



## **BUILDING AND CODES DEPARTMENT**

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### **Illicit Discharge Detection and Elimination Policy and Procedure**

#### **Regulatory Authority to Limit Illicit Discharges**

On 2/12/2024, the Montgomery County Commission approved the Montgomery County Stormwater Regulations (Resolution 24-2-2), which provide that all non-storm water discharges into the Municipal Separate Storm Sewer System (MS4) not approved in Section 7 are prohibited and unlawful.

#### **Storm Drain System Mapping**

In order to properly implement Montgomery County Stormwater Regulations, it is necessary to implement a mapping program to accurately locate and map stormwater control structures, including all outflows to waters of the state.

The mapping program is a cooperative endeavor between the Montgomery County Stormwater, the Montgomery County Highway Department and the Austin Peay State University Geographic Information Center. The mapping program process is ongoing at this time.

#### **Illicit Discharge Reporting**

The Montgomery County Building and Codes offices will accept phone calls and in-person reports of possible illicit discharges. Reports are directed to the stormwater coordinator for response.

The stormwater web site (<https://mcgtn.org/stormwater>) has a link that will allow citizens to report possible illicit discharges.

County employees will be trained to recognize and report illicit discharges and conditions that may indicate an illicit discharge has taken place. County employees will forward the information to their supervisors or report the incident directly to the Montgomery County Building and Codes Department.

Storm water erosion control inspections will include visual inspections of nearby waters and wetland areas. These visual inspections will look for obvious signs of illicit discharge. If a discharge is suspected, the Stormwater Coordinator will be notified as soon as possible. An investigation will be initiated within 7 days. Inspectors will document all evidence of the discharge as completely as possible, including digital imagery and GPS coordinates. Any witnesses(s) will be encouraged to describe in detail what they saw happen in writing.

## **Identification of Illicit Discharges**

If an illicit discharge is suspected, an IDDE investigation will be started within 7 days. The investigation could consist of:

**Storm Drain Network Investigation-** The investigation starts at the outfall, and if possible, the investigator will follow the storm drain system in order to determine the source of the discharge.

**Drainage Area Investigation-** Drainage area investigations are initially conducted in the office. These investigations involve conducting a parcel by parcel analysis of potential generating sites within the drainage area, followed by field inspection to narrow the focus of the investigation. Some techniques that may assist these investigations include:

- Land use Investigation
- Permit Review
- As-Built Plans Review
- Aerial Imagery Analysis
- Property Ownership Investigation

**On-Site Investigation-** Once the illicit discharge has been isolated to a specific area, an on-site investigation can be performed to find the source of the discharge. In some situations such as sub-watersheds dominated by industrial land uses or many generating sites, on-site investigations may be immediately pursued. On-site investigations are excellent opportunities to combine IDDE efforts with industrial site inspections that target review and verification of proper Storm Water Pollution Prevention Plans.

**Septic System Investigation-** This type of investigation requires inspections of septic system areas for surface discharges or straight pipe discharges to the environment. Visual inspection and odor sources may reveal a discharge point. Some of the key surface indicators are:

- Foul odors in the yard
- Wet, spongy ground; lush plant growth or burnt grass near the drain field
- Algal blooms or excessive weed growth in adjacent ditches, ponds and streams
- Shrubs or trees with root damage within 10 feet of the system

- Cave-ins or exposed system components
- Visible liquid on the surface of the drain field (e.g., surface breakouts)
- Obvious system bypasses (e.g., straight pipe discharges)

### **Stopping Illicit Discharges**

Once the source of an illicit discharge has been identified, immediate steps will be taken to fix or eliminate the discharge.

Once the responsible party is identified, a verbal Notice of Violation (NOV) will be issued. This notification includes an explanation of what the violation is, what is required to end the illicit discharge, and a timeframe for ending the illicit discharge. The verbal notice will be followed by written NOV sent by certified mail to the responsible party.

Care must be taken to work with the responsible party, since in most cases they may have been unaware of the situation. Often, property owners are willing to fix a problem when notified of the situation. An escalating enforcement approach is best, using the least aggressive measures first, and gradually becoming more aggressive as necessary to prevent further discharge. In all cases, the Enforcement Response Plan found in the Montgomery County Stormwater Regulations will be followed. Corrective action plans will be developed when appropriate.

### **Referral to the Tennessee Department of Environment and Conservation**

If it is not possible to determine the source of the illicit discharge and/or stop the discharge within 14 days, the case will be referred to the Tennessee Department of Environment and Conservation.

### **IDDE Screening**

Screening for illicit discharges will take place on an ongoing basis while mapping outfalls, while performing other program inspections or during complaint investigations.

Because of the generally rural nature of Montgomery County, discharge appearances (color, odor, etc.) are the main indicators that will be monitored. Suspected illicit discharges that require more complex testing will be referred to the Tennessee Department of Environment and Conservation for action.

Fertilizer, herbicide and insecticides are commonly used in large areas of the county as part of the agricultural industry. It will be noted that discharges of these materials from agricultural areas far outweigh the relatively small discharges from urbanized areas.