



Illicit Discharge Investigation and Corrective Action Plan

Procedures

To report an illicit discharge in the City and County MS4, the public can contact Missoula Valley Water Quality District staff at (406-258-4890). Office hours are 8:00 AM to 5:00 PM Monday through Friday and messages can be reported to this number 24 hour a day. Calls can be made anonymously, and the hotline number can be found on the County's webpage, Missoula Valley Water Quality District's webpage, and Missoula Valley Water Quality District's education publications. Illicit discharges may also be reported through 911. Pursuant to the Missoula Valley Water Quality Code (13.26.070) a person who owns, operates or controls a facility or a person responsible for a release must immediately report a release of a regulated substance to the Missoula 9-1-1 center by telephone. Further, the District will field illicit discharge complaints/reports and route them to the appropriate staff. All illicit discharges will be investigated within 3 working days.

Once a problem area is located, the upstream system is evaluated, and various areas chosen to perform additional sampling. These locations are chosen so as to sample each branch of the system and various places along stretches with no branches in order to isolate the area of discharge. Once the source is identified, the process of removing the discharge will begin using various investigative tools including the cooperation of City and County agencies when listed as owners of the property or infrastructure, and enforcement tools to include administrative warrants or use of public health and regulatory powers (Missoula City-County Health Code, Missoula Valley Water Quality Code and Public Health Powers 50-2-116 and 50-2-118) as appropriate to compel clean-up and mitigation of the violations.

Corrective Action Selection Criteria:

Corrective Action requirements are based on two premises; violation of Missoula Health Code or violation of Missoula Valley Water Quality Code. The speed at which compliance is compelled and achieved is based on the threat to public health and the environment AND the willingness of the property owner or responsible party. If an on-going or eminent threat (release to soil, groundwater or surface water) is identified and can be reasonably controlled immediately, Water Quality District staff or designees will identify and document proper actions for the responsible party to take. For example, In the case of a fuel spill to an injection well, for instance, the owner or responsible party or their contracted entity will place absorbent material on remaining fuel, investigate and remediate the injection well and, if prudent, the District will notify potential down-gradient users. If the spill is in surface water, sorbent materials and booms will be deployed in coordination with the Missoula Regional Hazardous Materials Team. If, in any circumstance, the responsible party is not immediately located AND the threat to public health or the environment is significant, the department will engage the services of contractors including excavators and environmental consultants to investigate and mitigate the threat. Selection criteria is a combination of these factors:

- Type and Quantity of Release
- Location of Release (proximity to surface water, groundwater, human and ecological receptors)

- Identification of a Responsible Party
- Means Available for Mitigation

In addition to these factors, one must consider the ramifications of using typical enforcement mechanisms (Notice of Violation, Order for Corrective Action) to achieve compliance. If these mechanisms are not timely enough to effectively mitigate the threat, additional tools including local government resources will be employed to protect public health and natural resources.

Receiving Report of Illicit Discharge

Staff will gather information regarding:

- Date and time of complaint
- Contact information of the complainant (reports may be anonymous)
- Location of the suspicious discharge or connection (Address if available)
- Description of the type of discharge (petroleum, chemical, sewage, sediment, etc.)
- Estimated quantity of release
- Identification of Property owner or responsible party

Investigation

The District commits to investigating all illicit discharge complaints within 3 business days of receiving them. If possible, the investigation will take place within 24 hours of receipt.

Enforcement

Whenever the District has knowledge or evidence that a violation of this Code has occurred, the District may issue a Notice of Violation and Order to Take Corrective Action to be served personally or by certified mail on the alleged violator or its agent. This Notice of Violation and Order to Take Corrective Action shall specify:

- The provision of this Ordinance or permit alleged violated
- The facts alleged to constitute the violation
- Any penalties sought to be assessed pursuant to section 13.26.130 of the Water Quality Code

Documentation and Tracking

Resulting investigation action, observations and results will be recorded in Complaint Management Software. The MS4 Committee will use findings to determine and refine priority areas as well as key stakeholders in the MS4 that need to be addressed. Reoccurring activity resulting in pollutants reaching waterways or entering the MS4 conveyance system will also be targeted for future public education and outreach.