

Interagency Coordination on Industrial Stormwater Complaint Investigation

Presented by:

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Coordination

- Interactions between ODEQ and City of Oklahoma City (OKC) occur on a variety of concerns, such as:
 - Citizen complaints
 - Pollution investigations
 - Non-compliance and illicit discharge referrals
 - Unpermitted facilities
 - Fish Kills
 - Sanitary Sewer Overflows

Complaints to ODEQ

- Citizen Complaints
 - Received via phone or email to ODEQ
 - ODEQ Hotline: 1-800-522-0206
- Initial Response
 - Assigned to Environmental Specialist (ES) with ECLS
 - ES investigates complaint
 - If confirmed, RP given deadline to come into compliance
- Can be referred to other ODEQ divisions for further enforcement or to Phase I MS₄s

Overview – Case Study

- In June 2015, ODEQ received a citizen complaint alleging an unpermitted discharge at an OKC travel center.
- Personnel from both ODEQ and City of OKC worked together to investigate and address the situation.
- The June complaint will be used to illustrate this cooperative working relationship:
 - Complaint investigations
 - Enforcement activities



Initial Complaint – Case Study

- Citizen alleged that a gas station's diesel fuel island was being allowed to overflow to a storm drain
- Site visit by ES initiated
- Findings:
 - Diesel fuel island bays all drained to Island 24
 - From Island 24, water flowed across the parking lot to a storm drain
 - No diesel odor observed from Island 24 to storm drain, only staining and a light sheen
 - Further investigation of discharge point from storm drain found black, oily substance for ~250 ft downstream



Island 24

06.23.2015



Island 24

Storm Drain

06.23.2015

Discharge Pipe



06.24.2015



Downstream

06.24.2015

ODEQ Referral to OKC

- ES contacted Stormwater Enforcement for assistance
- Follow-up site visit
 - Conducted with Stormwater Enforcement staff and OKC personnel
 - Same issues identified as in initial site visit
 - Staining from Fuel Island to storm drain
 - Black/oily substance, trash and debris identified in area where storm drain discharged to drainage channel

ODEQ - Who do we permit?

- Industrial/municipal wastewater discharges and stormwater discharges from industrial facilities
- ODEQ Conclusions:
 - Did not fall within ODEQ's jurisdiction
 1. Was not an industrial wastewater discharge
 2. Was not required to have coverage under OKRo5 due to SIC code
 - Travel Centers have an SIC code of 5541, Gasoline Service Stations
 - Not listed in Table 1-2 in OKRo5
 - Referred to City to address as illicit discharge to MS₄



Image: www.scrubly.com

OKC– Who do we permit?

- OKC: § 57-146. - Existing facilities required to obtain permit.
 - (a) Requirement. Any existing industrial, commercial, institutional, or multi-family or group residential facilities, which discharge stormwater into community waters or the MS4, will be required to develop and comply with Pollution Prevention Plans and apply for a Stormwater Discharge Permit before conducting any operations. This permit shall be required in addition to any permits required by EPA or the State.

OKC Initial Site Visit 6/25/15

- Confirmation: Yep, it's a mess!

**Diesel and water
don't mix!**



OKC Initial Site Visit 6/25/15

- Notice of Violation (NOV) issued:
 - Remediate drainage area
 - Prevent contaminated runoff from entering drainage area
 - Response due July 6, 2015

But the colors are so pretty!



Emails and Crickets

- Initial response from R.P.
 - Hired contractor to perform initial cleanup
 - June 29, 2015
 - Vacuum water at outfall/drainage area
 - Soil testing in drainage area
 - Exploratory digging to find alternate cause of spill
 - July 7-9, 2015
 - Leaking underground tank or diesel line? (NOPE...)

Correspondence

- *“A Notice of Confirmed Release was issued by the Oklahoma Corporation Commission (OCC) Petroleum Storage tank Division (PSTD) on June 29, 2015. The OCC PSTD subsequently determined that without a documented release from the underground storage tank (UST) system or ancillary equipment, the release would be subject to Oklahoma Department of Environmental Quality (ODEQ) regulatory oversight. The ODEQ representative determined that OKC SWQ would provide regulatory oversight for the release.”*

Cleanup in OCTOBER

- Soil excavation can wait, right?!
- “Final” incident cleanup October 26, 2015
 - Contaminated water pumped out – again!
 - Soil removal and more sampling in drainage area
 - Trash pickup on property – a little, anyways
 - Vehicle fluid leaks cleaned up on property – sort of



2nd NOV & A Compliance Order



- Due to conditions at the site (10/26/15):
 - Continued contamination at the drainage area
 - Lack of BMP installation as required by the initial NOV
 - Large amounts of blowing trash/floatables, at each revisit, over entire property
 - Vehicle fluid leaks/spills on lot WHILE major remediation is occurring...
- Decided to issue an order to obtain an Industrial Storm Water permit so we can keep an eye on them.
- Maybe NOW we'll have their attention!?!

Violation & Order Details

- Clean all vehicle fluids from lot (Notice)
 - Due Immediately
- Clean all trash from property (Notice)
 - Due Immediately
- Obtain an Industrial Storm Water permit (Order)
 - Due November 9, 2015

OKC: § 57-146. - Existing facilities required to obtain permit.

(a) Requirement. Any existing industrial, commercial... facilities, which discharge stormwater into community waters or the MS₄, will be required to... apply for a Stormwater Discharge Permit...

		City of Oklahoma City Storm Water Quality Division 420 West Main / 6th Floor Oklahoma City, Oklahoma 73102 Phone 297-1774 Fax 297-1770			Cease and Desist <input type="checkbox"/> Compliance Order <input type="checkbox"/>
Notice of Violation <input type="checkbox"/> Show Cause Hearing <input type="checkbox"/>					
General Information					
Name: _____					
Home Address: _____					
Home Phone: _____					
Drivers License/I.D. # _____					
State: _____		D.O.B. _____		Eyes: _____	
Hair Color: _____		Height: _____		Weight: _____	
Bus. Name: _____		Bus. Address: _____		Bus. Phone: _____	
Job Site Name / Address: _____					
Violation: _____					
NOTICE OF VIOLATION					
Chapter / Section _____ / Paragraph(s) _____					
You are hereby notified that you have violated section(s) of the THE CITY OF OKLAHOMA CITY Municipal Code.					
Other: _____					

Appeals Process

- May file a written appeal
 - Within 10 calendar days of Order issuance
 - Include why you think enforcement should not be taken
- Show Cause Hearing date will be set

(f) **Appeal.** A person receiving an order may file a written notice of appeal with the Director and Manager who issued it, no later than the 10th calendar day after receipt of the order. Such notice shall include an explanation as to why the person believes the enforcement action should not be taken. A person receiving a cease and desist order may file a written notice of appeal with the Director and Manager who issued it and obtain relief from such order upon a showing that the alleged violation will not cause an impairment of water quality or that a permit is not required. A hearing on the appeal will be scheduled within a reasonable time after receipt of the notice of appeal and the required explanation. All notices of appeal shall be signed by the owner or operator of the premises or activities in controversy, and shall include name and address of the person filing the notice of appeal. Notice of hearing on the appeal may be served by facsimile or first-class mail at the number or address given in the written notice of appeal.

The Response



- A response to the NOV and Compliance Order was received by The City on November 5, 2015
 - Parking lot cleaning scheduled for the week of November 9th
 - “that is as quickly as we could get a vendor out to spot steam clean and capture fluids (via vac trailer) for proper disposal”
- (drumroll, please...)

*“*** [R.P.] does not believe the CO requiring an Industrial Storm Water Permit is warranted and should not be required.”*

And Furthermore...



- *“As you can understand, stopping all accidental, minor or major spills caused by third parties is nearly impossible unless we cease business which would negatively affect both *** [R.P.] and the community. We strive to limit spills at our nearly 600 locations across the US and Canada, however, accidents do occur and we try to do all we can to address them as soon as we are aware of them.”*
- Remember the spill(s) on the lot DURING the soil excavation at the drainage area?!?
 - ETC. ETC. ETC. Every time we visited the site. Trash, vehicle fluids, a grain/animal feed spill was onsite for WEEKS.
 - A good inspector has patience through the process!

Show Cause Hearing

- Provides the defendant the opportunity to state why the proposed enforcement action should not be taken
- Meeting date/time/location set by The Manager
- Notification of meeting sent at least 10 days prior
- Case Study: Hearing set for January 10, 2016 @ 2pm
 - On location of the incident

(c) **Show cause hearing.** The Manager may order any person who causes or contributes to violation of this article or Stormwater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten calendar days prior to the hearing. Such notice may be served on any individual or the individual or the principal executive, general partner or manager of any legal entity or person of legal age at the office or business address of the permittee.

Agreement to Obtain Permit

- The Hearing went well!
- Met with regional representative for R.P.
- Inspected site, observed problems – STILL!
- Explained our purpose for the permit
 - “We’re here to help!”
- R.P. agreed to obtain the Industrial Stormwater Permit



Ongoing Improvements

- SWP₃ submitted for review – corrections requested
 - Minor details on reporting
- Permit obtained 1/28/2016
- Working with permittee on internal communications and task assignments
- Working with permittee on training employees on site
- Permittee hired contractors to perform inspections and visual monitoring
 - It's a good start to a potentially great program!

Current Status/Future Goals

- It's better...
- Next steps?!



Thank you...

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For additional information on Oklahoma DEQ: www.deq.state.ok.us
For additional information on City of OKC: www.okc.gov/swq

Questions?

**Success is not final,
failure is not fatal:
it is the courage to
continue that counts.**

Winston Churchill