



Missoula Valley Water Quality District – Enforcement Response Plan

Purpose: The Missoula Valley Water Quality District (District) is charged with protection of surface water and groundwater resources within the Missoula Valley. One method of accomplishing this is through enforcement of Municipal Codes, County Ordinances and State Law.

Application: 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. Complaints may be filed by calling the District at 258-4890, on the website for the City-County Health Department or by calling 911. After-hours response is available depending on the severity of the complaint.

Applicable Regulations: This section of Municipal Code (Water Quality Ordinance) is a Health Ordinance pursuant to §7-4-4306 MCA, and the extraterritorial application of the ordinance has been agreed to in a Resolution of Concurrence by the Missoula Board of County Commissioners. This covers the majority of the MS4 including unincorporated areas.

Missoula Municipal Code

Section 13.26.032 PROHIBITED ACTIVITY

It is unlawful for any person to:

- A. cause contamination or to place, cause to be placed, or allow to remain in place any substance in a location where it is likely to cause contamination of soil, groundwater, or surface water.
- B. Discharge anything that does not meet the definition of stormwater or an Allowable Non-Stormwater Discharge to a municipal separate storm sewer system.
- C. Discharge stormwater from Tank Fueling Areas directly to storm drains (dry wells or inlets piped to outfalls).
- D. Discharge stormwater from Vehicle Fueling Areas to storm drains (dry wells or inlets piped to outfalls).

Contamination is defined as:

Contamination - The presence of any substance (chemical, radiological, or biological) or any condition (temperature, pH, taste, color, odor, turbidity) in soil or water which may create or threaten to create a hazard to human health or the environment, or impair the usefulness of the soil or water.

The Water Quality Ordinance contains enforcement procedures in Section 13.26.120, and provisions for criminal penalties in Section 13.26.130. These sections include provisions for Notice of Violation, Corrective Action Plans, Administrative Review, Judicial Review, criminal misdemeanor prosecution and fines.

The Missoula City-County Health Code, Regulation 1 regulates discharge of wastewater and is applicable throughout the entire county including the city of Missoula. It states:

Regulation 1 (A)(3) A person may not discharge wastewater onto the surface of the ground except for a permitted system designed for surface application and licensed septic tank pumpers discharging septic wastes onto disposal sites approved by the Department

And:

Regulation 1 (A)(4) Unless an Underground Injection Control (UIC) permit is obtained from the U.S. Environmental Protection Agency pursuant to 40 CFR 144, a person may not install or use any sump, dry well, or septic system from disposal of waste fluids from the washing, servicing, maintenance or storage of any vehicle, equipment or components that are associated with an internal combustion engine.

Wastewater is defined in the Health Code, Regulation 1 as:

liquid waste which may include chemicals, household, commercial or industrial wastes, human excreta, animal and vegetable matter in suspension or solution, discharged from a dwelling, building, establishment, vehicle or container.

The Missoula City/County Health Code also includes detailed enforcement provisions, including administrative and judicial review and civil penalties.

The following chart references the regulations that would be applied to various sources of illicit discharges within the county MS4:

Source of Illicit Discharge	Applicable Regulation
Sanitary Wastewater	Missoula City County Health Code, Regulation 1, Missoula Municipal Code 13.26.032
Effluent from Septic Tanks	Missoula City County Health Code, Regulation 1, Missoula Municipal Code 13.26.032
Car Wash Wastewaters	Missoula City County Health Code, Regulation 1, Missoula Municipal Code 13.26.032, 034
Improper Oil Disposal, Auto maintenance waste	Missoula Municipal Code 13.26.032, 034, 050
Radiator flushing disposal	Missoula Municipal Code 13.26.032, 034
Manure, pet waste disposal	Missoula Municipal Code 13.26.032, 034
Spills from Roadway accidents	Missoula Municipal Code 13.26.032
Improper disposal of household toxics	Missoula City County Health Code, Regulation 1, Missoula Municipal Code 13.26.032
Trade Contracting Waste disposal	Missoula City County Health Code, Regulation 1, Missoula Municipal Code 13.26.032, 034
Fueling facility releases and storage	Missoula Municipal Code 13.26.032, 034, 036, 050
Carpet Cleaning and Pressure washing disposal	Missoula City County Health Code, Regulation 1, Missoula Municipal Code 13.26.032, 034
Road Maintenance and deicer application	Missoula Municipal Code 13.26.032, 034, 038
Vehicle and Equipment washing	Missoula Municipal Code 13.26.032, 034
Well development	Missoula Municipal Code 13.26.032, 034

Investigation: Once complaints are received, they are logged into the Complaint Management Software. It is assigned to a staff member of the District who receives an immediate notification via email of the complaint. Staff then investigates the complaint, typically by an in-person field inspection. The goal is to document observations, try to confirm the validity of the complaint, identify the responsible party, and seek voluntary compliance if the complaint is confirmed. If the complaint is of an immediate nature and takes place after hours, staff are notified via pager and cell phone. Information obtained during a field visit may include; witness information, photos, property owner interview, soil and/or water samples. If the property owner is not cooperative and the need to inspect is justifiable, District staff may pursue an administrative warrant to investigate the property.

If an illicit discharge is discovered, staff will attempt to receive immediate voluntary compliance through ceasing the activity and using control measures to minimize spread of contamination (i.e. oil sorbent materials). If necessary, the department may secure contractors necessary to reduce the spread of contamination (i.e. vector truck or excavator).

Typical investigation and enforcement procedure is as follows:

Complaint Receipt **(1-3 days)** → Investigation **(1-3 days)** → Notification of Findings to responsible party → Corrective Action timeline given → **(1-60 days depending on corrective action)** Follow up investigation.

Enforcement: When complaints are confirmed and egregious or repeat offense, a Notice of Violation (NOV) may be issued. This process can be faster if warranted. The timeline for compliance which is outlined in the NOV is based on the circumstances of the illicit discharges. The discharge may be ordered to cease immediately but an extended timeline for investigation and clean-up may be longer.

If compliance is not achieved through the above procedures, the department will pursue compliance through the enforcement procedures outlined in Municipal Code and City-County Health Code.

The Water Quality Ordinance contains enforcement procedures in Section 13.26.120, and provisions for criminal penalties in Section 13.26.130. The Enforcement section includes provisions for Notice of Violation, Administrative Review, Board Hearings, and Judicial Review. The Missoula City-County Health Code also includes detailed enforcement provisions, including administrative and judicial review and civil penalties. The Missoula Municipal Code also contains detailed enforcement provisions.