

## Chapter 10: Drainage and Illicit Discharge Complaints

### 10.1 Introduction

The Montgomery County Stormwater Management Resolution (#13-2-2), Section 7.2 states:

7.2. Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with section 6 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, commercial car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

7.2.1. Uncontaminated discharges from the following sources:

- 7.2.1.1. Water line flushing or other potable water sources;
- 7.2.1.2. Landscape irrigation or lawn watering with potable water;
- 7.2.1.3. Diverted stream flows;
- 7.2.1.4. Rising groundwater;
- 7.2.1.5. Groundwater infiltration to storm drains;
- 7.2.1.6. Pumped groundwater;
- 7.2.1.7. Foundation or footing drains;
- 7.2.1.8. Crawl space pumps;
- 7.2.1.9. Air conditioning condensation;
- 7.2.1.10. Springs;
- 7.2.1.11. Non-commercial washing of vehicles;
- 7.2.1.12. Natural riparian habitat or wetland flows;
- 7.2.1.13. Swimming pools (if dechlorinated - typically less than one PPM chlorine);
- 7.2.1.14. Firefighting activities;

- 7.2.1.15. Any other uncontaminated water source.
- 7.2.2. Discharges specified in writing by the County as being necessary to protect public health and safety.
- 7.2.3. Dye testing is an allowable discharge if the County has so specified in writing.
- 7.2.4. Discharges authorized by the Construction General Permit, which comply with Section 3.5.9 of the same:
- 7.2.4.1. Dewatering of work areas of collected stormwater and groundwater (filtering or chemical treatment may be necessary prior to discharge);
  - 7.2.4.2. Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
  - 7.2.4.3. Water used to control dust in accordance with Construction General Permit section 3.5.5;
  - 7.2.4.4. Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
  - 7.2.4.5. Routine external building wash-down that does not use detergents or other chemicals;
  - 7.2.4.6. Uncontaminated groundwater or spring water; and
  - 7.2.4.7. Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

This chapter is intended to set forth the policies and procedures for handling, documenting and archiving drainage complaints received by the Montgomery County Building and Codes Department.

## **10.2 Investigation Initiation**

Drainage or illicit discharge investigations can be initiated by a complaint submitted in any of the following ways:

- In person submission at the Montgomery County Building and Codes Department offices (350 Pageant Lane, Suite 309, Clarksville, TN.)

- By calling the main phone line of the Montgomery County Building and Codes Department (931-648-5718)
- By submitting an email report to any member of the staff of the Montgomery County Building and Codes Department (Buildings&Codes@montgomerycountyttn.org)
- By faxing the information to the Montgomery County Building and Codes Department fax number (931-553-5121)
- By submission through the U.S. Mail (Montgomery County Building and Codes Department; 350 Pageant Lane, Suite 309; Clarksville, TN. 37040)

Drainage or illicit discharge complaints can also be initiated by direction of the Building Commissioner or the Stormwater Program Coordinator, based on awareness of a situation that exists in violation of the Stormwater resolution.

Upon receipt of a complaint, the person taking the complaint will verify that the complaint location is in the county. If the complaint is in Clarksville, the complainant should be referred to Clarksville Street Department (931-645-7664). If the complaint was submitted anonymously, the complaint should be forwarded by mail or telephone call to the Clarksville Streets Department Drainage Section. This action will be recorded on the original complaint form, the form will be marked as “closed”, and the form filed under “Forwarded City Complaints” in the order received.

### 10.3 Complaint Documentation

All complaints (Stormwater and IDDE) will be documented on a Stormwater Complaint Form. The complaint information will be entered into MUNIS within 24 hours of receipt. All drainage or illicit discharge complaints made within the County’s area of responsibility will be investigated.

Complaints should contain the following minimum information:

- Date of the complaint
- The complainant’s name, address and phone number. **The complainant can remain anonymous.** Complainants who chose to remain anonymous should be told that their name will not be released to either the public at large or to the person who they are complaining about. If a complainant still requests to be anonymous, do not enter their information on the complaint form
- The location of the violation (address or complete location description)
- The name of the complaint property owner or resident (if applicable)

- As much information about the violation as possible (what happened, when it happened, where it happened, who is involved, etc.)

The Stormwater Coordinator reviews all complaints. The complaints are then prioritized and assigned to an investigator for action. All complaints are to be investigated within seven (7) working days from the date of the original complaint.

Complaints are to be identified and filed based on the address where the violation is taking place. The format for this identification is to be the street name, followed by the street address number. (i.e.: a complaint on 2323 West Street would be identified as “West Street 2323”). If the address is not known, the nearest street or road intersection is to be used along with the map and parcel number. The format for this would be: “76 Highway and Hampton Station Road, Map 034, Parcel 007.02” If either of these methods are not feasible, the location’s coordinates are to be collected using a GPS receiver. If necessary, a printed GIS map of the site should be included in the file to demonstrate the correct location as accurately as possible.

All case files will contain a list of the investigation events in chronological order. The case file will contain a copy of the complaint form, notes on the details of all attempts at notifications, evidence of receipt of all notifications, copies of correspondence related to the case, and notes of telephone conversations with the suspected violator. This information will also be entered in MUNIS.

#### **10.4 Complaint Investigations**

Complaint conditions are to be investigated in person by the assigned investigator within 7 days of the initial complaint. Conditions are to be completely documented, both in writing and with photographic images that clearly show the complaint conditions. All reports are to be completed within 24 hours of the onsite investigation.

All photographic images are to be documented and noted in the report. The minimum information required for photographic image evidence includes, but is not limited to:

- The time and date that the image is taken
- The location the image is taken at
- A description of the situation or objects that are in the image
- The complaint case identification information

**Note: Life threatening conditions require immediate action.** The site will be secured to prevent harm to the general public. All appropriate agencies will be immediately notified (Sherriff, Emergency Management, EMS, etc.). The Building Commissioner will be notified immediately. If necessary, an immediate Stop Work Order will be issued and (if deemed necessary by the inspector) the site will be evacuated.

If the complaint *is not* valid, all findings and documentation of the investigation are recorded in both the hardcopy file and MUNIS, and the investigation will be marked as being closed.

If the complaint *is* valid, the property owner will be sent an official Notification of Findings or Notice of Violation (depending on the violation severity) by certified mail. The inspector may also call or email the owner, if appropriate to the situation. The Notice of Violation (NOV) will state the violation, and a time frame within which the violator is required to contact the Inspector (usually, five business days from the date of receipt). The letter can include specific remediation steps necessary to end the violation, as well as a time frame for compliance.

**If the violator contacts the inspector within the time granted for contact in the official NOV**, the inspector may negotiate specific remediation steps necessary to end the violation, and a time frame for compliance. The inspector will record the remediation steps and time frame in a Letter of Agreement. This agreement is noted in MUNIS and a copy of the Letter of Agreement is to be placed in the hardcopy file, and another copy is sent to the violator's address by certified mail.

A notice of agreement may be transmitted using email with delivery and read receipts options used. If there is no response to the email, a letter of agreement will be sent.

**If the violator does not contact the inspector within the time granted for contact in the official NOV**, a second Notice of Violation is sent to the violator, again stating the violation and setting a time frame within which action must be taken by the violator to avoid further legal action. The NOV will list the specific steps the inspector believes will end the violation in the most efficient manner consistent with the best interests of the County. This NOV will be sent by certified mail.

If the violator does not take corrective action within the required time frame, the Stormwater Coordinator and Building Commissioner will review the case and determine the appropriate course of action. Depending on the severity of the situation and based on the advice of the Stormwater Coordinator, the Building Commissioner can take any or all of the following actions:

- Request an arrest warrant be sworn out against the violator
- Impose a daily penalty
- Assess and recover expenses incurred in investigating and enforcing compliance with the Stormwater Resolution
- Assess and recover actual property damages
- Recover the costs of enforcement

Prior to any court hearings, Stormwater Board of Appeals meetings, Building and Codes Committee meetings or County Commission meetings where an investigation is to be discussed or appealed, the Stormwater Coordinator is to perform an on-site inspection of the site and document current conditions in writing and with photos.

All confrontations with citizens during any investigation are to be promptly documented and included in the hard copy file and noted in MUNIS.

### **10.5 Drainage Complaints**

7.7. Alteration or blockage of drainages. No person may modify the size, location composition or capacity of a surface or subsurface drainage without written authorization of the Building Commissioner.

### **10.6 Illegal Dumping**

7.6. No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any debris, trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the County.