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# *Illicit Discharge Detection and Elimination (IDDE) Program Standard Operating Procedures (SOP)*

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## Acronyms, Definitions and Organizational Structure

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### **Acronyms**

1. *Accela*: database used for tracking stormwater issues and stormwater quality permits
2. *BCPH EH staff*: Boulder County Public Health Environmental Health Division
3. *BCPH EERT*: Boulder County Public Health Environmental Emergency Response Team
4. *BCPH WQ STAFF*: Boulder County Public Health Water Quality Team
5. *BCPW*: Boulder County Public Works
6. *BMPs*: Best Management Practices (also known as control measures)
7. *CP&P*: Community Planning and Permitting
8. *CDPHE WQCD*: Colorado Department of Public Health and Environment Water Quality Control Division
9. *CDPS*: Colorado Discharge Permit System
10. *HMMF*: Boulder County Hazardous Materials Management Facility
11. *IDDE*: Illicit Discharge Detection and Elimination
12. *KICP*: Keep it Clean Partnership
13. *MCL*: Maximum Contaminant Level
14. *MS4*: A municipal separate storm sewer system
15. *NOV*: Notice of Violation
16. *NPDES*: *National Pollutant Discharge Elimination System*
17. *OWTS* – *Onsite wastewater treatment system*
18. *PW RCD*: *Public Works Resource Conservation Division*
19. *PW SWQ staff*: Boulder County Public Works Stormwater Quality Program including Program Coordinator and stormwater quality permitting staff
20. *TMDL*: Total Maximum Daily Load
21. *UBC*:  incorporated Boulder County

### **Definitions**

1. *Best Management Practices*: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state surface waters". BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For the purpose of this permit, the term BMP is used interchangeably with the term control measure, and can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices. Best management practices are also known as control measures in recent regulatory documents.
2. *Classified State Water*: A classified state water is a state water with a classification in the Classification and Numeric Standards Regulation for each of the seven river basins in Colorado. Classifications for each segment within the river basin can be found in the numeric and standards table for each basin regulation.
3. *Control Measure*: Any best management practice or other method used to prevent or reduce the discharge of pollutants to waters of the state. Control measures include but are not limited to best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structure controls and treatment devices.
4. *Control Measure Requiring Routine Maintenance*: Any control measure that is still operating in accordance with its design and the requirements of this permit but requires maintenance to prevent associated potential for failure during a runoff event. See also Inadequate control measure.
5. *Discharge*: The discharge of pollutants as defined in section 25-8-103(3) C.R.S. For the purposes of this permit, discharges do not include land application or discharges to the ground.
6. *Discharge of a Pollutant*: The introduction or addition of a pollutant into state waters. See 25-8-103(3) C.R.S.

7. *Dry Weather Discharge*: A discharge not resulting from surface runoff from stormwater.
8. *Exclusion*: A removal of the applicability of the terms or conditions in this permit from applying to the given conditions.
9. *Good Engineering, Hydrologic and Pollution Control Practices*: Methods, procedures, and practices that:
  - a. Are based on basic scientific fact(s).
  - b. Reflect best industry practices and standards.
  - c. Are appropriate for the conditions and pollutant sources.
  - d. Provide appropriate solutions to meet the associated permit requirements, including practice based and numeric effluent limits.
10. *Green infrastructure*: Generally, refers to control measures that use vegetation, soils, and natural processes or mimic natural processes to manage stormwater. Green infrastructure can be used in place of or in addition to low impact development principles.
11. *Illicit Discharge*: Any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency firefighting activities. Permittees should note that there are many types of illicit discharges that in accordance with the permit need to be effectively prohibited. Only the discharges listed in Part I.2.a.v. can be excluded from being effectively prohibited.
12. *Impervious Area*: Developed areas with covering or pavement that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events. Impervious areas include, but are not limited to; roof tops, walkways, patios, driveways, parking lots, impervious storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.
13. *Inadequate Control Measure*: Any control measure that is not designed, implemented, or operating in accordance with the requirements of the permit, including the specific requirements in each program area in Part I.E or requirements for specific permittees in Part III, and implemented and maintained to operate in accordance with the design. See also Control measure Requiring Routine Maintenance.
14. *Inspection report*: internal Boulder County Public Health form used to document investigations of all reported illicit discharges. The form includes a photo log and is attached to the IDDE record in Accela.
15. *Irrigation Return Flow*: Tailwater, tile drainage, or surfaced groundwater flow from irrigated land.
16. *Municipality/Municipal*: A city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of CWA (1987).
17. *Municipal Separate Storm Sewer System (MS4)*: A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
  - a. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
  - b. Designed or used for collecting or conveying stormwater;
  - c. Which is not a combined sewer;
  - d. Which is not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).
18. *Municipal Separate Storm Sewer System Outfall (Outfall)*: A point source, as defined herein, at the point where a municipal separate storm sewer discharges to state waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other state waters and are used to convey state waters.
19. *Non-Structural Control Measures*: Includes control measures that are not structural control measures, and include, but are not limited to, control measures that prevent or reduce pollutants being introduced to water or that prevent or reduce the generation of runoff or illicit discharges.
20. *Operator*: The person or entity who is responsible for the overall operation of the facility or activity from which the associated discharge originates.

21. *Outstanding Waters*: A type of designation. Outstanding waters are designated by the Water Quality Control Commission.
22. *Point Source*: Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow. See 5 CCR 102-61.2(75).
23. *Pollutant*: Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).
24. *Pollution*: Man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water. See 5 CCR 1002-61.2(77).
25. *Roadway*: Roads and bridges that are improved, designed, or ordinarily used for vehicular travel and contiguous areas improved, designed or ordinarily used for pedestrian or bicycle traffic, drainage for the roadway, and/or parking along the roadway. Areas primarily used for parking or access to parking are not included.
26. *Stormwater*: Stormwater runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).
27. *Structural Control Measures*: Includes control measures that are comprised of facilities and structures that remove pollutants from water or retain, reuse, or provide for infiltration or evaporation of water.
28. *To the Extent Allowable under state or Local Law*: A standard of implementation of permit requirements and means that to the extent that the permittee is not constrained by state or local laws. Local laws that can be legally changed by the permittee to allow implementation of permit requirements do not constitute a barrier to implementation of a permit requirement.
29. *Total Maximum Daily Loads (TMDLs)*: The sum of the individual wasteload allocations (WLA) for point sources and load allocations (LA) for nonpoint sources and natural background. For the purposes of this permit, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes WLAs, LAs, and must include a margin of safety (MOS), and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 C.F.R. 130.2 and 130.7).
30. *Water Quality Standards*: Any standard promulgated pursuant to section 25-8-204 C.R.S. For purposes of this permit, water quality standards are a narrative and/or numeric restriction established by the Water Quality Commission applied to state surface waters to protect one or more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate which is intended. See 5 CCR 1002- 31.5(37).
31. *Waters of the State of Colorado*: Any and all surface waters and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition can include water courses that are usually dry. Note: this permit is only applicable to applicable discharges to surface waters of the state.

**Authority Structure of the MS4 Program (also described in the [Program Description Document](#))**

- Boulder County Public Works (BCPW) has primary responsibility for compliance of the municipal separate storm sewer system (MS4) permit. The Stormwater Quality Coordinator position is in the BCPW reporting structure.
- Boulder County Commissioners are the signatories on the MS4 permit.
- Boulder County Public Health administers the Illegal Discharge Ordinance, prohibiting illicit connections and discharges to the storm drainage system.

## Introduction

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Part I.E.2 of the MS4 Permit (No. COR-090000) requires the County to implement a program to effectively prohibit illicit discharges. This document constitutes the County's Illicit Discharge Detection and Elimination (IDDE) Program Description and documents the procedures used to meet the MS4 IDDE Program requirements for the Program. The document not only addresses each of the IDDE requirements, but also consolidates the Recordkeeping (Part I.E.2.b) and Program Description (Part I.E.2.c) requirements to further explain how each of these provisions are met.

## Illicit Discharges

The term "illicit discharge" is defined in the Phase II MS4 Permit as "Any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency firefighting activities."

There are many types of illicit discharges that, in accordance with the permit, must be prohibited. Only the discharges listed in Part.I.2.a.v. of the MS4 Permit can be excluded from being effectively prohibited (referred to as "allowable non-stormwater discharges" from this point forward). See Section 1 for a list of discharges that are "allowable non-stormwater discharges."

## Illicit Discharge Prevention

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Boulder County's Hazardous Materials Management Facility (HMMF) is operated to ensure the compliant "cradle to grave" management and disposal of hazardous materials/wastes that are disposed of at the facility by residents and businesses. All residents of Boulder County including all cities, towns, and unincorporated areas; all residents of City and County of Broomfield; and all residents of the Town of Erie (not restricted to just the Boulder County area) may drop off household hazardous waste at the HMMF. In addition, the HMMF accepts waste from businesses in Boulder and Broomfield counties that generate small quantities of hazardous wastes AND that are classified by the State of Colorado as "very small quantity generator/household hazardous waste consolidation facility" (VSQG/HHW). Typically, businesses that are VSQGs include auto shops; housecleaning companies; lab, R&D, analytical companies; landscapers; non-profits, painters; religious organizations; schools and school districts, tanning salons, manufacturers, retailers, etc.

The County considers this to be a companion program to IDDE because it provides an outlet for both residents and certain businesses to properly dispose of hazardous waste and prevent it from causing a material storage problem or illicit discharge. Boulder County Public Works Stormwater Quality Program (PW SWQ) and Boulder County Public Health Water Quality (BCPH WQ) Program staff routinely publicize this service when providing compliance assistance or taking formal enforcement when a hazardous waste discharge is involved. Additionally, the HMMF provides outreach to the community about services that are offered including an area where community members can obtain partially used products that have been brought in and are available for free. This service along with the recycling of products that cannot be reused reduces the likelihood of illegal dumping. Further community educational outreach also occurs at the HMMF where there are various stormwater fact sheets available to the public ranging from fertilizer use to good housekeeping practices and proper landscaping practices for clippings and yard waste.

Additionally, the county distributes outreach material to residents and businesses emphasizing the importance of eliminating pollutant discharge through social media and Keep It Clean Partnership (KICP).

## **Section 1: Codes, Resolutions, and Ordinances (Parts I.E.2.a.ii. and iii. and v.)**

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To the extent allowable under state or local law, the County must implement a regulatory mechanism to meet the IDDE requirements outlined in the MS4 Permit. According to the MS4 permit, the County must:

- 1) Prohibit illicit discharges into the MS4;
- 2) Have a procedure to request access to property(ies), as necessary to implement the illicit discharges procedures, to include judicial action; and
- 3) Provide the permittee the legal ability to cease or require to be ceased and remove, or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.

### **Illicit Stormwater Discharge Ordinance (No. 2012-4)**

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The County first passed an [Illicit Stormwater Discharge Ordinance](#) in 2005 and replaced it with an updated version in November of 2012. This ordinance is hereinafter referred to as Boulder County Illicit Stormwater Discharge Ordinance (No. 2012-4) or “ordinance.” The ordinance specifically prohibits illicit discharges and allows for noncompliance remedies as required by the MS4 Permit. Importantly, the ordinance states:

- 1) No person shall discharge or cause to be discharged into the storm drainage system or watercourses any pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- 2) It shall be unlawful to cause pollutants to be deposited in such a manner or location as to constitute a threatened discharge into the storm drainage system or waters of the State. Pollutants that are no longer contained in a pipe, tank or other container are threatened discharges unless they are actively being cleaned up.

Right of entry is provided by Section 8 of the ordinance and procedures are further detailed below under Enforcement, General Procedures for Illicit Discharge Violations. Additional guidance for staff enforcing the ordinance is provided in the appendices of this document.

### **Allowable Non-Stormwater Discharges (Exclusions) (Part I.E.2.a.v.)**

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Per the MS4 Permit (I.E.2.a.v., Excluded Discharges), the following discharges do not need to be effectively prohibited and are allowable non-stormwater discharges:

- A. Landscape irrigation
- B. Lawn watering
- C. Diverted stream flows
- D. Irrigation return flow
- E. Rising ground waters
- F. Uncontaminated groundwater infiltration
- G. Uncontaminated pumped groundwater  
(Note: Discharges containing groundwater that comes into contact with construction activity is not considered “uncontaminated” due to the potential for sediment content.)
- H. Springs
- I. Flows from riparian habitats and wetlands
- J. Water line flushing in accordance with the division’s Low Risk Policy Discharge Guidance: Potable Water

- K. Discharges from potable water sources in accordance with the Division's Low Risk Discharge Guidance: Potable Water.
  - 1) The potable water shall not be used in any additional process. Processes include, but are not limited to, any type of washing, heat exchange, manufacturing, and hydrostatic testing of pipelines not associated with treated water distribution systems.
- L. Foundation drains
- M. Air conditioning condensation
- N. Water from crawl space pumps
- O. Footing drains
- P. Individual residential car washing
- Q. Dechlorinated swimming pool discharges in accordance with the division's Low Risk Discharge Guidance: Swimming Pools.
- R. Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction
- S. Dye testing in accordance with the manufacturer's recommendations
- T. Stormwater runoff with incidental pollutants
- U. Discharges resulting from emergency firefighting activities
- V. Discharges authorized by a CDPS or NPDES permit
- W. Agricultural stormwater runoff
- X. Discharges that are in accordance with the Division's Low Risk Policy guidance documents or other Division policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges.

*Note: Future discharge sources defined by CDPHE-WQCD will be evaluated by the County. If a Low Risk Discharge Guidance discharge is determined appropriate for discharge to the County's storm drain system, it will be noted in [Appendix C: Low Risk Discharge Guidance](#).*

- Y. Other discharges that the permittee will not consider as an illicit discharge and approved by the Division.

*Note: The MS4 Permit allows the County to pursue Division approval for additional discharges to be added to the list of "Discharges that can be Excluded from being Effectively Prohibited." This entails a specific process and is detailed in the CDPS General Permit for Stormwater Discharges Associated with MS4s. See I.E.2.a.v.(Y) for specific criteria. The discharge is not permitted until the County receives a response letter from the Division stating the discharge is approved.*

## **Section 2: Storm Drain System Mapping (Part I.E.2.a.i)**

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The MS4 Permit requires the County to "maintain a current map of the location of all MS4 outfalls within the permit area, and the names and location of all state waters that receive discharges from those outfalls." The MS4 Permit defines a municipal separate storm sewer system outfall as "a point source...at the point where a municipal separate storm sewer discharges to state waters."

Boulder County views its storm drain system map as an important tool for addressing stormwater pollution because it provides the County with a solid understanding of the drainage system (MS4) and waterways it is attempting to protect and assists in solving water quality problems.

Boulder County's first GIS data for the storm drain system primarily consisted of the Watershed Approach to Stream Health (WASH, now known as Keep it Clean Partnership) Drainage Map Project completed in 2004. During this project, the Public Works Department, Road Maintenance Division conducted inspections of drainage system assets. The features identified were limited, basically in right-of-way along county-maintained roads. Furthermore, the project did not always identify points where the drainage system discharges to receiving waters.

Due to these limitations, the County hired Anderson Consulting Engineers (ACE) in January 2017 to assist with our MS4 and drainage system mapping. Specifically, ACE was tasked with evaluating the current county drainage system records and geographic information system (GIS) data and conducting desktop and field analysis to perform GIS map updates. The Request for Proposal (RFP # 6539-16) shows the scope of work included in the contract, and final report by ACE describes the depth and breadth of mapping that was performed for water quality purposes. Data from the ACE report and some internal data collections were used to create the County's stormwater mapping. This database is available through Boulder County's Open Data and Stormwater Quality Permit websites.

Procedures for maintaining a current geodatabase and updating it for new outfalls, projects, and changed permit areas (i.e., annexations to municipalities) are as follows. Outfall location and other information are kept in a geodatabase available in GIS at [Boulder County Storm Drainage](#). When new features such as stormwater management facilities (SWMFs) or outfalls are built and accepted as part of stormwater quality permitting (SWQPs), the Public Works Consultant, CIP Manager, or Stormwater Quality Team will contact Public Works GIS staff and request an update to the GIS. If necessary, the Public Works GIS Specialist will take point data in the field or use AutoCAD files to add the features.

Changes to the County's MS4 Permit area primarily consist of annexations to other municipalities and are tracked by Stormwater Quality Program Coordinator. Annexation updates are provided by the Community Planning and Permitting Department via the #GISAnnexationNotification email list. Each notification is assessed by the Stormwater Quality Program Coordinator using Boulder County Property Search and the Boulder County Stormwater web map to determine whether the property intersected the unincorporated urbanized area. The Boulder County Storm Drainage map is updated as needed to reflect changes caused by annexations. This process is performed to maintain a simple list of changes to the Boulder County MS4 Permit area that corresponds to the calendar year and MS4 Annual Report to CDPHE as well as to modify any County outfall if that outfall is no longer operated by Boulder County. For real time updates to jurisdiction by parcel, please see Boulder County Property Search here <http://maps.boco.solutions/propertysearch/>. Updates to boundaries on a larger scale are also available on the outfall location map at [Boulder County Storm Drainage](#).

After the 2020 Census Data became publicly available, urbanized areas (now referred to as urban areas), were evaluated to identify outfalls and other stormwater features in areas not previously designated as urbanized. Stormwater features in newly identified urban areas will be incorporated into the Boulder County Storm Drainage map and Boulder County MS4 permit area during the Phase II MS4 Permit renewal process. Additionally, stormwater information is part of the county's GIS based asset management program.

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### Locating Priority Areas (Part I.E.2.a.viii)

To identify priority areas, the County originally attempted to analyze areas with a history of past illegal discharges. However, prior to 2016 the County's IDDE complaint data did not distinguish whether the incidents were inside the unincorporated urbanized area. More importantly, staff felt that there was not

enough data to provide meaningful trends. During the 2016-2017 reporting years, for example, the county averaged approximately 26 IDDE complaints per year county-wide, with most complaints outside the unincorporated urbanized area. In 2022, there were 15 IDDE complaints and approximately half were in the urbanized area. All complaints were investigated, and many were dismissed or resulted in immediate corrections and were closed.

In April of 2017, the County hired Truepoint Solutions (Truepoint) to improve the tracking of illicit discharge data. Truepoint configured the illicit discharge tracking system in the Accela Civic Platform. The Request for Proposal (RFP # 6642-17) shows the enormous undertaking and scope of work included in the contract. Beginning with the 2018 reporting year, PW SWQ and BCPH WQ staff transitioned to tracking all IDDE complaints using Accela Civic Platform software. Accela is utilized by other county departments and programs allowing for improved coordination and the ability to relate records. The improved data quality in Accela allows for tracking instances of non-compliance and readily identifies repeat offenders. Additionally, Accela can identify trends in discharge types and locations which can inform the program. Trends in data can support staff in providing proactive implementation of the program.

In 2017, Anderson Consulting Engineering **was** tasked with obtaining and developing a variety of GIS data that are useful for IDDE as shown in Table 1 below

**Table 1 - Map Layers and Data Needs**

Category	Drainage System Characteristic	Mapping required by MS4 Permit	Data Source
<b>Illicit Discharge Detection/Elim.</b>	Critical pollutant source areas (e.g., hotspots) such as the following:	No	Local
	Hazardous material storage and disposal sites	No	OEM, County GIS
	General Industrial, Light Industrial, and Commercial Zoning Districts	No	LU, County GIS
	Permitted CDPS discharges (e.g., WWTPs, industrial facilities) and outfall locations	No	CDPHE
	Subdivisions/land areas served by septic systems	No	PH, County GIS

This data was used to try to develop the County's initial IDDE priority area. The County and ACE adapted methods in the Center for Watershed Protection (CWP) IDDE Guidance Manual (Protection, October 2004) and conducted a desktop assessment of basic illicit discharge potential to identify priority areas. CDPS fixed facility discharges (data from CDPHE) and hazardous material generating sites (data from County Office of Emergency Management) were mapped and the team found that the density of these sites in the unincorporated Boulder County urbanized area was too low to provide meaningful priority areas. General Industrial, Light Industrial, and Commercial Zoning Districts (data from Boulder County Community Planning and Permitting Department) within the unincorporated urbanized area were then mapped and a few concentrations of businesses were identified; however, there was no evidence of illicit discharges from these businesses. However, collectively all the data will prove useful in IDDE tracing efforts as it can help with source identification and ruling out suspect flows.

Based on staff input, inspections, and resources, restaurants were identified as a priority IDDE area. Outreach materials and training were geared towards these businesses and distributed during their annual food and safety inspections.

Due to the number of septic systems in the county, staff also mapped subdivisions served by septic systems (data from Boulder County Land Use Department) within the unincorporated urbanized area. The data was paired down to septic subdivisions that intersect with perennial streams, then paired down further to those subdivisions with nearby outfalls. The resulting priority areas are shown below in Table 2. These subdivisions do not have piped drainage infrastructure or curb and gutter, but this is typical of our older land development. Technically, these areas are viewed as potential non-point source pollution priorities.

**Table 2 – Septic Priority Areas (2016-2021 Permit Term)**

Subdivision	Description	Sanitary Sewage Disposal	Perennial Receiving Waterbody
Schlagel	South of Nelson Road nr. S. Airport Rd. Aerial imagery indicates potential for other types of illegal discharges, not just septic.	Septic	Dry Creek
Brigadoon Glen	South of Left Hand Creek near Niwot Rd. and N. 63 <sup>rd</sup> St. SepticSmart records indicate old, original systems along creek.	Septic	Left Hand Creek

The County chose these septic areas as the second 2017-2024 IDDE priority areas for a variety of reasons. First, in a study by the Center for Watershed Protection failing septic systems were the most common residential discharge reported in 33% of IDDE programs surveyed (CWP, 2002), and the unincorporated Boulder County urbanized area is primarily residential. Second, it provides the County with an opportunity to better determine whether failing septic systems (a.k.a, Onsite Wastewater Treatment Systems or OWTS) in our community are causing illicit surface or subsurface discharges to adjacent streams. Third, it allows PW SWQ and BCPH WQ staff to work together to attempt to improve a potential water quality issue that we have in common. Furthermore, the MS4 Permit requires us to train applicable County staff to recognize and appropriately respond to illicit discharges observed during typical duties, such as OWTS inspections. Therefore, staff believe that these priority areas allow the county to best meet the intent of the MS4 Permit and collaborate with OWTS staff on the priority areas in an actionable way.



The county commissioned a study to evaluate E. coli Left Hand Creek in 2020. The study determined that septic systems during dry weather, low flow conditions did not appear to be affecting E.coli levels in Left Hand Creek.

In December 2024, IDDE priority areas were re-evaluated using Accela IDDE records from 2019-2024. The type of IDDE and location were mapped using GIS. The GIS map is available in county files per request. Table 3 illustrates limited septic complaints and several complaints about IDDE from unpermitted construction sites (less than an acre) as well as complaints from restaurants and food trucks. Additionally, there were various complaints from commercial establishments and services such as trash trucks, mobile carpet washing services, and other businesses. Not all complaints resulted in violations, and many were outside the MS4 permit area. The GIS mapping indicated high-density areas for restaurant complaints in the Niwot area and waste management/food truck complaints in the Eldorado Springs area. Based on the findings, outreach efforts will target restaurants/food trucks in these areas as well as targeting small unpermitted construction activities throughout the county. The county will continue to provide outreach for septic through the OWTS program; however, the data and studies done to date do not demonstrate that septic systems are impacting water quality.

**Table 3. Evaluation of IDDE Priority Areas (2018-2024)**

Type of IDDE Record	Number of Complaints
Forestry practices	1
Agriculture	1
Commercial	5
Construction	16
Illegal Dumping	3
Industrial	3
Odor	2
Potable Water	1
Residential	5
Restaurant/Food Truck	8
Septic/RV waste	6
Traffic/Vehicle Accident/Spill	5
Permitted Onsite Wastewater Treatment System (OWTS/septic)	8
Schools	1

### **Section 3: Tracing the Source of an Illicit Discharge (Parts I.E.2.a.iv and I.E.2.b.iv)**

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#### **Procedures to Respond to Reports of Illicit Discharges**

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Reports or complaints of an illicit discharge are reported to BCPH WQ staff through several mechanisms: calls to the Environmental Health front desk (303-441-1564), emails to [waterqualityspills@bouldercounty.gov](mailto:waterqualityspills@bouldercounty.gov), through the environmental emergency response team (EERT), referrals from CDPHE Colorado Environmental Release and Incident Reporting Line (24-hour), reports from local emergency dispatch and from county or KICP online reporting portal. These mechanisms are publicized on county Stormwater Quality and Spill Protection and MS4 Program websites and a variety of other locations including through Keep It Clean Partnership. The BCPH WQ staff encourages illicit discharge reporting and provides residents and employees guidelines on things to look for through outreach and education examples of which may be found on the [Boulder County Stormwater Quality and Spill Protection Website](#). BCPH Environmental Health administrative staff, including one staff person dedicated to the Water Quality program, are knowledgeable about referring complaints to the correct staff.

KICP also routinely updates their page that provides Reporting Numbers for Non-Emergency Stormwater Discharges, so that stormwater quality staff in the adjacent member communities (Boulder County and the cities of Boulder, Longmont, Lafayette, Louisville and Superior) are all able to refer reports to the appropriate jurisdiction.

Currently, response and enforcement of the County's IDDE program is under the authority of BCPH WQ staff who coordinate with the Public Works Stormwater Quality Program Coordinator (SW Coordinator). All BCPH WQ staff are trained in identifying and responding to IDDE events. However, there are a few staff

on the team that are responsible for all follow up and enforcement of the Ordinance. BCPH WQ program utilizes BCPH Environmental Emergency Response Team (EERT) to support response and enforcement work. Some response and enforcement may also be supported by SW Coordinator.

BCPH WQ staff maintain a schedule for rotating coverage during normal working hours for responding to illicit discharges. They use a shared email account ([WaterQualitySpills@bouldercounty.gov](mailto:WaterQualitySpills@bouldercounty.gov)) to ensure continuity of follow up and one point of contact for the program. The online reporting portal sends reports directly to the shared email. BCPH WQ staff work closely with first responders, local emergency dispatch and other partners on requirements for notification and response to larger incidents in the County.

When incidents are received via email from the CDPHE Colorado Environmental Release and Incident Reporting Line during business hours BCPH WQ staff will follow up. This follow up generally consists of conferring with CDPHE on whether BCPH WQ staff needs to be the lead agency ensuring proper cleanup and reviewing the written 5-day Spill Report and any analytical monitoring results. BCPH WQ staff intend to use the illegal discharge ordinance when it is deemed the most effective and applicable ordinance to enforce.

CDPHE reports received via email after hours will be followed up on during the next business day. BCPH is coordinating with CDPHE to build processes for alternative reporting mechanisms for spills requiring immediate response and the Office of Disaster Management (ODM) is typically notified if there are large spills that need immediate attention. Boulder County does not generally do a field inspection when the CDPHE referral indicates that the spill is associated with an entity that holds their own Colorado Discharge Permit System (CDPS) permit.

Additional details on how complaints are processed are outlined in Section 5.

### Division of Labor with EERT

While BCPH WQ staff respond to illicit discharge incidents during business hours, EERT staff respond to emergency responses reported after business hours. While some of the emergencies they respond to are not illicit discharges, they provide initial response to illicit discharges in the County reported during non-work hours or notify the appropriate entities.

During a response to illicit discharges, EERT's role is to investigate reports, provide coordination of the initial response, ensure that timely mitigation and remediation is initiated, ensure required reporting is completed, and maintain documentation to hand off to the BCPH WQ staff for follow-up. EERT staff are not expected to meet the IDDE documentation requirements, do not fill out IDDE Field Investigation Reports, and do not initiate enforcement actions. After the initial response, EERT staff collaborate with BCPH WQ staff to transfer command of the incident.

Boulder County Emergency Dispatch is the primary mechanism for dispatching the BCPH EERT. The team uses Active911 for notification. Notification to dispatch can be made by calling non-emergency dispatch or 911 and requesting BCPH EERT be paged. This can be done by a partner agency (such as local fire department, HazMat team or CDPHE) or a community member. BCPH EERT is also part of several pre-programmed notifications for larger incidents. For example, large hazardous materials incidents or mass casualty events. As stated earlier not all responses that BCPH EERT responds to are illicit discharges.

## Documenting an Illicit Discharge

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Beginning with the 2018 reporting year, BCPH WQ and PW SWQ staff transitioned to using the Accela Civic Platform (a centralized recordkeeping system) for all IDDE complaint tracking and documentation. BCPH WQ staff use the Accela record to track complaints (COMW records). Complaints may cross multiple BCPH Environmental Health programs so not all COMW records will have an associated IDDE record. If a complaint is not clearly identified as an illicit discharge during the initial intake, it will start as an COMW record. Additionally, if BCPH EH staff initially assigned to respond to the complaint are not BCPH WQ staff, then they will begin the investigation and track their documentation in a COMW record and hand it off to BCPH WQ staff. In cases where both records are created, the IDDE record is related to the COMW record in Accela.

BCPH WQ staff use Adobe Acrobat fillable forms (IDDE Field Investigation Report) for documenting investigations. The IDDE Field Investigation Report form contains all information/fields required under Part 1.E.2.b.vi(A) of the MS4 Permit. It also includes a photo log for documenting what was seen during the investigation. It can be used to document proper remediation or mitigation of an IDDE.

All documentation such as IDDE Field Investigation Reports and written notices are uploaded into Accela (See [Appendix D](#)). These documents are accessible through Accela which stores documents in FileNet/IBM Content Management (with searchable text) under the appropriate unique record ID (IDDE-year-unique number).

The Accela database tracks different complaints and documents the response and responding department/staff. In the future, this information may be used as a metric on whether complaints are being received from another County departments trained to identify and report illicit discharges and provide information on where illicit discharges are occurring.

The Accela database will also generate required information for Annual MS4 Reporting, including:

- Number of unresolved illicit discharge investigations (for the purposes of the Annual Report, an “unresolved illicit discharge” is one that has been identified or reported to the permittee and the requirements for removing the illicit discharge were not met during the reporting period).
- The number is reported if the issue is in the urbanized area and unresolved during the reporting period.

## Detection of Illicit Discharges in the Field

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The following techniques are considered for detection of potential illicit discharges (for discharges that are not known):

- Since the storm drain system is primarily designed to convey stormwater, flows should typically not be present during dry weather (48 hours without precipitation).
- There are sections of the storm drain system that are also designed to convey irrigation water. The County’s Storm Drain System GIS and the hydrology layer can help to confirm if this is the case.
- While any dry weather flow should be checked, some are considered allowable non-stormwater discharges, such as irrigation, groundwater, potable water, etc. Sump pumps in residential areas are common in the County.
- Dry weather flows, staining, or residues may indicate a potential illicit discharge and should be investigated.
- The presence of floating and suspended materials, oil and grease, discoloration, turbidity, odor, foam, or abnormal vegetation (e.g., excessive algae, or dying plant life) can indicate a potential

illicit discharge and should be investigated in the field.

In 2021, Boulder County used consultant support for a dry weather screening initiative to determine the extent to which Boulder County's MS4 contributes to elevated *E. coli* under dry weather conditions. The dry weather screening study of MS4 outfalls was also used to attempt identification of sources of elevated *E. coli* loading to 303(d) listed streams within the county's jurisdiction. Consultant and county staff successfully visited and investigated 116 of the 121 County MS4 outfalls in October 2021, with a follow-up visit to the remaining five outfalls in early December 2021. Of the outfalls investigated, only five were flowing and of these, only three were flowing at or above 5 gpm. The *E. coli* concentrations at all three sampled outfalls were below 126 MPN/100 mL. Moreover, the flowing outfalls appear to be PVC underdrains carrying groundwater rather than MS4 outfalls. Based on these findings, the Boulder County MS4 outfalls do not appear to be significant contributors of *E. coli* to impaired streams under dry weather conditions. The complete report on the dry weather screening study is available in the Boulder County files.

### Source Tracing Procedures and Tools

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Most of the drainage system in Boulder County consists of open drainage features (swales and ditches) rather than piped infrastructure, making surface observations a useful technique to investigate potential illicit discharges when suspect flow is observed. The following steps are used when performing field investigations:

- Proceed up-gradient from the point of observation and follow surface flows, staining, or residue to discern possible source.
- If the source cannot be identified, consult the County's Storm Drain System GIS to determine potential flow paths, drainage features, or downstream receiving waters that could be impacted. The GIS is currently the main tool available for source tracing. Parcel information and potential pollutant source areas are included in the GIS to aid with investigative work.
- Inspect "upstream" in the system from the point of observation, check the next upstream access point in the drainage system to see if there is evidence of discharge and to discern possible source.
- Repeat these steps until an access point is found with no evidence of discharge; the discharge source is likely to be located between these two access points (i.e., bracketing).
- Interview bystanders, businesses, residents for their observations or recent activities.

### Section 4: Removing an Illicit Discharge (Parts I.E.2.a.vi and I.E.2.b.vi)

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Per the MS4 Permit, Boulder County "must remove or require the removal of the source of the illicit discharge. The County must also cease or require the cessation of the illicit discharge. After the illicit discharge has been ceased, the County must also minimize surface contamination by removing or requiring the removal of surface residue or other type of pollutant source."

Of the various methods that can be used, determining the source of the discharge and securing the cooperation of the responsible party can be the most effective way to correct an illicit discharge and eliminate future discharges. If the responsible party is unwilling to remedy the problem, enforcement action may be necessary (Utilize procedures in Section 5, Enforcement).

A field guide for BCPH WQ staff response and removal of an IDDE is found in Appendix A.

### Responsible Party or Property Owner Identification

Section 11 of the Illicit Stormwater Discharge Ordinance enables BCPH WQ staff to hold the responsible party accountable for any cleanup and remediation associated with an illicit discharge. Please note that under other environmental laws (such as the CWA or RCRA) and Section 9 of the Illicit Stormwater Discharge Ordinance, the property owner can also be held responsible. Therefore, when the property owner is a county department it is imperative to perform appropriate cleanup and limit the County's liability (see Appendix E and F for Spill Response Procedures for County staff outside of BCPH).

If applicable, BCPH WQ staff will inform the responsible party that they are required to immediately report the illicit discharge incident to the CDPHE Colorado Environmental Release and Incident Reporting Line (1-877-518-5608). Refer to [Appendix C: State Spill Reporting](#) to determine when reporting is required. It is also appropriate to provide the responsible party with contact information for our on-call emergency environmental and abatement service contractors if they elect to use them, making it clear that the cleanup and remediation costs are paid by the responsible party.

A Written Warning Notice, IDDE Field Investigation Report, or Notice of Violation (NOV) needs to be issued to the responsible party and used to: (1) require the cessation of the illicit discharge, (2) removal of the source, and (3) removal of surface residue. The Enforcement Procedures (see Section 5 below) are to be used to ensure these three requirements are met.

If appropriate cleanup is not conducted following a NOV, BCPH WQ staff or BCPW SWQ staff may use a county on-call contractor to perform the cleanup (i.e., administrative abatement) after obtaining approval for such action from Resource Conservation Division Deputy Director and county attorneys. The legal process consists of coordinating with the County Attorney's Office to obtain an administrative entry and abatement warrant, assessing the cost of cleanup, recording the assessment notice with the County Clerk and Recorder (i.e., lien against the property), coordination with PW staff that administer the on-call contract, and collection of assessment by the County Treasurer. This administrative abatement procedure is further detailed in Section 8.2 of the Illicit Stormwater Discharge Ordinance. For watercourse only violations, we cannot perform administrative abatement, and instead must use the other penalties listed in Section 11 of the ordinance or refer the matter to CDPHE due to their authority over State Waters.

### Procedures for Spill and Cleanup on Boulder County Properties

The MS4 Permit also requires written procedures for cleanup conducted by Boulder County to remove materials associated with an illicit discharge.

Boulder County has multiple office and facility locations throughout the County with facilities in Boulder, Longmont, Louisville, Nederland and Lafayette, with nearly all facilities located outside the unincorporated urbanized area (i.e., outside the MS4 Permit area).

In the Spring of 2018, the County awarded several contractors with continuing services contracts for spill cleanup, remediation, and emergency response services. The 2018 contracts were solicited in 2023 and new contracts were awarded to three emergency remediation firms. The Solicitation of Qualifications (SOQ # 6703-17) shows the scope of work included in the contracts, and that the services are specifically geared to MS4 and water quality purposes. One of the contractors is Environmental Restoration, LLC, the prime USEPA Emergency and Rapid Response Services Contractor in 8 of the 10 USEPA Regions (USEPA Regions 1, 2, 3, 4, 5, 6, 7, and 8) covering 42 states. The contractors are tasked with containing and remediating spills and/or abandoned non-hazardous and hazardous materials at Boulder County facilities

or activities, on Boulder County property, non-compliant private properties, or in County stormwater systems. These services are made available to County departments after obtaining permission from the Resource Conservation Division (PWRCD) Deputy Director or Public Works Director ensuring timeliness and consistency in responding to spills, with particular attention to those that threaten Boulder County storm systems and waterways.

When the responsible party or property owner is a county department, BCPH WQ staff or BCPW SWQ staff provide technical and compliance assistance to the department, including facilitating reporting to CDPHE and other agencies, when applicable. Staff help provide county departments with the resources needed to ensure cleanup is performed correctly as well as providing training on how to respond to spills.

Illicit discharges on county property are anticipated to involve active communication between BCPH WQ staff or BCPW SWQ staff. A **Written** Notice will be issued to the responsible Boulder County department and used to document the incident. Illicit discharges are required to be stopped immediately as soon as it is safe to do so. Additionally, the source must be removed or contained, and clean-up must be performed following the Spill Response Procedures in Appendix E and F.

County staff utilize best professional judgment and available resources to ensure the discharge is eliminated to the extent possible, including removal of surface residue to prevent transport in future storm events. The on-call emergency environmental and abatement service contractors are available for clean-up that cannot be performed by staff. The following steps should be taken for spills that require a third-party contractor:

1. County staff (e.g., Road Maintenance crews, Fairgrounds operations staff) are routinely the first responders, and notify their county department managers (see staff spill response sheets in Appendix E.) Managers will determine if the on-call emergency contractor should be contacted. Clean-up services may be charged to a specific division but must be coordinated with the PWRCD Deputy Director to determine who will be responsible for the cost.
2. The county department managers should notify the PWRCD Deputy Director, BCPH WQ staff, and BCPW SWQ staff (see Appendix F). The County department managers, BCPH WQ staff, BCPW SWQ staff, or their designees will provide on-site monitoring of the cleanup work to ensure the work is properly done.
3. The PWRCD designee performs a journal entry to bill the appropriate **county** department or responsible party.

### Responsible Party is Unknown

Only in the event that the responsible party cannot be identified, Boulder County may perform and pay for all necessary cleanup or remediation work using an on-call contractor. In this situation, funds are not recoverable, and the cleanup and remediation costs are paid out of the Spill Response and Cleanup Services budget in PWRCD. The budget is limited. Large spill clean-up must involve communication between the Public Works Director, Office of Disaster Management, PWRCD, and Public Health.

### Division of Labor with CDPHE and EPA

If the source of a suspected illicit discharge is a CDPS or NPDES permitted facility or operation, or non-filer, the permit requirement to require removal of the illicit discharge can be met by notifying the CDPHE Water Quality Control Division through a written report.

Generally, this means that BCPW SWQ or BCPH WQ staff need to determine whether the illicit discharge originated from a facility that has or should have CDPS or NPDES industrial stormwater general

permit coverage or wastewater discharge permit. If so, the illicit discharge can be referred to CDPHE Water Quality Control Division (if it hasn't already been referred to them), and they assume jurisdiction. In many cases, it is preferable to coordinate with CDPHE WQCD on corrective actions and verify jurisdictional authority.

An example of a collaboration in 2021 with CDPHE is the Momentum Recycling Facility, see record No. IDDE-21-011 in Accela. However, if the discharge is associated with a CDPS facility ultimately it is CDPHE WQCD's jurisdiction. The county will still document the discharge either as a IDDE or as a water quality compliant (COMW) depending on the nature of the discharge and manner in which the discharge becomes known.

To determine if a facility or operation has CDPS permit coverage, refer to the Clean Water active permit list. [CDPHE WQCD Active Permit List](#). The list of facility types and sectors that require industrial stormwater coverage is available as various COR900000 permits in the list.

## **Section 5: Enforcement (Parts I.E.2.a.vii and c.vii)**

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As required by the MS4 Permit, Boulder County must "implement appropriate written enforcement procedures and actions to eliminate the source of an illicit discharge when identified/reported, discourage responsible parties from willfully or negligently repeating or continuing illicit discharges, and discourage future illicit discharges from occurring. The written procedures must address mechanisms for enforcement for all illicit discharges from the moment an illicit discharge is identified/reported until it is eliminated. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the responsible party to ensure that findings of a similar nature are enforced upon consistently. Written enforcement procedures must include informal, formal, and judicial enforcement responses."


This section describes the available enforcement tools and provides guidance as to the type and level of enforcement that BCPH WQ staff and BCPW SWQ staff may take when resolving an instance of non-compliance, and how to properly administer and track enforcement actions. It should be emphasized that the procedures described in this section are guidelines, not rules. Departure from these guidelines will sometimes be appropriate, justified, and acceptable. These procedures intend to ensure that findings of a similar nature are enforced consistently (Part I.E.2.a.vii of the MS4 Permit).

Typically, the county enforces on illicit discharges in a graduated manner, beginning with efforts to obtain voluntary compliance and escalating to increasingly severe enforcement actions if compliance is not obtained. Each of the enforcement responses below can be used in any order and can be used concurrently.

### **Informal Enforcement Response**

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Informal enforcement response includes notice to the operator or property owners such as verbal warnings upon field investigation, door hangers, telephone call with responsible parties, technical compliance assistance, and distribution of educational materials (e.g., the county's hazardous waste disposal services for businesses, best management practices/control measures (BMPs/CMs by business sector from KICP website). Additional informal actions can include the following.

- Informal communications (site visit, email, phone calls, conversations, etc...)
- BCPH IDDE  Inspection Report
- Door hangers

- Warning Notice – please note that these written warnings do not constitute a Notice of Violation. A Warning Notice is typically used to prevent deficiencies from becoming violations, or when voluntary compliance may be achieved.
- Combination of any or all of the above.

To prioritize limited resources, BCPH WQ and BCPW SWQ staff may consider the discretionary factors listed below to determine whether an immediate investigation or enforcement response (both informal and formal) is needed.

1. Immediate threats to water quality are investigated (responded to) as soon as possible.
2. Alleged illicit discharge violations that are not an immediate threat to water quality are investigated on the next available field day on the BCPH WQ who is on call's schedule.
3. Due to limited resources, Boulder County determines on a case-by-case basis if a field inspection is required in response to a CDPHE referral stating that the incident is being cleaned up and does not impact water or threaten a storm drain (i.e., reported media impacted is "land" only).

### Formal Enforcement Response

Formal enforcement response consists of a Notice of Violation (NOV). The NOV is issued under signature of BCPH WQ staff with authority to investigate and determine the existence of the illicit discharge. Examples of NOV letters are available in Boulder County internal files.

In accordance with Section 11 of the Illicit Stormwater Discharge Ordinance, NOVs may require the following without limitation:

- Cease and desist violating discharges, practices, or operations.
- Implementation of source control or treatment BMPs.
- Immediate elimination of illicit connections or discharges.
- Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
- Payment to cover administrative and remediation costs.

The NOV should state the timeframe for compliance and abatement of the violation, including the deadline for elimination of the illicit discharge or connection and, as appropriate, remediation or restoration required. Involvement of state or federal authorities may be sought if the source of an illicit discharge is believed to be occurring under a CDPS or NPDES permitted facility or activity.

Time periods for investigation or enforcement response are based on the discretionary factors listed below. The time period for formal enforcement response is typically within a few days and immediate when necessary.

In the event a property in violation fails to correct the violation or comply with the requirements under the NOV by the timeframes specified therein, including any reasonable extensions of time granted at the discretion of BCPH WQ staff with coordination of the BCPW SWQ, the matter may be referred to the County Attorney's Office for determination of further enforcement steps. Upon consultation with the County Attorney's Office on a particular case, it may be appropriate to issue the responsible party or property owner a formal letter from the County Attorney's Office requiring compliance and abatement

prior to a judicial enforcement response or move straight to a judicial enforcement response. County Attorney's Office contacts are as follows:

- Attorney's Office Main Line, (303) 441-3700
- Erica Rogers, Community Planning and Permitting Attorney, [erogers@bouldercounty.gov](mailto:erogers@bouldercounty.gov)
- Olivia Lucas, Code Enforcement Attorney, [olucas@bouldercounty.gov](mailto:olucas@bouldercounty.gov)
- Kate Haywood, Public Health Attorney, [khaywood@bouldercounty.gov](mailto:khaywood@bouldercounty.gov).

## Judicial Enforcement Response


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Judicial enforcement response includes using the court process to obtain compliance through filing an administrative abatement action pursuant to Section 8 of the IDDE ordinance or other appropriate enforcement action, including for fines, under Section 11 of the IDDE ordinance. Judicial enforcement response is triggered only when a site has been through a formal enforcement response and is still not compliant. Judicial enforcement may be initiated in conjunction with the County Attorney's Office. The timeline for judicial enforcement response is determined by court schedules.

## Enforcement Escalation Process

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Each incident of non-compliance requires a response that is appropriate for the nature of the violation. Enforcement actions include an assessment of the need for any corrective action, which may include appropriate penalty. Enforcement response levels generally escalate in the following progression; however, an evaluation of the incident takes into consideration the discretionary factors below to decide which level (or combination of levels) is used first.

1. Informal communications, written Warning Notice, inspection report, or door hanger 
2. Compliance follow-up
3. Notice of Violation (NOV)
4. County Attorney Action (up to and including judicial enforcement action)

## Discretionary Factors

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BCPH WQ staff use professional judgment and may consider the following discretionary factors to determine whether immediate investigation is needed, and in determining the appropriate level of compliance assistance and enforcement action. Any action taken against the party in non-compliance is based on the nature and severity of the situation and in accordance with the Illicit Stormwater Discharge Ordinance. Discretionary factors include, but are not limited to:

- Severity (per MS4 Permit), Duration, and Impact of the Violation(s)—Consider the following questions:
  - Did the violation result in an actual or potential threat to human health and the environment?
  - Did the violation impact the County drainage system, MS4, or receiving waters?
  - What were the type and volume of pollutants discharged?
- Actions by the Responsible Party—Consider the following questions:
  - Was the violation intentional and what was the degree of negligence involved?
  - What precautions (e.g., BMPs/CMs), if any, were taken to prevent the violation?
  - Have there been past efforts to educate the responsible party with applicable requirements (i.e., should have known better)?
  - Did the owner/operator obtain required permits, particularly applicable county permits?
- Compliance History—Use Accela to research whether there are chronic violations and consider the following questions:
  - Is there a pattern of previous recurring violations, whether the same or of a different

nature, that indicate a disregard for compliance with County ordinances, or other environmental laws and regulations? **Boulder County defines these as chronic violations.**

- Responsiveness (as opposed to Recalcitrance referred to in MS4 Permit)—Consider the following questions:
  - How did the responsible party respond once the violation was discovered or documented?
  - Did they cooperate; did they act in good faith to respond to the violation in a timely manner? **Boulder County defines these qualities as being “responsive.” “Recalcitrant” is the opposite of “responsive.”**
- Circumstances— Consider the following questions:
  - Are there any mitigating factors outside the person’s control that contributed to the violation?
  - Was the violation a result of an extreme rainfall event or other unpredictable natural events?

### Division of Labor with other County Departments

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The Illicit Stormwater Discharge Ordinance is generally intended to control pollution from sources such as residential, commercial, industrial activities, vehicles, and unpermitted construction activities (small construction more than 100 feet from a waterway). Construction sites that have stormwater quality permit (SWQP) coverage address violations and enforcement using Article 7-904.I of the Land Use Code, Enforcement and Penalties and Stormwater Quality Ordinance, and is administered by the County Engineer.

Additionally, some residential complaints involving homeowners may be better suited for other County groups, such as CP&P Code Enforcement (rubbish, community standards, animal units), Animal Control (excessive pet waste), or the OWTS team within BCPH WQ staff (septic system complaints).

### General Procedures for Illicit Discharge Violations

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
The goal of enforcement is to protect the public health, safety, and welfare of Boulder County citizens by controlling pollution associated with illicit discharges.

Right of entry to investigate suspected violations of the Illicit Stormwater Discharge Ordinance is addressed by Section 8 of the Ordinance. Before entering any private property, County staff shall make a reasonable effort to locate the owner or other person having charge or control of the premises to obtain permission to enter private property or portion thereof desired to be inspected.



If such consent cannot be obtained while onsite, county staff will observe and document conditions as best as possible from public property or public right-of-way (e.g., county road). County staff may also make observations of a premises under investigation from adjacent private property when the owner the private property gives consent to do so. Observations from public property, public right-of-way, or adjacent private property with permission may provide a sufficient and good-faith basis on which to initiate an informal or formal enforcement action. For example, an NOV can be issued based on the evidence gained, and it can describe our efforts to obtain access. This approach is more likely to lead to the owner agreeing to give county staff access.

When county staff have a reasonable basis for suspecting a violation of the IDDE ordinance on a property where consent of the owner or other person having charge or control of the property cannot be obtained and onsite observation is deemed necessary to proceed with enforcement, BCPH WQ staff may seek entry

by submitting an affidavit to the proper court of jurisdiction. This affidavit must set forth facts sufficient to support a reasonable belief that a violation exists or is likely to exist and that further investigation of the property is thus warranted. This affidavit must be reviewed and filed with the court by the County Attorney's Office. Such request for entry may include the right for County staff or its designees to set up devices on the property, conduct sampling, take photographs, or perform other investigations deemed reasonably necessary to investigate the alleged violation or assess the effect of any unauthorized discharges. In a situation where the owner cannot be located and the illicit discharge is ongoing or egregious, a request can be made to the court for an administrative abatement warrant rather than a search warrant.



Because of the potential for enforcement actions to be appealed, complete documentation of all circumstances and activities related to a violation is essential. BCPH WQ and BCPW SWQ staff must collect defensible documentation of the violation including clear photographic evidence (i.e., photos) that shows the relationship of the issue to downstream drainage features and waterbodies. The BCPH IDDE Inspection Report  needs to be completed to include this documentation to include all pertinent information regarding property location, ownership, and documentation of the incident. Detailed procedures for staff are provided in Appendix A to ensure proper documentation by BCPH WQ staff. Furthermore, communication with the responsible party is critical, as no enforcement action should come as a surprise to the recipient.

### Procedures for Responding to Complaints and Subsequent Enforcement

1. **Complaint or referral of potential violation received** – Initial entry into Accela (database) as a COMW record if the complaint is not verified or confirmed. If the report is able to be verified as a potential illicit discharge it can be entered as an IDDE (Illicit Discharge Detection and Elimination) record. Detailed instructions for identifying which record is applicable and how to use Accela can be found in the appendices.
2. **Preliminary Research** – Before the site investigation the complaint, research property and compliance history in Accela, use a mapping program  ([View the Boulder County Stormwater Map](#)) to determine if the site is within the MS4 Permit Area (i.e., unincorporated urbanized area) and property search to obtain owner information. If the property is located within the MS4 permit boundary, the incident must be designated as such in Accela to be tracked for the MS4 Annual Report and resolution must be thoroughly documented.
  - a. In some cases, it is preferable to request the complainant provide photographic evidence or provide guidance on when is the best time to complete a site investigation to be able to observe the issue. This is often the case with transient issues, such as a specific garbage truck that is having sporadic problems with hydraulic leaks or dumping of a liquid that is sporadic. If there is no photographic or other corroborating evidence of an illicit discharge, the case may be closed after completing required documentation and reopened if new evidence determines a discharge is occurring. 
3. **Site Investigation (i.e., Inspection)** – Use the BCPH IDDE Investigation Report to document the investigation. Obtain consent for entry as needed and attempt to contact owner at site or immediately after investigation to discuss the nature of the violation and corrective actions that are needed. Enforcement action should not come as a surprise to the recipient.
  - a. If “No Violation” is found, note this in the Accela workflow and database, notify the complainant, and close the case.
  - b. **Obtain contact information for the Potentially Responsible Party** – Contact information may be found in other property records located in Accela (Building Permits, septic

permits, code enforcement records, etc.) County Sheriff databases are limited to specific “criminal justice record” purposes. If plates need to be run, BCPH WQ staff can submit a request to Colorado DMV to request a plate record: <https://www.colorado.gov/pacific/dmv/vehicle-record-searches> or can create a CORA request for traffic accidents.

4. **Informal and Formal Enforcement** – If a “Violation” is found, use the **discretionary factors listed above**, as applicable, to decide what type of enforcement is most appropriate to achieve the desired results. For consistency, the following guidelines are used.

- a.  **Written Warning Notice (letter or door hanger) or verbal communication is typically used to prevent deficiencies from becoming violations, or when voluntary compliance may be achieved.** At times, owners are unaware of the violation and will agree to voluntary compliance. Meet or discuss violation with owner and follow up in writing (IDDE Field Investigation Report or Written Warning Notice) with a **voluntary compliance timeline**. If the voluntary compliance timeline is satisfactorily met, note the compliance in Accela database, notify complainant, and close the case. The **Written Warning Notice and other documents must be uploaded into the Accela record using the Documents feature**. Please see Appendix D for instructions.
  - If using a door hanger, Warning Notice, or another method to document deficiencies and the voluntary compliance timeline is not satisfactorily met, BCPH WQ staff will issue an NOV.
  -
- b. **A Notice of Violation (NOV) is typically issued when the violations are severe in Duration or Impact (as explained in the discretionary factors listed above).** Severe violations can include impacts to the County drainage system or waterbodies, or conditions that threaten human health and/or the environment. NOV's need to be sent via certified mail through BCPH WQ program administrative staff. **Severe violations and needed corrections are communicated verbally and in writing to the owner at site or immediately thereafter.** 
  - Non-standard or complex NOV's can be reviewed by the County Attorney's Office upon request by staff. The **NOV and other documents must be uploaded into the Accela record using the Documents feature**. Please see Appendix D for instructions.

- If using an NOV to document violations and the corrections have not been completed after the established deadlines in the NOV and no extensions have been granted, the matter shall be referred to the County Attorney's Office as follows.

#### 5. Referral to County Attorney

- a. If the violator has failed to remedy the violation after the established deadlines in the NOV and no extensions have been granted, the matter may be referred to the County Attorney's Office. Prior to referral, BCPH WQ staff shall confirm (generally through field inspection) that the violation still exists and ensure support from all appropriate management staff (water quality coordinator or Environmental Health Director). The case file in Accela should be fully up to date with all relevant documents and information at the time of referral.
- b. An attorney with the County Attorney's Office will review the matter and send a letter to the violator stating that the case has been referred to the County Attorney's Office and that an enforcement action will be commenced unless the property is brought into compliance within a certain number of days. The letter will instruct the recipient to respond to the enforcement staff member assigned to the case if they wish to resolve the case short of court action. If the violator is represented by legal counsel, all communications should be routed through the County Attorney's Office.
- c. If the violator responds to the letter and desires to correct the violation, the County Attorneys' Office and BCPH WQ staff will discuss available options to achieve compliance, including as appropriate, a written compliance agreement with the violator.
- d. If the violator does not respond to the letter or fails to correct the violation, an enforcement action may be filed in County Court (Judicial Enforcement Response). Depending on the nature of the violation, the enforcement action filed in court may be to request an administrative abatement warrant under Section 8 of the Illicit Stormwater Discharge Ordinance or seeking monetary fines or other available relief under Section 11 of the Illicit Stormwater Discharge Ordinance.

### Section 6: Training (Part I.E.2.a.ix)

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While Boulder County is not expected to actively seek out unreported illicit discharges, the MS4 Permit does require staff to identify and respond to illicit discharges observed during day-to-day normal work activities. BCPH WQ staff and PW SWQ staff identified those employees who will be likely to make such observations and provides training to those individuals.

Specifically, the following two types of staff are trained:

1. BCPH WQ staff and PW SWQ staff that have the duty of conducting field investigations of reported illicit discharges; and
2. Staff who are in the field for primary duties, and who are trained to observe and report illicit discharges (**Public Health OWTS, Fairgrounds operations, fleet, Parks and Open Space, Building Services, and Road Maintenance staff**). Our goal is to leverage those staff who work directly in the MS4 Permit area or on the MS4/drainage system as part of their daily work routine.

### Illicit Discharge Responder Training

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As previously stated, BCPH WQ staff are primarily responsible for responding to an IDDE incident with support from BCPW SWQ. The training, at a minimum, consists of inspection personnel becoming familiar with using the Accela Database to document workflow and activities. Training also includes discussion and review of the IDDE procedures in this IDDE Program document.

### Visual Observation Training

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Boulder County staff who primarily work in the field include **Public Health OWTS, Fairgrounds, waste transfer operations, Parks and Open Space operations, Building Services, Fleet, and Road Maintenance** are trained to observe and report illicit discharges. This training is offered on Cornerstone, a Boulder County web-based training program. Additionally, annual trainings for stormwater and spill identification, prevention and response are given to those departments likely to work in the field. Training includes basic information about identifying illicit discharges that may be encountered during typical duties and to report such incidences to BCPH WQ or PW SWQ staff for further investigation. The county's program focuses on controllable impacts rather than issues such as traffic accidents. Training has been given to one of the rural Boulder County fire districts as part of a wider Fire Protection Annual Meeting through Colorado Stormwater Council with future plans to work with more emergency responders and tow truck operators to provide educational materials to them. Fire Protection Districts and the Sheriff's Department have their own spill response training.

Employee Type/Job Responsibilities	Training Topics	Type of Training	Documentation
<b>Public Health OWTS, Fairgrounds operations, Parks and Open Space, waste transfer staff, and Road Maintenance staff</b> who primarily work in the field	<ul style="list-style-type: none"> <li>• How to identify an illicit discharge (common sources, behaviors)</li> <li>• How to report an illicit discharge</li> <li>• Priority areas (Cornerstone and BCPH staff only)</li> <li>• Identifying potential spill pollutants at a county facility, spill kits, spill response procedures, and drainage (specific to BC facility staff)</li> </ul>	May include one or more of the following: <ul style="list-style-type: none"> <li>• Standard operating procedures (SOPs),</li> <li>• typical illicit discharges,</li> <li>• question and answer sessions.</li> <li>• Cornerstone training</li> </ul>	Training Sign In Sheet including: <ul style="list-style-type: none"> <li>• Name,</li> <li>• department,</li> <li>• date of training,</li> <li>• type of training,</li> <li>• list of topics covered</li> </ul> <b>Location of documentation:</b> Boulder County PW files

## Appendix A: Public Health and PW Stormwater Response to an Illicit Discharge

*General note: Where Accela is referenced in this section please refer to the [Accela IDDE Data Entry Procedures](#) for specific instructions.*

*This document is maintained in the Water Quality Team Policy and Procedure Manual. As the manual is a daily reference for staff and may be updated when program efficiencies or more complex incidents driving policy decisions are documented. While Appendix A in the online document is updated routinely, a copy of the most current SOP may be requested via Colorado Open Records Act request.*

### BCPH Illicit Discharge Coverage:

BCPH WQ staff maintain a calendar to ensure weekly coverage for responding to illicit discharge events. This is referred to as the “On Call schedule”. The following are expectations of the BCPH WQ team for maintaining coverage for responding to IDDE:

1. On Call schedule is managed in the ‘TEAM-PH-EH-WQ’ channel using the calendar application.
2. When covering On Call for the week staff will:
  - a. Send an email at the beginning of each week notifying relevant staff (Health OWS, EERT, EH Support, IDDE staff, and PW Stormwater Coordinator) that they are the point of contact for illicit discharge events that week.
  - b. Monitor the “[WaterQualitySpills@bouldercounty.gov](mailto:WaterQualitySpills@bouldercounty.gov)” inbox during regular business hours, which serves as the primary point of contact for reporting spills in the county.
  - c. This inbox has an automated reply to inform sender that this inbox is only monitored during business hours and all emergencies can be reported to 911 or Boulder County non-emergency dispatch.
3. Expectations on response times are as follows:
  - a. General emails and phone calls within 1 business day
  - b. Spill reports (including those from CDPHE) received during business hours (8 to 4:30) is to conduct the initial follow up and preliminary research to determine if it requires immediate response within same business day received.
  - c. Spill reports (including those from CDPHE) received after during non-business hours will be followed up on the next business day.
4. Illicit discharge coverage spans the full work week (Monday – Friday, 8 to 4:30). Any reports received on the weekend or after work hours may be handled in the following:
  - a. May be addressed by Boulder County Public Health’s Emergency Environmental Response Team (EERT) or by contacting Boulder County Dispatch via 911 or non-emergency number (303.441.4444). These events will be handed off to the IDDE on call team member on the next business day.
  - b. Emails, phone calls and reports not reported to EERT or Dispatch will be responded to by the IDDE on call team member the following business day.
5. Staff who originally respond to an event are responsible for any response activities that carry over into subsequent weeks. **If you initiate a response, you are responsible for following through until it is resolved.** This continuation prevents any miscommunication among staff and ensures all events are fully resolved.

### Response Procedures:

The following outline the procedures and expectations for staff covering IDDE On Call duties. BCPH leads enforcement activities with a priority to educate the responsible party as many are unaware of the regulations of which they may be in violation.

### Safety Considerations:

## Safety

1. Know what you're dealing with. Do it safely or call on experts who can. If you are uncertain of your safety, leave the scene immediately and call for assistance. Boulder Sheriff: 303-441-4444
2. Never approach, contact, or sample an unknown substance. If a highly toxic, flammable, or dangerous substance is discovered, staff should leave the immediate area and call 911.
3. If the situation is an emergency, call 911.
4. When going on-site, reach out to another staff member to let them know where you are going and when to expect a message confirming you have safely left the site.
5. Before going on site: gather necessary equipment (PPE, forms, spill kit, camera, tape measure) and determine if you need any site safety measures (signage, Sheriff escort, high-visibility vest).

## Receiving a complaint, referral, or report

1. Determine the jurisdiction where the event occurred.
  - a. The Boulder County **Stormwater Web Map** can be used to determine the location of the event and nearby MS4 features.
  - b. If event occurred outside Boulder County jurisdiction (incorporated areas, other MS4s, state or federal lands), forward notification to relevant parties if they are not already included on the distribution.
    - i. If the incident is near the border between jurisdictions, coordinate with the relevant jurisdiction to ensure that impacts to all areas are considered and proper responsibility is determined. Consult the PW Stormwater Coordinator as needed.
    - ii. Contacts for partner agencies: <https://www.keepitcleanpartnership.org/report/>
  - c. If the event is determined to be within Boulder County jurisdiction, move to Preliminary Investigation

## Preliminary Investigation

1. Determine if the event occurred in the MS4 urbanized area
  - a. Use **Stormwater Web Map**
  - b. Ensure this is designated in the Accela Record for MS4 permit reporting requirements.
2. Contact reporting party for clarification if additional information is needed. Suggestions include:
  - a. Request the complainant provide photographic evidence or guidance on best to time complete a site investigation to be able to observe the issue.
    - i. Ex. Transient issues such as a garbage truck that is leaking hydraulic fluid.
  - b. If the reporting party was anonymous, consider a site visit or coordinate with partner agencies in the area.
3. If it is determined there is no photographic or other collaborating evidence of an illicit discharge, the Accela record may be closed.
  - a. Staff time and complaint information can be captured in a COMW record if it is determined that there is no IDDE.
  - b. If an IDDE was created after a BCPH IDDE Investigation Report must be completed and attached to the IDDE record in Accela.
4. Determine the severity of the event and determine response timeframe (immediate or within 24 hours). The following are considerations to determine timeframe for response:
  - i. If there is suspected or known immediate risk to life safety or health (Ex. Actively leaking storage tank of hazardous or unknown material, car accident or fire, etc.) escalate to BC Non-Emergency Dispatch at 303-441-4444 or 911 as appropriate.
  - b. Is the release ongoing, active, intermittent, one time, threatened discharge, or has the threat been removed?
    - i. Ongoing or active release a site investigation should be completed in the same day to document ongoing releases.
    - ii. Intermittent – refer to the reporting party for guidance on when the release is typically occurring and schedule site investigation accordingly.

- iii. One time spill, threatened, or threat removed it may not require an immediate site investigation.
      - 1. For threatened discharges (improperly stored materials/equipment) weather forecast should be used to determine timing of site investigation. If storms are likely site investigation should be prioritized to prevent materials from releasing during storm event.
  - c. Were informative pictures submitted with the report? Are other situational awareness resources available?
  - d. Severity (per MS4 Permit), Duration, and Impact of the Violation(s)—Consider the following questions:
    - i. Did the violation result in an actual or potential threat to human health and the environment?
    - ii. Did the violation impact the County drainage system, MS4, or receiving waters?
    - iii. What were the type and volume of pollutants discharged?
  - e. Actions by the Responsible Party—Consider the following questions:
    - i. Was the violation intentional and what was the degree of negligence involved?
    - ii. What precautions (e.g., BMPs/CMS), if any, were taken to prevent the violation?
    - iii. Have there been past efforts to educate the responsible party with applicable requirements (i.e., should have known better)?
    - iv. Did the owner/operator obtain required permits, particularly applicable county permits?
  - f. Compliance History—Use Accela to research whether there are chronic violations and consider the following questions:
    - i. Is there a pattern of previous recurring violations, whether the same or of a different nature, that indicate a disregard for compliance with County ordinances, or other environmental laws and regulations? **Boulder County defines these as chronic violations.**
  - g. Responsiveness (as opposed to Recalcitrance referred to in MS4 Permit)—Consider the following questions:
    - i. How did the responsible party respond once the violation was discovered or documented?
    - ii. Did they cooperate; did they act in good faith to respond to the violation in a timely manner? **Boulder County defines these qualities as being “responsive.” “Recalcitrant” is the opposite of “responsive.”**
  - h. Circumstances— Consider the following questions:
    - i. Are there any mitigating factors outside the person’s control that contributed to the violation?
    - ii. Was the violation a result of an extreme rainfall event or other unpredictable natural events?
  - i.

## Site Investigation

- 1. Use the BCPH IDDE Investigation Report to document the investigation.
  - a. This must be uploaded to the Accela IDDE records.
- 2. Obtain consent for entry.
  - a. If property owner contact information is available, try contacting before going to the property.
    - Use Accela records to find contact information.
    - County Sherriff databases are limited to specific “criminal justice record” purposes. If plates need to be run, BCPH WQ staff can submit a request to Colorado DMV to request a plate record:

[https://www.colorado.gov/pacific/dmv/vehicle-record-searches\\_or\\_can\\_create\\_a\\_CORA\\_request\\_for\\_traffic\\_accidents](https://www.colorado.gov/pacific/dmv/vehicle-record-searches_or_can_create_a_CORA_request_for_traffic_accidents).

- b. If no contact information is available, you can knock on the door.
    - If no answer you can leave a door hanger and business card with a request for the property owner contact you.
  - c. If no answer at the property, the site investigation can be conducted from the right of way.
    - If reporting party is a neighbor, they may give you permission to view the potential violation from their property.
3. Guidelines for conducting an investigation:
- a. See Source Tracing Procedures and Tools earlier in this document.
  - b. When possible work with property owner, manager, or other responsible party to ensure the source of the discharge is stopped and that appropriate cleanup occurs. If possible, the responsible party should be directed to stop the spill at its source if it can be done without contacting the substance (i.e. closing a valve or setting a container upright).
  - c. When the responsible party cannot be identified and there is an immediate threat to water quality, see Section 5 and evaluate if procedures for securing the services of qualified cleanup contractor (see list of contractors below) should be employed with proper authorization.
  - d. Work with responsible party to identify the material and volume spilled. If you cannot identify the material and its properties, have the responsible party contact a qualified cleanup contractor (County contractors may be given as references; however, the responsible party will need to establish their own contract for the services). **DO NOT** attempt to clean up the spill yourself.
  - e. If the spill is actively flowing and cannot be stopped by the responsible party, you may need to contact non-emergency dispatch or 911 to receive assistance from Fire Department and/or HazMat team Authority. Consult with other BCPH staff in WQ or ask for HazMat to contact you for assistance in making this determination.
  - f. Spill kit material can be used to protect inlets from small spills until clean up contractor can respond and provide better containment and clean up.
  - g. Stop the spread of the substance. Goal is to avoid discharge to the storm drain system or waterway and to minimize the area requiring cleanup.
  - h. Avoid all contact with the substance by blocking or diverting the spill at a safe distance downgradient or downstream of the source.
  - i. Responsible party must contact a qualified cleanup contractor to perform all additional cleanup, including removing remaining material to prevent transport in future storm events to the extent feasible.
  - j. When the substance, spent absorbent, and other cleanup equipment is determined safe to handle, but requires special disposal, RP or the cleanup contractor may be able to take it to Boulder County's Hazardous Materials Management Facility (HMMF) for disposal (work with HMMF contact, Shelly Fuller @ 720-564-2243, [sfuller@bouldercounty.gov](mailto:sfuller@bouldercounty.gov), to arrange a drop-off appointment).

Note: Colorado Department of Transportation (CDOT) and the Colorado State Patrol (CSP) handle cleanup for spills on state highways or in the right-of-way of state highways. This is most often fuel or other petroleum products spilled because of a car accident. In these instances, CSP will likely already be on site, but if not they can be paged by the Dispatch. CSP 24hr Line: (303) 239-4501

Note: Local emergency responders handle traffic accidents in the county right-of-way. Typically, if any fluids are spilled on the roadway from a disabled vehicle, a tow truck operator will apply absorbents. See training section for more details on outreach to tow truck drivers.


4. If site investigation determines that "No Violation" is found, complete the data entry

requirements to close the Accela record.

- a. Attach documentation
  - b. Add time spent on complaint
  - c. Update contact information for responsible party
  - d. Follow up with reporting party if applicable.
5. If violation was identified move to enforcement.
- a. All violations and needed corrections are communicated verbally and in writing (see enforcement section below) to the owner at site or immediately thereafter.

### **Enforcement – Formal or Informal**

Enforcement response levels generally escalate in the following progression; however, an evaluation of the incident takes into consideration the discretionary factors below to decide which level (or combination of levels) is used first.

1. Informal communications, written Warning Notice, inspection report, or door hanger 
2. Compliance follow-up
3. Notice of Violation (NOV)
4. County Attorney Action (up to and including judicial enforcement action)

Enforcement action should not come as a surprise to the recipient. Enforcement after the site investigation should be completed in a timely manner (i.e. following business day). Enforcement may be formal or informal.

#### **1. Informal**

- a. Informal enforcement is used when you meet with the responsible party and voluntary compliance is agreed upon. This is also more common for threatened or low risk, one-time incidents.
  - i. **Written Warning Notice – door hanger or letter** - typically used to prevent deficiencies from becoming violations, or when voluntary compliance may be achieved.
  - ii. Provide during site investigation to educate responsible party or a written notice is provided after the site investigation which can include a copy of the BCPH IDDE Investigation Report.
- b. If voluntary compliance timeline is not satisfactorily met after informal enforcement, BCPH WQ staff will issue an NOV.

#### **2. Formal**

- a. Notice of Violation (NOV) is typically issued when the violations are severe in Duration or Impact (as explained in the discretionary factors listed above)
  - i. Must be sent via certified mail.
    1. BCPH Admin team can assist with sending the letter.
  - ii. Non-standard or complex NOV's can be reviewed by the County Attorney's Office upon request by staff.
3. Templates for enforcement can be found in Teams in the [SW IDDE](#) channel.
4. In general, all enforcement should include:
  - a. Explanation of the issue
  - b. Citation of the violation
  - c. Corrective actions already taken to abate the issue (if applicable)
  - d. Corrective actions timelines
  - e. Timeframe for BCPH WQ staff to conduct follow up.
5. All enforcement notices and letters and subsequent follow up must be documented in Accela.

### **Follow Up Assessment**

1. In cases where remediation was required a follow up assessment is necessary to ensure the illicit discharge

- has been properly resolved. If remediation is not adequate follow the enforcement process in Section 5.
2. Any corrective actions required to resolve the situation should be outlined clearly on the Field Investigation Report.
  3. Once all identified corrective actions have been completed,
    - a. Sign off on the BCPH IDDE Site Investigation Report under the “Compliance Certification” section and add to the Accela record.
    - b. Complete the data entry for the Accela record.

### **Referral to County Attorney**

If the violator has failed to remedy the violation after the established deadlines in the NOV and no extensions have been granted, the matter may be referred to the County Attorney’s Office.

1. Prior to referral, BCPH WQ staff shall confirm (generally through field inspection) that the violation still exists and ensure support from all appropriate management staff (water quality coordinator or Environmental Health Director).
2. The case file in Accela should be fully up to date with all relevant documents and information at the time of referral.
3. County Attorney’s Office will review records and send a letter to the violator stating that the case has been referred to the County Attorney’s Office and that an enforcement action will be commenced unless the property is brought into compliance within a certain number of days.
  - a. The letter will instruct the recipient to respond to the enforcement staff member assigned to the case if they wish to resolve the case short of court action.
  - b. If the violator is represented by legal counsel, all communications should be routed through the County Attorney’s Office.
4. If the violator responds to the letter and desires to correct the violation, the County Attorneys’ Office and BCPH WQ staff will discuss available options to achieve compliance, including as appropriate, a written compliance agreement with the violator.
5. If the violator does not respond to the letter or fails to correct the violation, an enforcement action may be filed in County Court (Judicial Enforcement Response).
  - a. Enforcement action filed in court may be to request an administrative abatement warrant under Section 8 of the Illicit Stormwater Discharge Ordinance or to impose fines

### **Process for Clean Up Contractor**

1. When calling a clean-up contractor after obtaining approval from the PW RCD Deputy Director or their designee, be prepared to provide the following information so the contractor can determine the correct equipment and develop and initial quote (if applicable).
  - a. The location of the spill (e.g., address, mile marker), its source (e.g., manhole, tanker truck), and identification of the type of material spilled (e.g., untreated wastewater, biosolids, specific chemical with applicable SDS;
  - b. The estimated volume of the spill;
  - c. How far the spill has travelled, and whether it has reached a drainage feature or waterbody;
  - d. Measures that are being or have been taken to contain or reduce the spill;
  - e. A list of potentially affected properties; and
  - f. A phone number and e-mail to contact an on-site county representative that will meet with the cleanup contractor.
2. Purchasing policies need to be strictly followed at all times. However, when waiting on quotes would result in the spread of spilled materials, increased cleanup costs, or additional environmental harm; it is not necessary to obtain quotes. In such emergency situations, the purchase order (i.e., ORACLE) needs to document why you were not able to obtain quotes. It is recognized that in many cases the contractor will need to respond to the scene to provide a quote and once mobilized it is most efficient to also perform the cleanup; therefore, in

emergency situations quotes are not necessary.

- a. An Emergency Response Work Order (EWO) or similar form will be prepared by the Contractor and emailed to County for signature and approval.
3. When the cleanup is not time sensitive, the exception listed in number 4 above does not apply and quotes must be obtained when applicable (i.e., for purchases \$10,000 or more).

*24-hour emergency environmental and abatement service contractors*

Company Name	Contact Person	Address	Home Phone	Work Phone	Email
Custom Environmental (Ambipar)	Aaron Whatley	8041 N I-70 Frontage Rd Unit 11 Arvada, CO 80002	(800) 310-7445	(303) 423-9949	aaron.whatley@ambipar.com
Environmental Hazmat Services	Marty Green	4745 Independence St. Wheat Ridge, CO 80033	(720) 225-9252		mgreen@envhaz.com
Environmental Restoration	Patrick Heyneman	4295 Kearney St. Denver, CO 80216	(314) 347-2930	(888) 814-7477	p.heyne@erllc.com

#### Accela Data Entry

1. All documentation and data pertaining to the illicit discharge event should be entered into the county's Accela database.
2. Comprehensive instructions for data entry are available in BCPH WQ files available upon request and found on internal file using the internal link [Illicit Discharge Data Entry Procedures.docx](#)
3. If it is not immediately clear that the situation constitutes a potential illicit discharge, staff may create a 'Water Quality Complaint' record (COMW) in Accela. The COMW record can later be related to an 'Illicit Discharge' record (IDDE) as needed. **All potential IDDE reports should have a IDDE record created regardless of whether the field investigation revealed no violation.**
4. The standard workflow for IDDE records in Accela is as follows:
  - a. Initial Investigation
  - b. Written Notice
  - c. Corrective Action Inspection
  - d. Attorney Action
  - e. Case Closure
5. Additional workflows can be added in addition to the standard Accela workflow by using the 'Supervisor' function.
6. Details concerning site inspections are captured under the "Inspections" page of the IDDE record.
7. The "Documents" and "Comments" pages can be used to capture additional details and upload associated documentation to the IDDE record.
8. For illicit discharge events with founded violations, the IDDE record should have the following completed prior to closure:
  - a. A description of the illicit discharge event under the "Record" tab.
  - b. An accompanying IDDE Inspection Report form.
  - c. A complete workflow, including all investigation forms.
  - d. Any other accompanying documents or comments.
9. Please check the 'Status' of the IDDE record before finalizing. For the record to be closed, the 'Status' must be set to 'Closed'.

## Appendix B: State Spill Reporting


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### General

- Not all spills require reporting. If assistance in making a determination is needed use the following contacts: to verify reporting requirements
  - CDPHE
    - Stormwater Quality Program Coordinator: Jennifer Keyes, [jkeyes@bouldercounty.org](mailto:jkeyes@bouldercounty.org), 720-225-7228 o
    - BCPH Water Quality Program Coordinator: Erin Dodge, [edodge@bouldercounty.org](mailto:edodge@bouldercounty.org), 303.441.1241)
- Confer with CDPHE on whether water supplier call-down needs to be initiated to notify downstream users of a qualifying incident.
- Spills that may result in a discharge of pollutants to State Waters need to be reported immediately to CDPHE Colorado Environmental Release and Incident Reporting Line by calling 1-877-518-5608.
- State Waters include Boulder Creek, South Boulder Creek, St. Vrain Creek, Left Hand Creek, Coal Creek, Rock Creek and their tributaries, and also include irrigation ditches, dry gulches, and stormwater conveyances (when they discharge to a surface water).
- To request Technical Assistance from EPA On-Scene Coordinator (OSC) call EPA Region 8 Duty Officer at 303-293-1788. See EPA slides in training records (Oil Spill Response - 8 hr Fast Water CSP Hazmat 8-5-19.pdf) for federal reimbursement for local response costs on oil spills.

### State Reporting

To determine whether a spill is reportable, answer all of the following:

1. Was the discharge to, or did it result in a release to State Waters? And,
2. Was the spill attributable to County operations?
  - If yes, Water Quality or Stormwater staff will report on the County's behalf, if applicable.
  - If no, our reporting is not required, although is encouraged by the State. Typically, the responsible party is informed by County staff of the State reporting requirement and the County does not report on their behalf.
3. Was the spill to an impervious area or soil? And,
4. Was it fully contained and recovered or managed so that it cannot reach State Waters during the incident, or in the future? This can include containment and recovery within the storm drain system. And,
5. Was it managed in accordance with our BMPs and SOPs in accordance with the MS4 Permit? Spill SOPs are included in this document as Appendices. Operational BMPs are available at G:\EH\Water Quality Program\Stormwater\\_MS4 Program\MCM6\_County Ops\\_Activity BMPs
  - If yes, reporting is not required.
  - If no, report. 

If reporting a spill, be prepared to provide the following information:

1. The name of the responsible person and, if not reported by that person, the name of the person

reporting the spill and the name of the responsible person;

2. An estimate of the date and time that the spill began or the actual date and time, if known;
3. The location of the spill, its source (e.g., manhole, tanker truck), and identification of the type of material spilled (e.g., untreated wastewater, biosolids, specific chemical with applicable MSDS);
4. The estimated volume of the spill and, if known, the actual date and estimate of the time that the spill will be fully controlled, if known;
5. Measures that are being or have been taken to contain, reduce, and/or clean up the spill;
6. A list of any potentially affected area and any known downstream water uses (e.g., public water supplies, irrigation diversions, public use areas such as parks or swim beaches) that will be or have been notified;  
and

7. A phone number and e-mail to contact a representative of the responsible person that is in charge of the response.
8. A written 5-day Spill Report will need to be submitted. An incident number and spill report form will be provided by the State when the initial verbal notification is reported.

### *References*

CDPHE Environmental Spills – reporting, forms, guidance  
<https://www.colorado.gov/pacific/cdphe/wq-environmental-spills>

CDPHE Environmental Spill reporting brochure 2017  
[https://www.colorado.gov/pacific/sites/default/files/OEPR5\\_Spill\\_line\\_brochure\\_1-15-14.pdf](https://www.colorado.gov/pacific/sites/default/files/OEPR5_Spill_line_brochure_1-15-14.pdf)

CDPHE Spill Reporting Guidance 2008 (Policy No. WQE-10)  
[https://www.colorado.gov/pacific/sites/default/files/WQ\\_Ops-090904\\_SpillGuidanceDocument.pdf](https://www.colorado.gov/pacific/sites/default/files/WQ_Ops-090904_SpillGuidanceDocument.pdf)

Reg 65 (Regulations Controlling Discharges to Storm Sewers)  
[https://www.colorado.gov/pacific/sites/default/files/65\\_2008%2805%29hdr.pdf](https://www.colorado.gov/pacific/sites/default/files/65_2008%2805%29hdr.pdf)

Where the responsible party for a discharge can demonstrate to the Division that a discharge to a storm sewer system is contained within and removed from the storm sewer system without reaching state waters, as defined at section 25-8-103(19), C.R.S., no violation will be found to exist.

## **Appendix C: Low Risk Discharge Guidance**

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The MS4 Permit allows the County to consider some substances as allowable non-stormwater discharges when discharged in accordance with CDPHE Low Risk Discharge Guidance.

The following discharge guidance apply:

- [Potable water monitoring devices](#)
- [Potable water](#)
- [Rural Roadway Culvert Flushing by Public Entities](#)
- [Snow melting](#)
- [Surface cosmetic power washing operations to land](#)
- [Swimming pools](#)
- [Fire suppression dischargers](#)
- [Hot springs](#)

The following discharge guidance are available, but unlikely apply to discharges in unincorporated Boulder County; however, they are not prohibited:

- Low risk discharge guidance: [Uncontaminated groundwater to land](#), as uncontaminated groundwater is an allowable discharge to storm.
- Clean Water Policy 14

## Appendix D: Accela Document Upload

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**Documents must be uploaded into the Accela record using the Documents feature.** General information and instructions can be found here under “Attaching a Document to a CAP”: [Accela Wiki](#).

1. Under PUBLIC INFO CATEGORY from the drop-down menus Select BOCO FILENET in the first one, and then in the second one Select either Internal Correspondence, Limited Public, or Public. Currently, most documents are “Limited Public.”
2. Next under DESCRIPTION the name of your document should be one of the following:
  - Complaint Description
  - Investigation Report
  - Warning Notice
  - NOV
  - Complainant Correspondence
  - Corrective Action Inspection
  - Corrective Action Approval
  - CDPHE Incident Report
  - CDPHE Correspondence
  - 5-day Spill Report
  - Cleanup Report
  - Waste Disposal Records

## Appendix E: Spill Response Procedures for County Staff

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### *Initial Assessment*

- **Know what you're dealing with; do it safely; or call on experts.**
- Never approach, contact, or sample an unknown substance. If a highly toxic or flammable substance is discovered, staff should leave the immediate area and call 911.
- If the situation is an emergency, call 911.
- Take photographs and gather evidence identifying the responsible party if safe to do so.

### *Spill Response*

1. Identify the material and volume spilled. If you cannot identify the material and its properties, contact your **Division Manager or designee/Supervisor** (e.g., Shelly Fuller, Bob Kiepe, Joe Lafollette, David Pfeifer, Sean Reynolds, Grant Roberts or their designees) and **DO NOT proceed to step 2.**
  - a. Division Managers or designees see County Management Staff Spill Response sheet.
  - b. **If Division Managers or designees determine** that it is safe to contain and removed spill material, **proceed to step 2.**
2. Refer to the Safety Data Sheet (SDS) to determine appropriate personal protective equipment (PPE), such as gloves and safety glasses and appropriate cleanup methods. Gear up in the PPE.
3. Stop the leading edge of the spill. Block or divert the spill to avoid discharge to the storm drain system and to minimize the area requiring cleanup.
4. Determine the source of the spill and stop the spill at its source by closing a valve, plugging a leak, or setting a container upright.
5. Use sand or absorbents (socks, pillows, or pads) to quickly capture spilled liquid. Use dry clean-up methods only, and properly dispose of all clean-up materials.
6. Clean up spills immediately to prevent potential safety hazards and spreading of wastes by wind, rain, or vehicle traffic.
7. Mitigate environmental damage, including removing remaining material to prevent transport in future storm events to the extent feasible.
8. **Call Public Health Stormwater Quality staff (303-441-1564 and leave a detailed message during business hours or email [waterqualityspills@bouldercounty.gov](mailto:waterqualityspills@bouldercounty.gov)) when spills reach any type of stormwater conveyance (e.g., drainage ditch, swale, inlet) or waterbody).** Contact the non-emergency sheriff's office after hours at 303-441-4444 and ask for the Environmental Emergency Response Team to be notified. Public Health or the Stormwater Quality Coordinator are available to facilitate reporting to CDPHE and other agencies and help investigate and hold the responsible party accountable for cleanup costs, when applicable.
9. Complete all other necessary reporting and notifications including notifying the Public Health or the Stormwater Quality Coordinator (720-225-7228) to ensure documentation and notifications were applicable for the type of spill that occurred.
10. When the substance is determined safe to handle, but requires special disposal, the cleanup contractor may be able to take it to Boulder County's Hazardous Materials Management Facility (HMMF) for disposal (work with HMMF contact, Shelly Fuller @ 720-564-2243 or the general number 720-564-2251, to arrange a drop-off).

### *Documentation*

- Documentation showing proper cleanup is required. Confer with Division Manager or designee, Public Health water quality spill response staff, or Stormwater Quality Coordinator to determine specifics.

<b>SPILL NOTIFICATION NUMBERS<sup>1</sup></b>	
<b>Name</b>	<b>Number</b>
Local Fire Department (For an Emergency)	911
Hazardous Material Management Facility (HMMF)	Shelly Fuller 720-564-2243, Brandon Champion 720-564-2249
Fleet	Grant Roberts 720-346-0100, Cody Sweet 303-817-6917
Road Maintenance	303-441-3962, Bob Kiepe 303-678-6086, TJ McKeenan, 303-678-6287
Building Services	David Pfeifer - 720-864-6508
Parks and Open Space OSTC	Joe Thiltgen, 303-678-6296, Sara Milligan, 720-480-0422
Parks and Open Space	Jarret Roberts, 303-413-7000 and Sean Reynolds, 303-678-6311
Public Health (During Business Hours)	<b>303-441-1564 (leave a detailed message) or email <a href="mailto:waterqualityspills@bouldercounty.gov">waterqualityspills@bouldercounty.gov</a></b>
Non-emergency Sheriff Dispatch (After hours)	303-441-4444, ask for EERT to be paged
CDPHE Colorado Environmental Emergency and Incident Reporting Line	1-877-518-5608 (24-hour)
National Response Center (Coast Guard-EPA)	1-800-424-8802 (24-hour)
Colorado Division of Oil & Public Safety-Above & Underground Storage Tank Regulators	303-318-8547 (for oils spills > 25 gallons)
Colorado State Patrol (non-emergency)	*CSP 303-239-4501 (24-hour)

## Appendix F: Spill Response Procedures for County Managers or Designees

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### Spill Response

1. Division Managers or their designees are typically notified of spills by field or maintenance staff upon identification.
2. Division Managers or designees are tasked with immediately determining the next steps that need to be taken.

### Spill may be stopped and cleaned up by staff

- a. Spill cannot be safely stopped and cleaned up by staff – Call qualified clean up contractor (**see below for contacts**)

### Spills Safely Stopped and Cleaned by County Staff

- Use dry clean up methods and proper PPE as described in the Spill Response Procedures for County Staff.
- Notifications to Colorado Department of Public Health and Environment (CDPHE) are required for the following conditions:
  - Any releases to waterways (i.e. storm sewer, creeks, river, lakes, dry waterways)
  - Greater than 25 gallons of any Petroleum Product released to ground only
  - All mercury spills and all asbestos releases that meet the reportable quantity
  - All sanitary sewer releases
  - Any deliberate releases (i.e. dumping, burying, etc.)
  - All releases of chemicals that eclipse the reportable quantities detailed in EPA's List of Lists
  - Permit exceedances

### Spills that Cannot be Stopped or Contained by County Staff

- For emergencies call 911. For non-emergencies, one of Boulder County's environmental and abatement service contractors may be contacted.

## 24-hour Environmental and Abatement Service Contractors

Company Name	Contact Person	Address	Home Phone	Work Phone	Email
Custom Environmental (Ambipar)	Aaron Whatley	8041 N I-70 Frontage Rd Unit 11 Arvada, CO 80002	(800) 310-7445	(303) 423-9949	aaron.whatley@ambipar.com
Environmental Hazmat Services	Marty Green	4745 Independence St. Wheat Ridge, CO 80033	(720) 225-9252		mgreen@envhaz.com
Environmental Restoration	Patrick Heyneman	4295 Kearney St. Denver, CO 80216	(314) 347-2930	(888) 814-7477	p.heyne@erllc.com

- When calling a cleanup contractor, be prepared to provide the following information so the contractor can determine the correct equipment and develop an initial quote (if applicable):
  - b. The location of the spill (e.g., address, mile marker), its source (e.g., manhole, tanker truck), and identification of the type of material spilled (e.g., untreated wastewater, biosolids, specific chemical with applicable SDS);
  - c. The estimated volume of the spill;
  - d. How far the spill has travelled, and whether it has reached a drainage feature or waterbody;
  - e. Measures that are being or have been taken to contain or reduce the spill;
  - f. A list of potentially affected properties; and
  - g. A phone number and e-mail to contact an on-site representative that will meet with the cleanup contractor.
- **Purchasing policies need to be strictly followed. However, when waiting on quotes would result in the spread of spilled materials, increased cleanup costs, or additional environmental harm; it is not necessary to obtain quotes.** In such fast-acting situations that do not require a call to 911, the purchase order (i.e., Oracle) needs to document why you were not able to obtain quotes. It is recognized that in many cases the contractor will need to respond to the scene to provide a quote and once mobilized it is most efficient to also perform the cleanup; therefore, in emergency situations quotes are not necessary.
- An Emergency Response Work Order (EWO) or similar form will be prepared by the Contractor and emailed to the County for signature and approval.
- When the cleanup is not time sensitive, the exception to purchasing policies does not apply and quotes must be obtained when applicable (i.e., for purchases \$10,000 or more).
- **Call Public Health Environmental Health staff (303.441-1564 and leave a detailed message or email [waterqualityspills@bouldercounty.gov](mailto:waterqualityspills@bouldercounty.gov)) when spills reach any type of stormwater conveyance (e.g., drainage ditch, swale, inlet) or waterbody.** Public Health will facilitate reporting to CDPHE and other agencies, and help investigate and hold the responsible party accountable for cleanup costs, when applicable. The Stormwater Quality Coordinator may also be contacted as needed.
- Public Health or Stormwater Quality Coordinator will make observations of the cleanup operation to ensure that environmental damage is mitigated, including removal of remaining material to prevent transport in future storm events to the extent feasible.
- Notify the Hazardous Materials Program Manager (Shelly Fuller) and Cody Lillstrom (720-564-2757), and (Stormwater Quality Coordinator (Jennifer Keyes) for all services provided under the County's emergency environmental and abatement contracts. Please note that each department or responsible entity will be responsible for costs incurred under the on-call contract.

- Complete all other necessary reporting and notifications or verify that Public Health or the Stormwater Quality Coordinator is making the notifications.
- When the substance is determined safe to handle, but requires special disposal, the cleanup contractor may be able to take it to Boulder County's Hazardous Materials Management Facility (HMMF) for disposal (work with HMMF contact, Shelly Fuller @ 720-564-2243, to arrange a drop-off appointment).

**Documentation**

- Documentation showing proper cleanup is required. Confer with Public Health Stormwater Quality staff to determine specifics.