Enforcement Officer believes there is a violation at the property.
- Time and date of attempted investigations substantiating that Enforcement Officer's requests to inspect have been refused, and by whom. Document all of the attempts made to contact a Responsible Person that have failed. Document all telephone conversations/personal contacts with property owners/tenants.
- Information on any hostile occupants, safety considerations, and attitude of property owner/tenant. Document all meetings.
- Any supportive information/documentation from neighbors or complainants.
- Copies of letters mailed to the property owner/tenant requesting an investigation. Copies of letters or e-mails received from the property owner/tenant and complaints.
- Photos taken from the public right-of-way, adjacent properties, or path leading to entrance.
- Review the report with the Supervisor for assistance in preparing the affidavit in support of the investigation warrant.



3.15 Trash Investigation Procedures

The following guidelines have been developed to provide guidance for Storm Water Enforcement Officers when responding to complaints received and discharges of trash.

Trash complaints in the Public Rights-of-Way are to be referred as to the appropriate City Department listed below.

Medians

- Litter – ESD
- Illegal Dumps (large bulky items) – ESD
- Illegal Dumps (small items; one person can remove) - T&SWD/Streets

Bike Lanes/Bike Paths/Bike Routes

- Litter – T&SWD/Storm Water O&M
- Transient waste/camps (include removal from paved portion as well as the sides of bike path/route) – T&SWD/Storm Water O&M
- Illegal dumps (large bulky items) – ESD

Drainage Channels – (e.g. concrete & fenced in area)

- Litter – T&SWD/Storm Water O&M
- Illegal Dumps – T&SWD/Storm Water O&M
- Transient Camps - T&SWD/Storm Water O&M
- Hazardous Waste/Medical Waste - T&SWD/Storm Water O&M

Drainage Channels – (outside fenced area between curb line and fence)

- Litter – T&SWD/Streets – see matrix
- Illegal Dumps – ESD



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- Transient Camps – ESD
- Hazardous Waste/Medical Waste – ESD

Sidewalks & Parkways (6am to 4pm)

- Litter – ESD
- Illegal Dumps (large bulky items) – ESD
- Hazardous Waste/Medical Waste - ESD

Sidewalks & Parkways (after 4pm)

- Illegal Dumps (large bulky items) – T&SWD/Streets
- Hazardous Waste/Medical Waste - T&SWD/Streets

Alley Rights of Way

- Litter – ESD
- Illegal Dumps – ESD
- Hazardous Waste/Medical Waste – ESD

Street Rights of Way (improved/developed portion of street)

- Litter (curb face to curb face) – T&SW/Storm Water O&M
- Illegal Dumps (large bulky items) – ESD

Street Rights of Way (undeveloped paper street)

- Litter (curb face to curb face) – ESD
- Illegal Dumps (large bulky items) – ESD
- Hazardous Waste/Medical Waste – ESD

Memorials

- In streets, alleys, sidewalks, and parkways) - T&SWD/Streets

Pedestrian Walkways/Footbridges



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- Litter - T&SWD/Streets
- Transient camps – T&SWD/Streets
- Hazardous Waste/Medical Waste – T&SWD/Streets
- Illegal Dumps (large bulky items) – ESD

Commercial & Industrial Properties

ESD (typically)- follow up with Lisa Poston

T&SWD/Storm Water/Inspections (during inspection)

Residential Properties

ESD (trash with the right of way) - follow up with Lisa Poston

T&SWD/Storm Water/enforcement (trash within the property)



We need to discuss the following:

- The response time when rain is predicted
- Areas of significant concerns
- Reporting responsibilities/Followup
- Reporting Issues
- Homeless Camps Trash v.s. Trash



SECTION 4 ENFORCEMENT PROCEDURE

The purpose of this section is to provide the Storm Water Enforcement Officer with guidelines to determine the appropriate level of enforcement action. Enforcement levels are primarily determined by the Enforcement Officer's ability to identify the Responsible Party that caused the discharge, timely and adequate cleanup and/or containment, exceptions to the Municipal Code, and the environmental impact of the substance discharged to water quality.

4.1 Enforcement Level by Substance and Environmental Impact to Water Quality

The impact to water quality based on the substance provides Enforcement Officers a baseline to determine the level of enforcement applied to each violation. Non-storm-water discharges should be identified and classified within one of the Substance Discharge categories described below.

- Animal Waste
- Automotive Fluids
- Construction Waste
- Fertilizer
- Food Waste
- Green Waste
- Hazardous Substance
- Illegal Connection
- Impervious Surfaces
- Irrigation
- Paint
- Pesticides
- Petroleum Hydrocarbons
- Pool
- Sediment
- Sewage
- Trash
- Wash Water
- Waste Water
- Water Main Break
- Other/Unknown

Appendix D, Violation Severity by Substance, provides a guideline for appropriate enforcement level, including citation values based on the type of substance and the following mitigation factors:

- Discharge Type: Defines the substance discharge and whether it is on the minor violation list.
- Nature/Scope of work: Defines the size of the job.
- Appearance: The remaining amount of material is light, medium, or heavy.
- Watershed: The location and substance discharged is listed on the 303d list for the watershed in this area.
- Path: Distance traveled by the discharge. Did the substance enter the conveyance system? Did the discharge enter the receiving water?
- Impact on the neighborhood: The discharge has affected the neighbors, and material is being tracked by vehicles and onto the property of others.
- Duration: How many days did the discharge remain in the storm water conveyance system without any cleanup efforts?
- Prior Violations or Complaints: Was there prior contact and was educational material provided, or was a notice of violation, a citation, or a letter issued?



- **BMPs:** Were “Best Management Practices” being used, and were there any major defects (improperly installed/used BMP)?

Figure 4 illustrates the deciding factors that will lead investigating Enforcement Officers to classify a violation as low, medium or high. Combined with Appendix D, Violation Severity by Substance, it provides a clear, standardized decision process to identify where the enforcement should start and the factors that will determine the final enforcement level for each case. Table 3 shows the starting point for Administrative Citations based on the Environmental Impact to water quality.

Table 3. Environmental Impact Category

Environmental Category	Starting Point	Definition	Examples
Minor	N/A	Small potential for pollutant discharge; if available, monitoring results are below EPA benchmark.	Pool, spa, fountain discharged with neutral pH and de-chlorinated.
Moderate	\$100.00	Moderate potential for pollutant discharge; if available, monitoring results are at or slightly above EPA benchmark.	Compost, landscape waste or food discharged into the conveyance system.
Major	\$250.00	Large potential for pollutant discharge; if available, monitoring results are above EPA benchmark, but are within an order of magnitude. Pollutant contributes to a high-priority watershed constituent of concern.	Oil-based paint dumped into the conveyance system.
Severe	\$500.00	Severe potential for pollutant discharge; if available, monitoring results exceed EPA benchmark by an order of magnitude or more. Pollutant contributes to a 303(d)-listed water body.	Lead paint chips discharged into the conveyance system.

Source: JURMP Resolution No. 303351 Adopted January 22, 2008. Appendix 14 Industrial/Commercial Form, D. Pollutant Discharge Potential Assessment



Figure 4. Policy & Enforcement Unit Enforcement Selection Process

(Insert corresponding document here, PDF resize to 8 ½ x 11)



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4.2 Storm Water Enforcement Action Definitions

The nine enforcement actions applicable to Illicit Connection Illegal Discharge complaint investigations are described as follows.

No Evidence Found (NEF):

- Only to be used when there is no Responsible Party to attach the discharge to and there is no evidence to support that a discharge occurred. Generally used when a discharge has been reported at an intersection, and the Enforcement Officer finds no evidence to support the report that a discharge occurred.

No Action Taken (NAT):

- A confirmed discharge where the Responsible Party is unknown, the City has abated the discharge, and the source (address) was not given or the Enforcement Officer is unable to trace the discharge to a source.
- Potential violations where the Responsible Party cannot be identified or there is insufficient evidence to support their involvement.
- A discharge that has been reported by the violator and the discharge has been cleaned up and abated before Enforcement Officers have conducted the investigation.
- A discharge that occurred outside the City's jurisdiction or where the substance violation is unregulated by the City.
- Discharges caused by unplanned water main breaks or by plumbing or pipe failure that are addressed immediately and reported by the Responsible Party and properly contained.

Exempted:

- "Allowable Storm Water Discharges" that are listed under §43.0305 of the San Diego Municipal Code.

Referred:

- Alleged discharges, reported to the Storm Water Department that were not actual discharges but that were forwarded to other City Departments or Agencies to resolve.
- Refer-only complaint as indicated in Table 1, Intake Referral Guidelines.
- Complaints where a business was identified as the Responsible Party by a Business Inspector during routine inspections where there is no discharge or illegal connection, and the case is referred to the Industrial Commercial Inspectors (Referred).



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Education:

- Denotes potential discharges observed by an Enforcement Officer where the Enforcement Officer has provided educational material or instructions to prevent the discharge. May also be used when the Enforcement Officer has made contact with the owner, management, or the manager. Enforcement Officers must identify the person they have spoken with and document the interaction in the case notes, or must take a picture of the materials that were posted (door hang).
- Potential discharges that have a moderate impact to water quality and were contained on private property, or where the discharge was cleaned prior to or during initial the investigation by the Responsible Party where education was provided, and no further enforcement was required.

General Letter:

- Issue when there is no evidence that a discharge has occurred from the alleged Responsible Party, and the Enforcement Officer has identification information, such as an address or vehicle license number.
- A letter can also be used for discharges where the Enforcement Officer is unable to investigate in a timely manner.

Notice of Violation (NOV):

- Used for discharges where the notice of violation is sufficient to achieve compliance and the discharge was abated.
- A Notice of Violation can be used to inform the potential violator of an infraction when the Enforcement Officer is unclear on the appropriate enforcement actions due to mitigating factors.
- Used for discharges where the discharge has been confirmed (by confession) and abated before the investigation was conducted.
- Notice of Violation that has been issued and is subject to review for administrative citations or civil penalty enforcement action (fine assessed), which after review was deemed to have no need for escalation.
- Enforcement action used for discharges that have been categorized as level 2 violations with minor environmental impact to water quality, as described in Appendix D, Violation Severity by Substance.
- Violations where the only evidence obtained was provided by a third party that is not willing to testify in court.
- The Notice of Violation is not appealable.



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Specific examples of discharges that generally fall under Notice of Violation during enforcement investigations are listed below; this listing is provided for guidance only. The Enforcement Officer reserves the right to assess additional enforcement measures appropriate to the circumstances of each violation.

- Pool or fountain water (algae barely noticeable in pool, and which has not started to decay).⁴
- Diatomaceous earth.³
- Organic Material (leaves, grass).³
- Gray water (isolated showers, sinks).
- Wash water (dilute household chemicals, mild soaps).³
- Residential washing machine (did not enter inlet, no illegal connection).
- Sidewalk/driveway cleaning (without chemicals, no suspended solids).³
- Water or debris from carpet cleaning, steam cleaning, or pressure washing.³
- Leaking refuse containers (2 gallons or less, did not enter inlet, or remains on private property).
- Washing or residential refuse containers (did not enter inlet, no chemicals).³
- Automotive fluids (see Appendix D).
- Sanitary lateral overflow (first offense, did not enter inlet, and complied with corrections required).³
- Water or debris from washing interior floors or mats, windows, awnings, buildings, or impervious surfaces when using water and a mild soap or steam to clean the sidewalk of inert material and when BMPs are in place.
- Water or debris from single vehicle washing (does not include heavy equipment washing, steam cleaning, or de-greasing (see Figure 5)).
- Failure to maintain parking lot or other impervious surface in clean condition.

⁴ First offense only for residence/home owners. Does not include landlords, condominiums associations, rental properties, or residential service providers.



Administrative Citations (CITE):

- Enforcement action used for discharges that have been categorized as level 3 violations with Moderate, Major, or Severe environmental impact to water quality, as described in Appendix D, Violation Severity by Substance.
- Discharges are classified as Moderate, Major, or Severe based on the “substance.” Therefore Administrative Citations range from \$100.00 up to \$1,000.00 based on the environmental impact to water quality and can also be increased for each additional discharge within 3 years of the last infraction. See Appendix D, Violation Severity by Substance, for a list substances and the baseline penalty to be issued.

Civil Penalty (CP):

- Major or Severe violations where the severity of the discharge and mitigating factors as described in Appendix D, Violation Severity by Substance, require escalation beyond administrative citation.
- Major or Severe violations where responsible parties refuse to comply with the regulation within a reasonable time frame.
- Violations that can be proven to have a Major or Severe impact to ASBS or TDMLs that needs to be reported to the RWQCB and escalated.
- Cases where the City needs to recover costs associated with the investigation and abatement.

4.3 Enforcement Action-Level Guidelines

The nine enforcement actions are classified on three levels for processing and to identify the level of documentation and data entries required for each case.

Level 1 Investigation (Low Enforcement)

Level 1 enforcement represents violations that must meet the following five criteria:

- Final Enforcement Action limited to: No Evidence Found, No Action Taken, Exempted, Referred and Education.
- Case is initiated and completed without a field visit or with only one field visit; no follow up is required.
- Substance falls under Minor environmental impact.
- There are no mitigation factors on the case that required escalation.

Level 2 Investigation (Medium Enforcement)

Level 2 enforcement represents violations that must meet the following five criteria:



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- Violations that were identified to have a minor environmental impact to water quality where a Notice of Violation and/or General Letter is sufficient enforcement.
- First offence, no prior violations for the Responsible Party and/or location (for business).
- Discharge did not enter the inlet.
- Responsible party complied with corrective actions required by the initial investigation.
- Substance does not contain chemicals.

Level 3 Investigation (High Enforcement)

Level 3 violations represent discharges where one or more Notice of Violation and/or Administrative Citations should be issued and where additional enforcement actions, such as an Administrative Citation, Civil Penalties, or Abatements, are warranted (exceptions are to be reviewed by the Supervisor).

- Violations that were identified to have a moderate to severe environmental impact to water quality that result on one or more Notice of Violations and/or Administrative Citations, or a Civil Penalty.
- Repeated offence, prior violations for the Responsible Party and/or location (for business).
- Discharge entered the inlet.
- Responsible Party failed to comply with corrective actions required,
- Substance contains chemicals.
- Mitigation factors on the case that required escalation
- Multiple Notices of Violation and/or Enforcement Letters that required escalation.

If Enforcement Officers are unable to identify the Responsible Party during the initial investigation, Response Letters and/or Notices of Violation can be issued to multiple potential responsible parties until final determination is reached.

When multiple letters or Notices of Violation are issued, all Responsible Parties must be entered in the P&E database, and each NOV must include its P&E database ID. A Notice of Violation informs all potential violators that they are subject to further enforcement once mitigation factors have been evaluated and sufficient evidence has been collected. The hierarchy of responsibility described in Section 3.12 will determine who will ultimately be held responsible when no additional evidence is provided.

4.4 Information Required for Notice of Violation and Administrative Citations

Notices of Violation and Administrative Citations shall include the following:

- Date and time when the violation occurred.



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- Complaint number.
- Notice of Violation or Administrative Citation number.
- Date issued.
- Name of the property owner/tenant/Responsible Party.
- Violation address.
- Responsible Party address.
- Land Type.
- Legal Identification.
- Business name and license (if applicable).
- Municipal Code violations (43.0304 to 43.0309).
- Description of the substance(s).
- Required corrective actions to bring the location into compliance.
- Enforcement Officer's name and telephone number.
- Date of the notice.

Generally, the Responsible Party should be identified and included in the Notice of Violation or Administrative Citation.

The Enforcement Officer should identify who the owner is and the Responsible Parties. The owner or tenant might be a business corporation. The type of business (partnership, corporation, or limited liability company (LLC)) and the point of contact or names listed under the business registry must be listed on the Notice of Violation. This information should be documented in the case notes. Enforcement Officer can issue a Notice of Violation to the Responsible Party, the property manager, and/or the property owner.

4.5 High Enforcement Considerations

Additional criteria must be evaluated to determine the penalty assessment. These criteria are:

- Prior history of violations (repeated offense).
- Discharge entered Conveyance System (Inlet).
- Distance traveled.
- Volume of discharge.



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- BMP-regulated industry.
- Intentional.
- Illegal Connection.
- Prior knowledge of regulation via targeted education and outreach programs.

Administrative Citation

Prior to issuing an Administrative Citation, the Enforcement Officer should make sure the remedy is appropriate for the environmental impact and severity of the violation.

Administrative Citations may be issued with or without a Notice of Violation. The Notice of Violation is not appealable. If the Responsible Party files a valid appeal, it is recommended that Enforcement Officer does not issue another citation until the appeal hearing. Case notes need to document the condition of the discharge site when each citation is issued.

- After issuing a citation, an Enforcement Officer should provide the recipient (canary copy), the Supervisor (pink copy), and Administrative Staff (white copy) corresponding copies of the Administrative Citation.
- If a hearing is requested, the Enforcement Officer is to be notified by Administrative Staff and should prepare the case file for hearing within two working days, and then submit the file to the Supervisor for review. Once the review has been completed and any necessary corrections are made, the hearing documentation is returned to the Administrative Staff to set up the hearing.
- When no hearing request has been made and the 10-day waiting period has expired, the Enforcement Officer should close the case and file, and the Administrative Staff should issue an invoice.

Civil Penalty

This administrative remedy is for major or severe violations where mitigating factors are such that an Administrative Citation is no longer sufficient enforcement. The penalty may motivate compliance. Civil Penalty fines can be levied at \$10,000 per day, with the maximum of \$100,000.

An Enforcement Officer must be able to justify the formula/rate of the penalty by completing the P&E Database Civil Penalty Matrix and generating a printed copy of the resulting fine. All Civil Penalties must be reviewed and approved by the Supervisor.

An Enforcement Officer is required to meet with the Supervisor and/or the City Attorney's Code Enforcement Unit to discuss the issues and strategy on any case. A case can be submitted to the City Attorney when compliance is not likely to occur. There may be legal issues associated with the case history of noncompliance, egregious violations, a repeat violator, or numerous violations.



4.6 Definitions for Penalties

40CFR 303(d) discharge: The substance discharged is a constituent of concern in a 303(d) Watershed, and it entered the storm drain.

BMP Failure: Existing, properly installed, appropriate, and adequate BMPs failed to prevent a discharge (e.g., employee failed to comply with documented training and procedures, or structural BMP failed to perform to design). BMPs do not include a pipe in which sewage is conveyed.

Damaged Conveyance: When physical damage to any part of the Conveyance System is caused by the discharge (e.g., breakage to the concrete structure or a blockage that cannot be removed by vacuuming or flushing of system).

Intentional: Discharge is intentional – planned or surreptitious. This includes situations where the discharger was previously made aware of the discharge but failed to take immediate corrective action. This does not necessarily apply when there is a previous discharge or when educational materials have been provided.

Large Extent or Volume: Large extent means that the discharge has continued for several days. Large volume means that the volume discharged has exceeded two gallons (see Appendix D).

Prior Penalty: Penalty within three years. This means that the discharger paid a penalty or was previously found to be in violation and payment is pending. It doesn't matter whether the previous discharge was of the same nature or category as the current discharge.

Fines for Dischargers with three or more previous penalties should have the overall penalty doubled from the amount of the last penalty within the three year timeframe.

Prior Knowledge of BMPs: Responsible Party failed to implement BMPs and should have known of the requirement for BMPs (e.g., gasoline service station, automotive repair business, construction industry, including handymen and unlicensed contractors).

Prior Violation or Warning: Discharger was previously charged but deemed not in violation by the Hearing Officer (or has not yet had a hearing on the previous case). Also includes previous issuance of verbal warnings, a General Letter, or a NOV without associated penalty. This may also include violations or warnings issued by other regulatory or City agencies.

Regulated Industry: An industry that is subject to OSHA's chemical right-to-know requirements or subject to Hazardous Material/Hazardous Waste Permit requirements not just to Food Establishment Wastewater Discharge (FEWD) requirements, and not just a general contractor.

Sediment over 25%: The discharge is sediment and results from earthwork in an area with slopes over 25%.

Needed BMPs installed: BMPs have been installed to improve future compliance and prevent potential illicit discharges.



Educational Materials: Media and communication used by the Division to increase the knowledge of target communities (Municipalities, Construction/Developers, Industrial and Commercial business, and the General Public) regarding MS4s, impacts of urban runoff on receiving waters, potential BMP solutions; and to measurably change the behavior of target communities and thereby reduce pollutant releases to MS4s and the environment.

4.7 Selecting the Appropriate Method to Achieve Compliance

Selecting the most appropriate method to achieve compliance involves analyzing all appropriate conditions, including the type of violation, Responsible Party, and a profile of the Responsible Party(ies). The key portion of the decision process for selecting the appropriate method to achieve compliance is to know all the violations and the type of violation(s).

- What environmental impact category is the violation?
- Can the violations be easily corrected?
- Is there a potential for a legal issue or challenge to the investigation?
- Is the Responsible Party the owner, tenant or lessee, business or a contractor?
- Is this a repeat violator? For repeat violators, minimal and reasonable time frames can be provided for compliance with escalated enforcement and/or additional fines if compliance is not achieved.
- Is the Responsible Party stating, or by actions indicating, a refusal to comply?
- Is civil litigation in progress or being discussed between the tenant and the landlord, between the adjacent property owners, or between the complainant and the Responsible Party?
- Is it another City Department, or a County, State, Federal Agency or Phase 2 facility involved?

Guidelines to determine Civil Penalty review are provided on Appendix D. Enforcement Officer can review with Supervisor and/or Program Manager if they consider that mitigation factors grant additional review.

Enforcement Officer should provide the Responsible Party with the corrections required to reach compliance. The minimum requirement should be:

1. "Cease all discharges to the storm water conveyance system."
2. "Immediately clean up existing discharge." Specify the level of cleanup required, as appropriate and the area that needs to be cleaned.
3. Notify Responsible Party that the Enforcement Officer will be conducting a follow-up.
4. When businesses are involved, it is important to emphasize the need to implement procedures and provide training to employees. However, SWPP will not be requiring them to provide a copy of their procedures.

Determine the adequate level of enforcement based on initial investigation results as shown on Figure 4 and Appendix D, Violation Severity by Substance. If Enforcement Officer determines that the case should be medium or high enforcement level but there are mitigation factors to be considered, or the



Enforcement Officer believes that the case should be handled in a different manner, the next step is to issue a Notice of Violation, and consult with the Supervisor.

Enforcement or Response Letters

A letter may be sent to the person/company identified by the Enforcement Officer as the Responsible Party(ies). The letter requires that they respond within ten (10) days to either confirm that they are the Responsible Party(ies) or to provide the names of the Responsible Party(ies). Failure to respond will result in the addressee being held liable for the illegal discharge and any penalties arising from the discharge.

- Enforcement letters are used when additional information relating to the discharge is needed beyond the General Letter.
- Enforcement letters are also used to inform a responsible person/entity that their case has been reviewed and that an administrative citation has been issued. Enforcement letters are not needed for citations issued in the field.

Notice of Violation and/or Administrative Citation

The Notice of Violation and Administrative Citation include the Municipal Code Section(s) in violation and remedies and/or required action items to reach compliance.

- Cease all discharges into the storm drain conveyance system.
- Remove and properly dispose of discharged material(s) using appropriate methods.
- Implement BMPs/or change BMPs to ensure no further discharges occur.
- Educate employees/contractor(s)/service provider(s) on implemented BMPs.
- Other.

4.8 Additional Enforcement Guidelines

Certain cases have unique variations from the standard enforcement procedures. These cases are presented in more detail in this section of the manual and include:

- Nuisance flows.
- Vehicle washing.
- Water main breaks
- Sewage discharges.
- Irrigation.
- Private Drains.
- Spills.



4.8.1 Nuisance Flows

Nuisance flows are defined as discharges that are exempted under the storm water ordinance where the discharge is creating a habitat for the growth of algae, mosquitoes, or other health hazards. Algae must be present in the discharge and mosquitoes must be present in the water (note that mosquitoes do not breed in flowing water).

When a nuisance flow discharge has been reported to the hotline, it is the responsibility of the responding Enforcement Officer to determine the source of the discharge. The term “source” in this context is the source causing the discharge, such as ground water or over irrigation, not the property that is associated with it.

4.8.2 Residential Vehicle Washing

Residential vehicles are exempt from the prohibition under §43.0305 of the San Diego Municipal Code providing such discharges comply with the BMPs adopted under §43.0307(a). The BMPs consist of the following:

- Nozzle (purpose is to control excessive runoff).
- Sandbags.
- Evaporation (discharge must stay on site; it can be thinned out or wet-vacuumed up and properly disposed of).
- Wash vehicle on pervious surface, such as grass, landscape, or other pervious surface.
- Using a carwash facility.
- Using water only.
- Properly containing and disposing of soaps, degreasers, and waxes (when used).

Residential vehicles include any personal vehicle not used for commercial purposes, such as cars, boats, recreational vehicles, and motorcycles. Removable parts must remain on the vehicle intact; if removed, wash water must be contained. “Removable parts” do not include outboard motors on boats.

4.8.3 Commercial Vehicles

Car dealerships, auto detailers, rental agencies, transportation fleet companies, and other automotive-related businesses have vehicles or equipment as part of their operation or for commercial purposes, including trailers, tractors, backhoes, trucks, and similar vehicles, that are considered commercial vehicles.

Illegal washing activities are defined as the washing of vehicles for commercial purposes by car dealerships, auto detailers, rental agencies, and other automotive-related businesses. All washing activities for commercial purposes must be controlled, contained, and captured (disposed of properly) to prevent the wash water from entering the storm water conveyance system. Illegal washing activities include the washing of any vehicle (residential or commercial) that carries items or substances that have a potential to discharge the following pollutants: paint, oils, sediment, yard waste, construction debris,



chemicals, hazardous wastes, and other pollutants; this also includes the washing of outboard motors on boats.

4.8.4 Charity Car Washing

Applicable to the washing of residential vehicles is the washing typically done by non-profits where there is no monetary gain for a person or business. Charity car washing may be conducted as long as the charity uses water only and sweeps up and disposes of any pollutants that may be discharged into the conveyance system by the wash water (path the water flows to the conveyance). When soaps or other chemicals are used, the wash water must be properly contained and disposed of so that it does not enter the conveyance system.

4.8.5 Irrigation

Complaints reported as irrigation will be forwarded to Water Conservation by Administrative Staff in the Public Utilities Department or waterwaste@sandiego.gov. If it was not clear during intake, but it is determined during the initial investigation that the substance is irrigation, then the Enforcement Officer should refer the case to the Water Conservation Public Utilities Department.

4.8.6 Private Drains

When assessing an outdoor drain, the Enforcement Officer should assume that they are connected to the MS4. The property owner/tenant has the burden of showing evidence to prove otherwise.

- A discharge that enters a private drain attached to an under drain (curb cut) is to be treated as a discharge only if there is evidence of water from the curb cut. A Notice of Violation should be issued for reduction of pollutions, and no further action needs to be taken.
- When a discharge entering a private drain shows no evidence of a curb cut, the discharge will be treated as a direct connection to the MS4. The property owner/tenant has the burden of proof to show otherwise.

4.8.7 Spills

The Enforcement Officer should notify the Fire Department if the substance is unidentified.

- Streets can be contained for oil; for other spills, confirm with the Supervisor.
- Spills over 5 gallons may need to involve additional agencies (see Table 1, Intake Referral Guidelines).
- Contact the Supervisor if Ocean Blue or other agencies need to be notified.



4.8.8 Non-Discharges Associated with Waste and Debris

A non-discharge shall be defined as waste and debris that has not entered the conveyance system or a private drain within the premises.

Examples:

- Grease bins not being maintained and cleaned.
- Housekeeping issues where the debris has not entered a drain or the conveyance system.
- Grease bins without secondary containment.
- Storing of waste products without secondary containment.

Discharge-related incidents:

1. Complete your investigation and inform the business that a referral will be made to our inspection section to follow up on their housekeeping procedures.
2. Notify the Supervisor and provide photographic evidence via email.
3. Supervisor will forward to the Program Manager (Andre).

Non-discharge related incidents:

4. Document incident with photographic evidence.
5. Notify Supervisor and provide photographic evidence via email
6. Supervisor will forward to Program Manager (Andre).

Remember, the Enforcement officer is not to provide guidance on cleanup procedures unless the case involves a discharge.



Figure 5. Residential Vehicle-Washing Discharges

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Figure 6. Water Main Break Procedure

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Figure 7. Sewage Discharges

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SECTION 5 FOLLOW-UP AND COMPLIANCE VERIFICATION PROCEDURES

5.1 Follow-up Investigations

The Enforcement Officer should conduct a follow-up investigation after a reasonable amount of time for resolution has passed, or on the date noted for compliance on the NOV, and/or on the date agreed upon with the Responsible Party.

If compliance has not been achieved, contact the Responsible Party for information on why the violations have not been corrected. If a good faith effort has not been articulated along with little or no likelihood of compliance, select the most appropriate escalated enforcement or administrative remedy, and review the case with the Supervisor. An extension of time may be warranted, but should be weighed against all other factors that are associated with the violation, such as length of time the violation has existed, severity, and willingness to comply. Follow-up inspections, including interviews, must be properly documented in the Enforcement Officer's activity log and investigation report.

5.2 Response Documents and Self-Verification

The person/company identified by the Enforcement Officer on the Enforcement Letter, Response Letter or Notice of Violation, can respond within ten (10) days to provide the Responsible Party(ies) or advise that they are the Responsible Party(ies). Written documentation proving that they did not cause the discharge might exempt them from responsibility; see Hierarchy of Responsibility under Section 3.12.

In addition, Responsible Parties that have been assigned corrective actions can provide photos, service slips, vendor invoices, and other documents to the Enforcement Officer that will serve as proof of compliance under Self-Verification.

5.3 Abatements

The administrative abatements are actions the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a nuisance, including but not limited to removal, repair, sweeping, containment, or replacement.

Corrective Actions Time Frame: The Enforcement Officers can order a property owner to correct the violations. If the owner fails to correct the violations within 5 calendar days from the date agreed, the City may be authorized to take corrective measures and may assess the property owner for the costs of the abatement. Appropriate violations are listed under NPDES Permit No. CA0108758 (i.e., trash and debris, bacteria and viruses, oil and grease, sediment, nutrients, metals, toxic chemicals, etc). This timeframe is generally appropriate when the following facts are present:

1. Immediate need for action because a public nuisance exists.
2. Sufficient evidence of significant code violations.



3. Responsible party determination is completed and documented.

The owner may appeal the Notice and Order within ten (10) calendar days of the date of service. A hearing is held before an Administrative Hearing Officer appointed by the City Manager. If the owner does not appeal and fails to abate the public nuisance, the City may abate the violations and assess the costs of abatement as a special assessment against the property.

5.4 Cleanup Definition

Although sometimes 100% cleanup is not possible, the Enforcement Officer's goal is to eliminate pollutants as much as possible. A site is deemed to be cleaned up if one of the following applies:

Full: Fully cleaned up; all pollutants removed from impervious surfaces and gutters. No pollutants that are deemed unrecoverable are discharged to the underground storm water conveyances system or surface water.

Reduced: Partially cleaned up; >50% of the pollutants removed from impervious surfaces and gutters. Some pollutants that are deemed unrecoverable are discharged to the underground storm drain system and/or surface water.

Unrecoverable: Clean-up not possible; >80% of the pollutants deemed unrecoverable are discharged to the underground storm drain system or surface water.

5.5 Compliance Results

The multiple possible outcomes of complaint investigations that will determine compliance status are described in the sections that follow:

5.5.1 No Evidence, Exempted or Outside City Jurisdiction

When the Enforcement Officer determines that the complaint is not a violation of the Municipal Code, then there is no need for abatement or additional actions by the Responsible Party to achieve compliance. This is generally when the case has been identified as an Exemption or No Evidence Found (NEF), as described in Section 4.2.

5.5.2 Cleaned/Compliant During Investigation

This outcome relates to discharges that ceased prior to or during the initial investigation and where additional cleanup is not required. The Enforcement Officer should include photos to show that the cleanup was completed before or during the initial investigation, and to show that no follow-up was necessary. If the Enforcement Officer leaves the site before the cleanup is completed, then completion of the cleanup must be confirmed via a follow-up or self-verification; this scenario does not correspond to this method.

- Discharges that ceased prior to initial investigation where additional cleanup is not required.



- Discharges that were contained within a private property and did not reach the conveyance system.
- Illegal discharges that reached the sidewalk or curb but did not travel more than 20 yards.
- Emergency repairs or construction where proper BMPs are implemented.

5.5.3 Self-Verification

When illicit connections or illegal discharges are identified during the initial investigation and require cleanup, the Responsible Party may provide self-verification, such as letters and photos, documenting compliance.

The Enforcement Officer must evaluate the documentation and determine if there is sufficient evidence to prove that the violation has been resolved; otherwise, a field follow-up may be required.

5.5.4 Cleaned on Follow-Up

Illicit connections or illegal discharges are identified during initial investigation and require follow-up field visit(s) by the Enforcement Officer to verify that cleanup has occurred.

The Responsible Party performs the cleanup to resolve the discharge, illicit connection, or non-compliance after the initial investigation, and the Enforcement Officer verifies the cleanup during a follow-up visit.

5.5.5 Abated / Cleaned by City

Some outcomes relate to violations that required abatement by a City department or City contractors. The abatement may include street sweeping, Fire Department (Hazmat) cleanup, water main breaks, Ocean Blue cleanup, etc. The City performs abatement for the following:

- Discharges where the City is the Responsible Party for the discharge.
- Discharges that have been confirmed, and there is no Responsible Party. The City is responsible for abatement.
- Discharges where the Responsible Party fails to clean/comply, and the City abates the discharge.

5.5.6 Rain Event

There are illegal discharges where the responding Enforcement Officer is unable to verify that the discharge has been cleaned by the Responsible Party or has been washed away by a recent rain event.

5.5.7 Unknown

An alleged discharge has an “unknown” outcome when it has been reported to the Storm Water Division and the investigation was referred to another City Department or Agency to follow up, as indicated in



Table 1, Intake Referral Guidelines (i.e., pet waste in private property enforced by Neighborhood Code Compliance Department (NCCD).

5.5.8 Not Compliant

A discharge case is not compliant when compliance is not likely to occur and the case is determined to be not compliant and requires legal or civil action.

5.6 Document Compliance Status

Once compliance has been reached, the next step for the Enforcement Officer is to document the compliance status on the P&E database (Table 4).

Table 4. Database Fields to Document Compliance Status

Compliance Method	User Status Checkbox	Tickler log
No evidence or Exempt	Add COMP	S141Compliance
Cleaned/Compliant during investigation	Add COMP	S141Compliance
Cleaned on follow up	Add COMP	S192 Cleaned/Repaired
Self-verification	Add COMP	S192 Cleaned/Repaired
Abated/cleaned by the City	Add COMP	S191 Abated
Discharge removed by rain event	Add COMP	(None)
Unknown	(None)	(None)
Not compliant	(None)	(None)

5.7 Supervisor Review

Standard guidelines to enforce cases with minor or moderate environmental impact have been provided in prior sections of this manual; however, there are violations that have additional mitigation factors that require a different approach when selecting the level of enforcement. These cases must be reviewed by the Supervisor to determine the adequate course of action.

The questions in Table 5 are a guide for Enforcement Officers in the selection of the appropriate method to achieve compliance and in determining supervisory review requirements during one-on-one weekly meetings.



Table 5. Mitigation Factors Requiring Supervisor Review

Mitigation Factor	Notify Supervisor	Review 1:1
Are the violations minor or, because of the number of minor issues, has the case become a significant threat to water quality?	Yes	Yes
Is there a potential for a legal issue or challenge to the investigation?	Yes	Yes
Is the Responsible Party stating or by actions indicating a refusal to comply?	Yes	Yes
Does the Responsible Party have a physical limitation that prevents them from complying (age, disability, etc.)?	No	Yes
Does the Responsible Party have the ability to correct the violation?	No	Yes
Is civil litigation in progress or being discussed between the tenant and the landlord, between the adjacent property owners, or between the complainant and the Responsible Party?	Yes	Yes
Is another City Department, or a County, State, Federal Agency, or Phase 2 facility involved?	Yes	Yes
Are there prior violations recorded for the Responsible Party?	No	Yes
Does the procedure for sewage, water main break, vehicle washing, etc. require review by the Supervisor? See Section 5.3.	No	Yes
Was the complaint submitted by the Major's office, City Council or the RWQCB?	Yes	Yes

5.8 Increased Fine Assessment Values

The baseline fee for Administrative Citations to be issued when there is evidence of an actual discharge can be found in Appendix D. This baseline should be evaluated in conjunction with relevant mitigation factors and assigned a total point score, and then increased accordingly. Table 6 shows an example of mitigation factors and the corresponding number of points assigned to each factor for substances with minor impact to water quality (see Appendix I, Enforcement Level Determination Tool).

Table 6. Mitigation Factors for High Enforcement Cases

Mitigation Factors	Points
Intentional?	1
Regulated Industry?	2
Discharge into 303d, ASBS or TMDL?	2
If Sediment, Site Slopes over 25%?	1
Large Extent or Volume?	1



Table 6. Mitigation Factors for High Enforcement Cases

Mitigation Factors	Points
Failure to Comply\Clean Up?	-
1 st follow-up	2
2 nd follow-up	3
3 rd follow-up or more	4
Damaged conveyance?	2
Did Discharge Reach Inlet?	1
Habitat degradation?	1
Wildlife impact?	1
Algae bloom discoloration/odor?	1
Did Discharge Damage Conveyance?	2
Prior violations or warnings?	-
BMP knowledge/education material provided	1
Prior Notice(s) of Violation issued	1
Prior penalty upheld more than 3 years ago	1
Prior penalty upheld 3 years	2
Prior penalty upheld 6 months	2
Discharge due to BMP failure? Reduction	-2
Maximum Total Points	28

Once the total score has been determined, the Enforcement Officer should increase the citation as indicated in Table 7. If the total score increases the Administrative Citation beyond the maximum amount (\$1,000), then the Enforcement Officer and the Supervisor should conduct a Civil Penalty review.

Table 7. Enforcement Level Increase by Points

Baseline	0-1 Points	2-5 Points	6-10 Points	Over 10 Points
NOV	NOV	\$100	\$250	\$750
\$100	\$100	\$250	\$500	Civil Penalty Review
\$250	\$250	\$500	\$750	Civil Penalty Review
\$500	\$500	\$750	Civil Penalty Review	Civil Penalty Review
\$750	\$750	Civil Penalty Review	Civil Penalty Review	Civil Penalty Review



The point value for each substance may be different; therefore, the Enforcement Officer must calculate the penalty by using a standard method based on predefined variables, the Enforcement Level Determination Tool (Appendix I).

5.9 Penalty Assessment

When mitigating factors are such that an Administrative Citation is no longer sufficient, the Enforcement Officer must be able to justify the penalty by using a standard method of calculation based on predefined variables. The Enforcement Level Determination Tool (Appendix I) provides a simple method to document the civil penalty determination, beginning with a base penalty for each environmental impact (moderate, major, or severe), including administrative costs and other necessary adjustments.

The following factors should be considered in determining the amount of civil penalties assessed:

- Duration of the violation.
- Frequency or recurrence of the violation.
- Seriousness of the violation.
- History of the violation.
- Responsible Party's conduct after issuance of the notice and order.
- Good faith efforts of the Responsible Party to comply.
- Economic impact of the penalty on the Responsible Party.
- Impact of the violation upon the community.
- Any other factors that justice may require.

These factors are assigned to two categories: "Environmental Significance" and "Compliance Significance." Table 8 presents the categories, the factors assigned to them, and the civil penalty ranges for each.

- Environmental Significance includes:
 - Duration of the violation.
 - Seriousness of the violation.
 - Impact of the violation on the community.
- Compliance Significance includes:
 - Frequency or recurrence of the violation.
 - History of the violation,



- Responsible Party’s conduct after issuance of the notice and order.
- Good faith efforts of the Responsible Party to comply.
- Economic impact of the penalty on the Responsible Party.

Table 8. Compliance and Environmental Significance Correlation to Civil Penalty Adjustments

Compliance Significance	Environmental Significance		
	Moderate	Major	Severe
Moderate	\$500 - \$750	\$750 - 1,000	\$1,000 - \$2,500
Major	\$750 - \$1,000	\$1,000 - \$2,500	\$2,500 - \$5,000
Severe	\$1,000 - \$2,500	\$2,500 - \$5,000	\$5,000 - \$10,000

The list below provides examples of issues specific to storm water violations that could be considered under each of the factors.

Environmental Significance (Baseline)

- Relatively inert discharges (e.g., soil, sediment, cement residue, stucco residue, etc. [Moderate]).
- Moderate toxicity / moderate health threat discharges (e.g., cleaning products with no specific hazard, such as detergent, latex paint [Moderate]).
- Significant toxicity / significant health threat discharges (e.g., domestic sewage, petroleum products, organic or inorganic pollutants at 1 to 5 times the Maximum Contaminant Limit [MCL]) [Major]).
- Severe toxicity / severe health threat discharges (e.g., hazardous wastes, pH<4, pH>10, flammable, organic or inorganic pollutants greater than 5 times the MCL [Severe]).

Seriousness of the Violation (Increase penalty)

- Discharge of constituent of concern within a watershed that leads to a 303(d) listed water body.
- Regulated industry (e.g., subject to OSHA chemical right-to-know requirements or subject to Hazardous Material / Hazardous Waste Permit).
- Intentional discharge.

Duration of Violation (Increase penalty)

- Extent of discharge as determined by volume, area covered, and how long it continued.



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- Number of days the discharge remained unabated in the conveyance system.
- Greater discharge and duration leads to increased penalty.

Impact on the Community (Increase penalty)

- Results in damage, degradation, or obstruction of the storm water conveyance system.
- Results in actual degradation of aquatic habitat in receiving waters.
- Results in actual impact on wildlife, including benthic communities.
- Results in algal bloom, discoloration, or odor in receiving waters.

Recurrence of Violation (Baseline)

- Prior administrative enforcement penalty [Moderate].
- Prior administrative enforcement penalty within last 3 years [Major].
- Prior administrative enforcement penalty within last 6 months [Severe].

History of Violation (Increase penalty)

- Prior violations or warnings issued by other regulatory or City agencies (e.g., County Department of Health, County Department of Environmental Health, NCCD, FEWD, MWWD).
- Prior warnings (letter or Notice of Violation) from Storm Water Pollution Prevention Program.

Conduct After Issuance of Notice and Order and Good Faith Efforts to Comply

- Structural or non-structural BMPs implemented to improve future compliance [Reduced Penalty].
- Responsible Party failed to implement BMPs and should have known of requirement for BMPs (e.g., gasoline service station or construction industry) [Increased Penalty].
- Existing BMPs failed to prevent discharge (e.g., employee failed to comply with documented training and procedures or structural BMP failed to perform to design) [Reduced Penalty].
- Rapid and appropriate response to discharge [Reduced Penalty].

Economic Impact

- Normally SWPP does not consider the economic impact on the Responsible Party because there are no resources to investigate their financial standing. Reductions due to economic hardship are allowed at the Hearing Officer's discretion. However, the SWPP may consider the economic impact of the standard penalties on a resident or non-profit organization and assess penalties for



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first time offenses of \$100, \$250, or \$500, depending on the environmental significance of the discharge.

Enforcement Officers should take all of these factors into consideration when running the Enforcement Level Determination Tool (Appendix I) and then review the result with the Supervisor for approval. The P&E Program Manager and Enforcement Supervisor have the authority to make adjustments to penalty amounts during the revision process.

The Enforcement Supervisor and/or Program Manager may also consider other necessary factors where standards are not possible. For most cases, these factors must be reviewed on an individual basis for each case and may change significantly for each violation and substance. Once the review is completed, a Supervisor adjustment can be applied to the Civil Penalty by properly documenting the decision process and the assessment of the corresponding fees.

Table 9. Administrative Cost and Other Adjustments

Administrative and personnel cost

Enforcement Officer

Supervisor

Word Processing Officer

Other Personnel Expenses

Senior Clerk Typist

Other non-personnel expenses

Mileage

Photocopying

Postage

Certified Mail

Departmental Adjustments

Hearing Scheduled?

Hearing Cost

Supervisor Adjustment

Hearing Officer Adjustment



SECTION 6 CASE CLOSE-OUT & QUALITY CONTROL PROCEDURE

Once a complaint investigation is completed by the Enforcement Officer, the evidence collected must be stored and investigation results properly documented using the P&E database. The processing and level of detail for investigation cases vary depending on the severity of the violation and corresponding enforcement level: low, medium, or high, as described in Section 4.2.

6.1 Required Documentation for Complaint Investigations

At a minimum, four documents should be collected during ICID investigations and preserved as evidence in the case. These documents should be entered into the P&E database and preserved electronically, following the Data Entry and Documentation Matrix by Enforcement Level (Table 10).

Tickler log: Table form used by the Enforcement Officer to record case-related activities, and the date and time they were performed. This information is collected on a handwritten paper form during the investigation and transferred into the P&E database upon case completion.

Investigation Report (IRPT): The Enforcement Officer provides a description of the complaint, location, and case number, including a detailed narrative of the case, field investigation observations, witness/contact interviews, and the final Enforcement Action applied to the violation (Appendix J). The IRPT is generally handwritten on the notes page during the investigation; for level 3 investigations, the notes must also be transferred by the Enforcement Officer to a Microsoft Word document to close the case.

Enforcement Unit Investigation Report: This two-page form includes key case information used to comply with the Permit requirements, provide the JURMP annual report data, and allow management to evaluate investigation progress and Enforcement Officer Performance (see Appendix E).

For low and medium enforcement cases, this form serves as a single form combining the tickler log, IRPT and handwritten notes. For high enforcement cases, Enforcement Officers must prepare a complete narrative of the investigation, evidence, and interviews using the predefined Microsoft Word template.

Photos: Photographic evidence shows an illegal discharge or illicit connection or shows that there was no violation. Photos are required for all complaint investigations for which a field visit was performed.



Table 10. Data Entry and Documentation Matrix by Enforcement Level

Enforcement Level	Bin	IRPT Checklist ¹	Photos S-drive	SAP ²	IRPT (Word)	Tickler (paper)	Admin Hold	Scan & DMS ²
No Evidence Found	1 LOW	✓	✓	URS	N/A	N/A	N/A	URS
No Action Taken		✓	✓	URS	N/A	N/A	N/A	URS
Exempt		✓	✓	URS	N/A	N/A	N/A	URS
Education Only		✓	✓	URS	N/A	N/A	N/A	URS
Referred Only		✓	✓	URS	N/A	N/A	N/A	URS
GENLTR Only	2 MEDIUM	✓	✓	AHLD only	N/A	N/A	✓	ADMIN & URS
Notice Violation (No escalation/single)		✓	✓	AHLD only	Optional	N/A	✓	URS
RSPLTR / ENFLTR	3 HIGH	✓	✓	✓	✓	✓	✓	ADMIN & URS
Notice Violation (escalation/multiple)		✓	✓	✓	✓	✓	✓	ADMIN & URS
Administrative Citation		✓	✓	✓	✓	✓	✓	ADMIN & URS
Civil Penalty		✓	✓	✓	✓	✓	✓	ADMIN & URS

Notes

¹ Enforcement Unit Investigation Report (Handwritten Form)

² Case Processing support staff (currently under contract with URS Corporation)

6.2 Enforcement Unit Investigation Intake Report Form

The Storm Water Enforcement Officer must complete an Enforcement Unit Investigation Report form for each case except when complaints are determined to be “Refer Only,” as described in Section 2.10. In that case, Administrative Staff should complete the Enforcement Unit Investigation Report form during the intake process.

Complaint investigation information recorded in this form is used by the P&E Program Manager for planning and resource allocation purposes, for evaluating which tasks are the most time consuming, and for determining which areas of the organization need additional staff or improvements. It also provides data for the reports that are necessary to comply with the Permit requirements.

There are four major sections of the Enforcement Unit Investigation Intake Report. The fields in the form serve as a guide to the Enforcement Officer to ensure that all required information is collected during complaint investigations:



Complaint and Violation Information

General information collected mainly during intake and initiation, such as address, land type, location, date, etc.

Investigation Activities and Timeline (tickler)

Provides a timeline of investigation and enforcement-related activities performed by the Enforcement Officer, Supervisor, and Administrative Staff from the moment the complaint is received until the investigation is completed and the case is transferred to processing and quality control.

Responsible Party Information

Documents contact information collected by the Enforcement Officer during the investigation to be entered or updated in the P&E database.

Additional Information

Includes Enforcement Officer notes in lieu of the investigation report for Level 1 (Low) enforcement cases and indicates which type of educational material was provided (if any).

6.3 Preserving Digital Documentation Images, Correspondence, and PDFs on S Drive

The Storm Water Enforcement Officer preserves case documentation digitally by scanning or converting all relevant documents to PDFs. Documentation is saved on the SWPP server (S drive) and also uploaded to the P&E database’s document management system (DMS). DMS uses ZSWPP_C storage server to save case records on the City-wide server, thus ensuring long-term preservation and availability.

The scanning of handwritten documentation, correspondence, NOV, and CITES should be done using the SAP scan 0556 instead of scanning to individual emails. Scanned files will then be automatically saved to [\\AD\dfs\Scans\SAPSCAN0556](#) where they can be retrieved and moved to the corresponding case folder on the S drive.

Table 11 shows the documents that can be generated or obtained during a complaint investigation, where to file them on the hard-copy case files, and whether they should be converted to PDFs and stored in the S drive and DMS.

Table 11. Documentation to be Included in Hard-Copy and Electronic Case File

Document Title	Hard-Copy Folder	DMS/ S-drive	Database
Administrative Citations (CITE)	Yes, Right Side	✓	✓
Administrative Hearing Notice (hearing response)	Yes, Right Side	✓	✓
Administrative Hearing and/or Appeal Request by Responsible Party	Yes, Right Side	✓	✓
Correspondence received pertinent to the case such as letters, replies to response letters, or statements	Yes, Right Side	✓	✓
Enforcement Unit Investigation Report	Yes, Right Side	✓	✓



Table 11. Documentation to be Included in Hard-Copy and Electronic Case File

Document Title	Hard-Copy Folder	DMS/S-drive	Database
Letters sent to Responsible Party(ies) including General Letters, Enforcement Letters, and Response Letters	Yes, Right Side	✓	✓
Notice and Order	Yes, Right Side	✓	✓
Notice of Corrections (ENFLTR)	Yes, Right Side	✓	✓
Notices of Violation (NOV)	Yes, Right Side	✓	✓
Payment Receipt and monthly payment plan records	Yes, Right Side	✓	✓
Photos <ul style="list-style-type: none"> ▪ Provided by complainant ▪ Initial Investigation ▪ Follow-up(s) and/or self-verification 	Yes, Right Side	✓	✓
Prior enforcement actions (history)	Yes, Right Side	✓	✓
Sample Test Results and corresponding chain of custody	Yes, Right Side	✓	✓
Service Notification for Administrative Hearing Notice	Yes, Right Side	X	✓
Service Notification for Notice and Order	Yes, Right Side	X	✓
Statements, invoices, invoice dismissed, etc.	Yes, Right Side	✓	✓
Access Database Matrix and Fee Schedule (2008 or prior only)	Yes, Left Side	✓	✓
Additional investigation or enforcement action taken by other agencies	Yes, Left Side	✓	X
Additional NOV's issues to other parties involved in the investigation	Yes, Left Side	✓	X
Civil Penalty Worksheet (final copy)	Yes, Left Side	✓	X
Civil Penalty Matrix	Yes, Right Side	✓	✓
Civil Penalty/Appeal Findings (by Hearing Officer)	Yes, Right Side	✓	X
Enforcement officer Request Form	Yes, Left Side	X	✓
Extra copies of NOV's and Citations	Yes, Left Side	X	✓
Faxed information (correspondence)	Yes, Left Side	✓	✓
Field Monitoring Data Sheets (Monitoring Section)	Yes, Left Side	✓	✓
Handwritten officer notes should be transferred to Word document - Investigation Report and (IRPT)	Yes, Left Side	✓	✓
Information on Responsible Party <ul style="list-style-type: none"> ▪ Fictitious Business Name (FBN) ▪ Business License Information ▪ California State License Board (CSLB) information ▪ CCS ▪ California Secretary of State 	Yes, Left Side	X	✓
Material Safety Data Sheet (MSDS)	Yes, Left Side	✓	✓
Non-related photos	Yes, Left Side	X	✓
Returned Mail (see Supervisor if it needs to go on the right side)	Yes, Left Side	X	✓
Regional Water Quality Control Board (RWQCB) documents	Yes, Left Side	X	✓
Storm Water Intake Form	Yes, Left Side	✓	✓
Storm Water Program Code Compliance Complaint Form	Yes, Left Side	✓	✓
Thomas Bros. Map	Yes, Left Side	X	X
Tickler Log	Yes, Left Side	X	✓

Notes:

- a. Right Side: Case-Critical Documentation
- b. Left Side: Case Information for administrative purposes only



6.4 Data Entry Responsibility for P&E Database

The P&E database is mostly maintained by supporting staff and the Enforcement Officer has more emphasis on field work and investigation than case processing. However, there are fields that will affect reports, statistics and other SWPP staff that determine a few minimum requirements for the Enforcement Officer to enter into the P&E database.

Table 12 indicates the required fields, and current team assigned to enter that information under the P&E database:

Table 12. P&E Database Data Entry and Update Responsibility Matrix

Data Description	Enforcement Officer	Admin Staff	Processing Staff	Details/comments
Intake Information	None	Enter	QC	Caller, date, time, priority, address, case number, priority, and complaint description
Officer Assignment	Enter	None	QC	Main Work Center is auto-assigned, Person Responsible must be entered by Officer
Violation Type	Update	Enter	QC	
Substance	Update	Enter	QC	
Land Type	Enter	None	QC	
Discharger Type	Enter	None	QC	
Responsible Party	Enter	None	QC	Under Partner information
Case Notes	None	None	Enter/QC	
Initiation	Enter	None	QC	
Travel Time	None	None	Enter/QC	Mileage entered under text
Enforcement	None	None	Enter/QC	
Compliance	None	None	Enter/QC	
Review	None	None	QC	Entered by Supervisor only
Follow-up	None	None	Enter/QC	
Admin.Hold	Enter	Enter	QC	
Correspondence	None	Enter	QC	
Invoice/Payment	None	Enter	QC	
Other Activities	None	None	Enter/QC	
Completion	Only CANC or DNR	Only CANC	Enter/QC	
DMS attachments	None	None	Enter/QC	
Work Order	None	None	Enter/QC	



6.5 Administrative Staff Support Request (Admin Hold)

Administrative Staff are available to support investigation and enforcement procedures with preparation of standard letters and documents, correspondence handling, and invoicing and hearing support, as described in this manual. However, it is the Enforcement Officer's responsibility to ensure that request to the Administrative Staff are properly documented and followed until completed using the P&E database.

The following activities require the Enforcement Officer to log an "Administrative Hold (S175)" request on the P&E database:

- Prepare and mail general, correction or enforcement letters.
- Mail Notice(s) of Violation.
- Mail Administrative Citation(s).
- Invoice Administrative Citation(s) and log them on the City's accounting system (One SD).
- Track Administrative Citation(s) payment or payment plan until paid or transferred to the treasury for collections (after 30 days).
- Support hearing scheduling, document preparation, notifications, etc., as described in Section 7 of this manual.



SECTION 7 APPEAL AND HEARING PROCEDURES

When an Administrative Citation is issued, the business or citizen has the right to appeal by sending a hearing request in writing to the City. It is the appellant's responsibility to complete the request within the time prescribed. Failure of completion will result in the adjudication of the right to appeal, as described on the back of the Administrative Citation.

“According to the Rights of Appeal (S.D.M.C 12.0501, 12.0906):

You have the right to appeal this administrative citation within 10 calendar days from the date the citation was issued. If the citation was mailed, the appeal must be made within 10 calendar days from the date the citation was mailed. An appeal must be made in writing to the address on the front of this citation and [to] the attention of ‘Administrative Hearing Coordinator.’ An appeal will result in administrative hearing. The administrative hearing will follow the procedures set forth in Division 4, Article 2, Chapter 1 of the San Diego Municipal Code.

Failure of any person to properly file a written appeal within 10 calendar days shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation or any portion thereof and the total amount of the fine.”

Upon request, appeals that are received after 10 calendar days will be reviewed by the Code Compliance Supervisor to determine if there is a "good cause" to allow the hearing. The Enforcement Supervisor must get approval from the P&E Program Manager. A "good cause" is defined as:

“Good cause to continue a hearing shall be limited to: Death of a representative or attorney of a party, or a witness to an essential fact when it is not feasible to substitute another person because of the proximity of the hearing date; incapacitating illness of a party or incapacitating illness or death of a party's family member; lack of proper notice of the hearing to the parties as required by the SDMC 11.0301; substitution of the representative or attorney of a party upon showing that the substitution is required; the unavailability of a party, representative, attorney or material witness due to an unavoidable emergency.

Evidence of good cause to continue the hearing shall be of the sort that responsible persons would rely on in the conduct of serious affairs, i.e., in the case of an illness, the party requesting a continuance may be required to provide a written statement by a physician attesting to the nature and duration of the illness.”

Once the appeal request is received, the Supervisor will notify the corresponding Enforcement Officer to initiate the hearing process, as shown in Figure 8, the hearing process flowchart.

7.1 Administrative Citation Appeal

The Administrative Citation appeal process shall be in accordance with §12.0501, §12.0906, of the San Diego Municipal Code. The following steps should be taken when requests are made.



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- Request for appeal is to be in writing or in email form.
- Request must be received within 10 calendar days from the following:
 - Date signed.
 - Postmark date citation was mailed.
- Appeals will be addressed to the Enforcement Supervisor.
- Failure to request the appeal within the designated time shall constitute a waiver of rights.

The Division reserves the right to extend the appeal time based on extenuating circumstance (see definition for good cause), subject to review and approval.

7.2 Civil Penalty Appeal

Hearings will be automatically scheduled if the Responsible Party has not responded by the established deadlines in §12.0807 of the Municipal Code.

The Hearing Coordinator schedules a Civil Penalty hearing upon receipt of the request of the Responsible Party, or failure of payment by the established deadline (§12.0807 Failure to Comply with Director's Notice and Order).

A Director shall request the City Manager to appoint an Enforcement Hearing Officer and to establish a date, time, and place for the Civil Penalty hearing in accordance with Division 4 of Article 2 of Chapter 1 when the Responsible Party fails to comply with the terms of the Notice and Order. Failure to comply includes failure to pay the assessed civil penalties, failure to commence and complete corrections by the established deadlines, or failure to refrain from continuing violations of the Municipal Code or applicable state codes. ("Failure to Comply with Director's Notice and Order" added 8-10-1993 by O-17956 N.S.) will schedule automatically upon failure to pay.

7.3 Hearing Preparation

Upon receiving notice to appeal, the Enforcement Officer shall review the case file to ensure it contains the necessary documents. The Enforcement Officer shall complete the "Exhibit List/Index" (Appendix K), and list documents and photographs to be included as evidence for the hearing. The following exhibits are required during hearings:

- Administrative Citation(s) or Notice of Violation and Notice and Order.
- Photographs Appeal request letter.
- Prior notices and citations (if applicable).
- Certificate of receipt or Proof of Service form for citation or notice of violation.



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- Response Letter (if applicable).
- Letter/evidence identifying Responsible Party (i.e., contract or lease agreement).
- Any other supporting documentation deemed necessary.

The Enforcement Officer orders the case exhibits and photos by importance or chronologically so the documentation can “tell the story,” and includes a short description on the Agency Exhibit Index form for each one of the photos included as evidence. The description can also be added on the printed copy or PDF under the photo taken. Print one photo per page on letter size paper (8½ x 11) and include the case number and address on the header.

In addition to the required documentation, there is additional information that can be valuable or necessary, depending on the case. These are optional documents that can be included as exhibits when available:

Thomas Bros or GeoSAP map showing the area of the discharge and nearest inlet.

Cost report from other City Departments associated with cleanup and abatement.

The Enforcement Officer is responsible for returning and reviewing the documents with the Enforcement Supervisor in a timely manner. The Enforcement Supervisor will notify the Hearing Coordinator and provide a case file to schedule the hearing. The case file is to be returned to the designated area to be retrievable by the Enforcement Officer, Supervisor, and/or Administrative Staff by the end of the day or when the Hearing Coordinator has completed required tasks.

The Hearing Coordinator must complete the Cover Sheet and Municipal Agency Request to Set Administrative Hearing form (AHP Cover Sheet) and submit it via fax or email to the University of San Diego, Administrative Hearing Program (USD/AHP). The AHP Cover Sheet must include a copy of the Notice of Violation for civil penalty hearings or the Administrative Citation and appeal request for citation appeals, including both sides for any double-sided documents such as Administrative Citations and the Notice of Order. Appendix K shows the AHP Cover sheet template and a sample with instructions on how to fill out the form.

The USD/AHP Hearing Officer will schedule the hearing upon receipt of the AHP Cover Sheet and will notify the Respondent and the Hearing Coordinator. The Hearing Coordinator will then proceed to prepare the hearing notice (Administrative Citation or Notice and Order) and cost sheet and will submit them via certified and regular mail to the Responsible Party. If the certified mail receipt is returned to the SWPP, a copy of the receipt should be included in the case file as an exhibit. If there is no receipt but the regular mail copy was not returned, the Hearing Coordinator should complete the Proof of Service form (see template on Appendix K) instead. The Hearing Coordinator should also send a meeting request to the Enforcement Officer and Supervisor, using Microsoft Outlook calendar.

Upon receipt of the hearing notice and cost sheet (Appendix L), the Responsible Party has the option to dismiss the appeal or hearing. If the Responsible Party provides a written request to dismiss the hearing,



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the Hearing Coordinator should notify USD/AHP Hearing Officer in writing, using the Agency Request for Dismissal form (see template on Appendix K); issue or update the corresponding invoice; update accounting records on the City's SAP accounting system (OneSD) and the Admin Citation tracking sheet; and then cancel the Microsoft Outlook meeting request.

Respondents can also submit a sworn declaration under penalty of perjury, if they prefer not to attend the hearing. In that case the USD/AHP Hearing Officer will review the evidence and the declaration without a meeting.

Enforcement Officers must keep their Microsoft Outlook calendars up to date to facilitate hearing scheduling; the Hearing Coordinator will review the calendars of the Enforcement Officer and the Supervisor to determine their availability. The preferred days for hearings to be scheduled are Tuesday through Thursday between 9:00 AM and 2:30 PM.

7.4 Declarations

Respondents, Witnesses, and the City have the option to submit a sworn declaration under penalty of perjury in lieu of attending the hearing. In that case the USD/AHP Hearing Officer will review the evidence and the declaration without a hearing. The declaration will only be used by the City in the absence of the investigating officer.

7.5 Dismissal Request

Upon receipt of the hearing notice and cost sheet (Appendix L), the Responsible Party has the option to dismiss the hearing. The request to dismiss the hearing shall be in writing and received within 1 day of the scheduled hearing. If the Responsible Party provides a written request to dismiss the hearing, the Hearing Coordinator should notify USD/AHP staff via email or fax and include a copy of the dismissal request and the Dismissal form (see template on Appendix K); issue or update the corresponding invoice; update accounting records on the City's SAP accounting system (OneSD) and the Admin Citation tracking sheet; and then cancel the Microsoft Outlook meeting request.

7.6 Hearing Notes and Review

The Enforcement Officer is responsible for preparing hearing notes and reviewing with the Enforcement Supervisor 2 days prior to the hearing. Using brief bullets covering the highlights of the case is recommended. The Enforcement Officer should be familiar with his or her case and should consider the following information when preparing the report:

- Officer's information (Name, position, division, department).
- Violation location (address, direction traveled, land type, etc.).
- Enforcement Officer's description of the violation.
- Complainant or other witness description of the violation (if applicable).



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- Distance traveled by the discharge from the point of origin to the nearest inlet.
- Nearest watershed the discharge flows into.
- Environmental impact, including impact to biological diversity, ASBS, TMDLs, etc.
- Other effects to the community, City property, etc.
- Determination of responsibility (Why is this person/business responsible?).
- Substance description and the associated factors that impact water quality.
- Monitoring data and sample location map.
- Definition of storm water and definition of non-storm-water discharge/illegal discharge.
- Definition of Storm Water Conveyance System.
- Municipal Code 43.0304, including exemptions 43.0305.

The Enforcement Officer must review the case thoroughly prior to the hearing. The Enforcement Officer is responsible for notes and keeping the case updated, and must be prepared and familiar with the case. For Civil Penalty cases, if the Responsible Party informs the City that they intend to have their attorney present, the Enforcement Officer should inform the Supervisor and USD/AHP Hearing Officer.

The Hearing Coordinator should also add the corresponding hearing notice and cost sheet (Appendix L) to the exhibits. A minimum of three (3) copies of the hearing case file should be made: one for the City Representative, one to be sent to the Responsible Party 10 days prior to the hearing date, and one to be hand delivered by the Enforcement Officer to the USD/AR Hearing Officer the day of the hearing. Enforcement Officers must do a cursory review of the completed package before mailing to make sure it is complete.

A complete appeal case file must be prepared for the USD/AHP Hearing Officer. Copies should also be made for the Responsible Party and their attorney if they are represented by counsel, for the Enforcement Officer or City Representative, and for the USD/AHP Hearing Officer, if appropriate. The documents to be presented at the hearing on the violation case must be identified by the Enforcement Officer for the Hearing Coordinator to prepare a complete packet. The Enforcement Officer should be sure to list all documents to be included that will assist them in prevailing for the City. This could include prior case history for the same violation, statements from other departments that have had violation cases at this location, etc. Including copies of applicable sections of the Municipal Code with appropriate areas highlighted for easy reference is also recommended.



7.7 Hearing Process

The City has the burden to prove at the hearing that a violation exists. The USD/AHP Hearing Officer will lead the hearing process. The general order and stages of the hearing are presented as follows:

1. Hearing admonition by the USD/AHP Hearing Officer to the parties involved.
2. Identification (appearances) of the parties involved.
3. Evidentiary exhibits are presented and identified.
4. USD/AHP Hearing Officer will identify and swear in all witnesses.
5. Opening statements (optional).
6. Presentation of evidence.
7. Enforcement Officer will represent the City and present the violation case first.
8. The Responsible Party or their legal representative will then present their side.
9. Enforcement Officer is given an opportunity to rebut, take advantage of this time, ask questions, request clarifications, and make statements.
10. Closing arguments or summary.
11. Adjournment of hearing.

The Enforcement Officer has the burden of proof beyond preponderance of the evidence. Enforcement Officers should know the code sections that are in violation and provide proof, and they should state their name, what they do, and present the case. Enforcement Officers should state the facts and honestly answer all questions asked, and should maintain objectivity and flexibility. If the USD/AHP Hearing Officer asks, "Did you witness the violation occurring," the Enforcement Officer should answer appropriately, even though the question may not be relevant per the code.

When the Responsible Parties are presenting their views, the Enforcement Officer should take notes, which should be factual and to the point. The Enforcement Officer should not personalize the issues, but acknowledge the Responsible Party's improvement and their efforts, if appropriate. Let them know if the City is still receiving complaints and if compliance has not been achieved.

Refer to the case exhibits and summarize the information. State the date when SWPP first received the complaint and state the length of time for non-compliance. Conclude by asking the USD/AHP Hearing Officer to uphold the fine.



7.8 Hearing Findings

After 10 business days, the USD/AHP Hearing Officer forwards the written decision to the Hearing Coordinator, documented on the Administrative Enforcement Decision and Order (decision). The Hearing Coordinator shall provide a copy to the Enforcement Supervisor for review and approval of payment. Place the decision in the file and transfer to data processing and Quality Control (QC) as required.

Hearing Coordinators should then proceed to issue, update, or cancel the corresponding invoice(s); update accounting records on OneSD; and update the Admin Citation tracking sheet, accordingly.



Figure 8. Hearing Process Flowchart

(Insert corresponding document here, PDF resize to 8 ½ x 11)



SECTION 8 ENFORCEMENT SUPERVISOR PROCEDURES

8.1 Public Record Act Request

A Public Records Act (PRA) request may be made by any citizen by submitting a written request to the City Clerk's Office, City Attorney, or a Public Outreach representative. They will forward the request to the Enforcement Supervisor. The Supervisor will then query the P&E Database for information related to the address, business, or Responsible Party name, as requested in the PRA.

PRA information on the P&E database can be searched by address, name, business, or location. The following query options can be used as described in the SAP Data Standardization Manual CSD-RT-12-URS42-07.V4 sections listed below:

- Search by address using GeoSAP.
- Search by the Notification Description.
- Search by the Functional Location number.
- Search by Business name using Industrial/Commercial facility ID and transaction IH08.
- Search by Responsible Party or Calling Party name using ZCUST and ZRESP. The name can be a person, trust, business, agency, etc.
- Search by NOV, CITE and CP information using CL30N.

Once the results of the query are obtained, the Supervisor will review the list of SAP Notifications to determine if they are consistent with the PRA request and will obtain PDF records from DMS, such as NOV, CITE, CP, photos, etc. Non-related cases will not be included in the report.

- Supervisor shall inform the Program Manager expeditiously of the amount of time to gather all materials for the ten (10) day response letter.
- Supervisor shall then gather all materials within the agreed time.

Public Rights-of-Way Responsibility Matrix
 Environmental Services Dept., Transportation & Storm Water Dept:
 (Eff. Date: 12-2-13 Rev: 10-14-13)

Red Highlighted: Street Division responsible for removal
 Blue Highlighted: ESD responsible for removal
 Green Highlighted: Storm Water - (may refer to ESD for enforcement/removal)
 Pink Highlighted: Metro Wastewater
 Purple Highlighted: Park and Rec

Description	ESD	Street Division	Storm Water	Other/ Comments
MEDIANS				
Medians in Rights of Way (unplanted/unlandscaped) <ul style="list-style-type: none"> • weeds • Litter in conjunction w/weeds • Litter 	X	X X		Street Division will remove litter only in conjunction with weed removal. Complaint Basis Only
Medians in Rights of Way (unplanted/unlandscaped) <ul style="list-style-type: none"> • illegal dumps (large bulky items) • Small Items 	X	X		(Able to be handled by One Person)
Medians in Rights of Way (orphaned/abandoned) (*no longer under EMRA) <ul style="list-style-type: none"> • weeds • litter 	X	X		Street Division will remove litter only in conjunction with weed removal. ESD will address on a complaint basis
Medians in Rights of Way (orphaned) <ul style="list-style-type: none"> • Illegal dumps (large bulky items) 	X			
Landscaped Medians <ul style="list-style-type: none"> • weeds • litter 				Park & Rec
Landscaped Medians Illegal dumps (large bulky items)	X			


Description	ESD	Street Division	Storm Water	Other/ Comments
BIKE LANES/BIKE PATHS/BIKE ROUTES				
Bike Lanes (clearly marked in street/traveled portion of streets) <ul style="list-style-type: none"> • Weeds • Litter 		X	X	
Bike Routes/Bike Paths <ul style="list-style-type: none"> • Weeds • Litter • Transient waste/camps (include removal from paved portion as well as the sides of bike path/route. Note: In San Diego Riverbed/Rose Creek Channel- in drainage channel, on paved portion of bike route/path and areas on both sides			X X X X	
Bike Lanes/Bike Routes/Bike Paths in rights of way <ul style="list-style-type: none"> • illegal dumps (large bulky items) 	X			
DRAINAGE CHANNELS				
Drainage Channels improved (e.g. concrete) (fenced in area) <ul style="list-style-type: none"> • Weeds • Litter • Illegal Dumps (lg bulky items) • Transient Camps • Haz Waste/Medical • Waste • Graffiti 			X X X X X X X	In storm drains/channels

Description	ESD	Street Division	Storm Water	Other/ Comments
Drainage Channels - Outside fenced area (e.g. between curb line and fence) <ul style="list-style-type: none"> • Weeds • Litter • Haz waste/medical waste • Transient camps/waste • Graffiti 	X	X X		If in street right-of-way, Street Division is responsible. If in Drain Easement (up to 2ft out) Storm Water responsible. If sidewalk exists see "SIDEWALKS/PARKWAYS" below (eval for responsibility)
Drainage Channels - Outside of fenced area (e.g. between curb line and fence) <ul style="list-style-type: none"> • Illegal Dumps (large bulky items) 	X			
SIDEWALKS/PARKWAYS				
Sidewalks/Parkways (6am to 4pm) <ul style="list-style-type: none"> • Litter • Illegal dumps (large bulky items) • Haz waste/medical waste 	X X X			See attached Medical Waste Guideline *Over 15 Needles - Call DEH
Sidewalks/Parkways <ul style="list-style-type: none"> • Human Waste/Fecal Matter 				<ul style="list-style-type: none"> • Property Owner Responsible to the curb
Sidewalks/Parkways (Hazards After 4pm) <ul style="list-style-type: none"> • Illegal dumps (large bulky items) (may refer to ESD to remove) • Haz waste/medical waste) • Human Waste/Fecal Matter 		X X		<ul style="list-style-type: none"> • Property Owner Responsible to the curb


Description	ESD	Street Division	Storm Water	Other/ Comments
ALLEY RIGHTS OF WAY				
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> Litter Illegal Dumps 	X X			
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> Weeds Haz waste/medical waste 	X	X		Eval if Dirt Alleys (policy: removal to middle of alley)
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> Human Waste/Fecal Matter 	➤		➤	Excrement Not Contained Excrement Contained/In bucket
Alley rights of way (improved or not improved) <ul style="list-style-type: none"> * Sewage 				Metro Wastewater
STREET RIGHTS OF WAY				
Street Rights of Way (improved/developed portion of street) <ul style="list-style-type: none"> Weeds Litter Human Waste/Fecal Matter 	➤	X	X ➤	Storm Water will remove litter from the street (curb face to curb face) Excrement Not Contained Excrement Contained/In bucket
Street Rights of Way - improved/developed portion of street <ul style="list-style-type: none"> Illegal Dumps (large bulky items) 	X			
Street Rights of Way (improved/developed portion of street) <ul style="list-style-type: none"> * Sewage 				Metro Wastewater
Street Rights of Way (undeveloped/paper streets) <ul style="list-style-type: none"> Litter Illegal Dumps (large bulky items) 	X X			

Description	ESD	Street Division	Storm Water	Other/ Comments
Street Rights of Way Basketball hoops or skateboards ramps in street rights-of-way	X			
Street Rights of Way Temporary Ramps/blocks at curb/in gutter		X		Temporary Ramps/blocks at curb/in gutter
Street Rights of Way (undeveloped/paper streets) • Human/Fecal Waste Matter		X		Street Div. to eval.
Street Rights of Way (undeveloped/paper streets) • Haz Waste/Medical Waste	X			*ESD will eval - If any City emp responds and 1-3 needles only, they should remove using safe practices
Street Rights of Way (undeveloped/paper streets) • Sewage				Metro Wastewater
MEMORIALS				
Memorials in Public Rights of Way (streets/alleys/sidewalks/parkways) maintained or not Note: May or may not be affixed to signs/poles.		X		
PEDESTRIAN WALKWAYS/FOOTBRIDGES				
Pedestrian Walkways and Foot Bridges • Litter • Weeds • Transient camps. • Human waste/fecal waste • Haz /medical waste • Petco Foot Bridge & Elevator (includes litter)		X X X X X X		FY14 - Under Contract w/Urban Corp thru Streets
Pedestrian Walkways/Foot Bridges • Illegal Dumps (bulky items)	X			


Description	ESD	Street Division	Storm Water	Other/ Comments
WEEDS/VEGETATION				
Vegetation/Weeds encroaching public rights of way		X		
Palm Fronds/trees fallen into Streets or alleys from trees planted in parkways		X		
Palm Fronds/Trees fallen into public rights of way from private property		X		
Tree Droppings – excessive amounts in public right of way – reporting person claiming safety/slipping hazard; or impedes use of sidewalk (e.g. wheelchair difficult to move through)	X			*Default - Property Owner Responsible ESD will eval. complaint and responsibility on a case by case basis If reported during storm patrol the assigned crews from Street Div. and/or Storm Water Dept. may eval/address
VEHICLE BRIDGES				
• Bridge		X		All bridges and shelves under bridge = Streets Maintained by Responsible Property Owner, Managing Dept or Easement holder
• Channels Under Bridges			X	



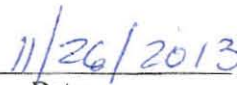
 Stephen Grealy
 Deputy Director, ESD/WRAD



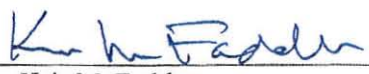
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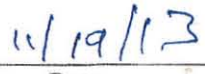
 John Helminski
 Deputy Director, TSW/Street Div



 Date



 Kris McFadden
 Deputy Director, T&SW/Stormwater



 Date

Terry Powers' Complaint Investigation Chronology

On Thursday January 9, 2014, Mr. Terry Powers submitted a complaint to the Storm Water Division's complaint hotline. The complaint was added to the SAP-EAM database. The computer issued the next sequential notification number, 35-13066. The photographs provided by Mr. Powers were attached to the case, and a case file was created for the Code Compliance Officer.

On Friday January 10, 2014, Code Compliance Officer Anita Koyama initiated the complaint investigation, and visited the site. Her investigation revealed that there was no significant amount of trash on the stadium property; however, there was trash in Murphy Canyon Creek Channel in and around a transit camp. No trash was observed on the bike path; however, trash was present in and along the channel. Returning to the office, Officer Koyama contacted ESD and San Diego Police Department (SDPD) regarding the active transit camp.

On Monday January 13, 2014, Officer Koyama, Supervising Code Compliance Officer Antonius Evans, Program Manager Ruth Kolb, and Stadium Operations Supervisor Tom Ritz met Regional Board Engineer Christina Arias at the southeasterly corner of the stadium property. During this site visit the stadium facilities had no uncontained trash or observed overflowing Port-of-Potties on the stadium site; however, there was trash observed in the Murphy Canyon Creek Channel in and around the transit camp. Returning to the Storm Water Division offices, Ruth Kolb updated Kris McFadden, Deputy Director, and contacted Assistant Deputy Director Gene Matter to have the channel cleaned.

On January 15, 2014, 09:20, Officer Koyama met SDPD Officer Livesey (Badge #5631) with the Homeless Outreach Team (HOT) to show him the location of the transit camp. He was already aware of its location, and had been checking it routinely. Additionally, during this site visit Officer Koyama met with MTS employee Alberto Richard Chavez, who happened to be at the trolley station. Officer Koyama informed Mr. Chavez about the trash next to the pillar at the Qualcomm trolley station entrance. She advised him that she would call his supervisor to inform him about the trash, and that it would need to be addressed immediately. Mr. Chavez stated he'll clean it up that day, which he did.

On January 16, 2014, Supervisor Evans conducted an investigation of the bike path from the stadium to Murphy Canyon Road. Supervisor Evans observed the following items adjacent to or in the channel: a few plastic grocery bags, a shopping cart, a jacket, a pillow, plywood, and a black leather portfolio. Most of the trash appeared to be associated with the transit activity surrounding the stadium. In this same area on the west side of the bike lane, Supervisor Evans observed two transit camps. The first site was filled with trash, shopping carts, trash bags with garbage, plastic grocery bags, and a vacuum cleaner. At the second camp, Supervisor Evans observed two people sleeping under the off ramp with their belongings next to them. Just north of the area where they were sleeping was another pile of trash. Supervisor Evans proceeded to check the area along the south side of the stadium next to the San Diego River. There was only

one area where the trash was visible while driving by that was determined to be an abandoned transit camp filled with trash. Supervisor Evans also observed trash on the slope of the I-15 next to Murphy Canyon Creek channel, which was called into Caltrans for cleanup.

On January 21, 2014, Supervisor Evans conducted a site visit at the request of Ruth Kolb, Program Manager. Supervisor Evans observed some charcoal that had been dumped on the surface of the parking lot but no other trash. Trash was observed in the areas that had been discussed earlier around the transit camps. Supervisor Evans observed that the pavement around several of the portable toilet was wet. As Supervisor Evans continued his observations he observed an employee from United Services leaving one of the portable toilets. Supervisor Evans observed that the waste water from cleaning the portable toilet was not reclaimed. Supervisor Evans observed the employee procedures and noticed again that no attempt was made to reclaim the waste water. Supervisor Evans approached the employee and informed him of the Storm Water Ordinance. Supervisor Evans questioned the employee about their procedures and instructed the employee that the waste water needed to be reclaimed. The employee ceased his cleaning and proceeded to vacuum the waste water. Supervisor Evans also observed an employee from Jani King pressure washing the inside of the stadium. No Best Management Practices (BMPs) were in place to contain and capture the wash water. Supervisor Evans observed that the wash water was allowed to enter a private drain that flowed onto the parking lot of the stadium and dissipate. NOV's from the Storm Water Division were issued to both United Services and Jani King.

On January 21, 2014, Deputy Director Kris McFadden met Mr. Powers on site and inspected the entire perimeter of the stadium. At this time, there was debris in the channel east of the stadium, south of the stadium, and along the bike path east and north of the stadium. This information was submitted to ESD to ensure the entire area was addressed.

The channels were posted on January 23 and 24, 2014, and ESD initiated channel cleaning on January 27, 2014. Supervisor Evans went to the stadium on January 27, 2014 and verified that the ESD cleanup had started. Supervisor Evans observed ESD employees, Stadium employees, and employees of the Alpha Project cleaning along the bike lane of Murphy Creek from Rancho Mission Road to Murphy Canyon Road. Supervisor Evans observed the workers hauling off general debris along with a surf board, electric edger, clothes, CDs, and a variety of gadgets. Photographs of the channels before and after the cleanup are available. Cleanup of the channels was completed on February 3, 2014. This task took 32 staff hours and 12.32 tons of trash/debris was removed.