# 3. Illicit Discharges and Improper Disposal

## A. Illicit and Allowable Discharges

Ordinance

To effectively prohibit illicit discharges to the municipal separate storm sewer system (MS4), the City of Austin uses a series of ordinances. The City code sections that address illicit discharges and improper disposal are as follows:

Water Quality Regulations

Title 6, Chapter 6-5. Water Quality

The chapter 6-5 Water Quality regulations of the Austin City Code contain regulatory language that prohibits non-storm water discharges into storm sewers or water courses and provides requirements for pretreatment, monitoring and specifications related to specific activities. In addition, provisions for inspection by the City and penalties due to violations are included in this chapter.

Watershed Regulations

Title 25, Chapter 25-8. Environmental

This chapter of the Austin City Code contains language that prohibits illegal connections to the storm sewer system or any other illicit discharges at newly constructed facilities. Section 25-8-362 (Storm Sewer Discharge) of the Chapter states:
" A certificate of occupancy may not be issued for development subject to this subchapter unless the development is in compliance with Chapter 6-5, Article 5 *(Discharges Into Storm Sewers Or Watercourses)*."

Hazardous Materials Storage and Registration Regulations

2003 International Fire Code

The Austin Fire Department enforces the 2003 International Fire Code (IFC) to regulate hazardous materials storage and registration in the City of Austin. Included in IFC is regulatory language that prohibits the discharge of materials into the storm sewer or watercourses. Section 2703.3 of the IFC states:

"Hazardous materials in any quantity shall not be released into a sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal waterway or on the ground, sidewalk, street, and highway or into the atmosphere."

The City of Austin also has amended sections of the IFC to include provisions for reporting emergencies and cost recovery. In addition, the Fire Department requires adherence with Section 6-5-51 of the City of Austin Code.

Litter Regulations

Title 10, Chapter 10-5. Litter

Chapter 10-5, Article 3 of the Austin City Code prohibits litter. Section 10-5-42 (Littering Prohibited) of the chapter states:

(A) A person commits an offense if the person deposits or throws litter on a street, alley, sidewalk, premises, vacant lot or public property, including a park or playground.

(B) A person commits an offense if the person deposits or throws litter along a street, alley, sidewalk or public property, including a park or playground.

(C) A person commits an offense if the person deposits or throws litter from cleaning the interior of a residence, business or premises on a street, alley, sidewalk or creek."

On-Site Sewage Facility Regulations

Title 15, Chapter 15-5. Private Sewage Facilities

Chapter 15-5 of the Austin City Code provides regulations for sewage facilities. Section 15-5-26 (discharge or spill) of the chapter provides specific guidelines for reporting and cleanup activities so that appropriate action is taken to "protect public health and the environment."

**Enforcement**

The City investigates illicit discharges on a complaint or emergency response basis and on the results of the dry weather screening activities. Investigations of suspect facilities or activities include a thorough inspection of the premises and the connections to the MS4 to determine if an illicit discharge has occurred, or if the potential for illicit discharges exists.

When an illicit discharge is found, City investigators work with the responsible party(s) to obtain voluntary compliance with City Code requirements. If voluntary compliance cannot be achieved, legal action can be taken against the violators in Municipal Court (See Prosecution).

Illicit discharges to the storm sewer system found during routine facility inspections conducted by other City programs are addressed by the investigator conducting the inspection if the violation is within the investigator's jurisdiction. If the illicit discharge cannot be addressed in this manner, the problem will be reported to the Pollution Hotline for follow-up inspection and investigation. In addition, other City field staffs have been instructed to follow the proper procedures for reporting illicit discharges.

### Prosecution

If voluntary compliance is not obtained, evidence of the violation, including investigation reports, photo documentation of the violation and all correspondence with the responsible party, is supplied to the City's Law Department staff. The WPD legal enforcement liaison will then file a complaint in Municipal Court and work with a prosecutor to prepare the case against the violator and any responsible party(s). The City's Law Department prosecutes environmental cases, as necessary in Municipal Court, and in most cases Chapters 25-8 (Land Development Code) and 6-5 (Water Quality Code) of the Austin City Code are cited as the legal mechanism for prosecution.

Violations of Chapters 6-5 and 25-8 are Class C misdemeanors, finable up to $2,000 per violation. The penalty and fines imposed by the Municipal Court Judge are generally based upon the recommendation of the City Prosecutor, but in most cases a plea bargain is negotiated and a "deferred disposition" verdict is reached. In such cases, the defendant may be required to post a $1,000 bond that will be returned upon completion of the court ordered cleanup or corrective activities. If the defendant corrects the violation in the negotiated time frame to the satisfaction of the investigator and the court then the charges will be dropped from the defendant's record. If the defendant fails to comply with the court Order, a "revocation hearing" will be held, at which time the judge will rule on the case. Depending on the court ruling, bond money may not be returned and additional fines may be assessed. New charges may be filed against the defendant the next working day (as the violation of City Code still exists), beginning the process again.

## B. Detection and Elimination of Illicit Discharges

### Wastewater Pipelines

#### Introduction

The City's wastewater collection system (separate from the storm water system) is operated and maintained by the Operations Program of the Austin Water Utility (AWU). The utility is responsible for inspection and repair of wastewater infrastructure within the utility's service area.

#### Program Activities Description

The AWU has installed permanent flow monitoring equipment with telemetry at its major wastewater interceptors to monitor significant sources of inflow and infiltration (I&I). The utility conducts Sewer System Evaluation Survey (SSES) studies for the collection system in two drainage basins of its wastewater service area every year. The collection system located within the Edwards Aquifer Recharge Zone (EARZ) is televised once every five years to comply with the Texas Commission Environmental Quality (TCEQ) Edwards Aquifer Rules. In addition to the closed circuit TV inspection required by TCEQ, the utility also cleans the wastewater lines and inspects manholes located in the EARZ. Interceptors in creeks are "walked" for visual inspection of any damage after indication of significantly high flows. The utility uses television trucks for conducting closed circuit TV inspection of its wastewater lines. Sources of infiltration and seepage that cannot be eliminated through the routine maintenance, are evaluated as part of a SSES to determine the best method of rehabilitation/repair/replacement.

Illegal connections of storm sewers to sanitary sewers are removed as soon as they are detected during the various monitoring activities such as flow monitoring, sewer cleaning, TV inspection, smoke testing, dye testing and creek walking. Any illicit discharge of sewage or wastewater from a private or public system may be reported to the Austin Water Utility or WPD Pollution Hotline by the public. The City's Spills and Complaint Response Program (SCRP) of the WPD investigate any Pollution Hotline reports of overflows that threaten to discharge to a storm sewer or waterway. As noted in the introduction, SCRP staff are responsible for determining the source of illegal discharge such as wastewater discharges into Austin waterways, and enforcing regulations preventing these discharges. The Plumbing Inspection Division of the PDRD enforces appropriate provisions of the plumbing code relative to on-site sewage piping and connections. The Austin Water Utility ( AWU) and the SCRP staff may also coordinate with other governmental agencies, such as the TCEQ, or the Environmental Protection Agency (EPA) during emergency spill incidents.

During the five year permit period, the City's program to prevent the infiltration or seepage of wastewater from wastewater lines into its storm sewer system and waterways will be responsible for completing the following of activities each year:

- Clean wastewater lines
- TV inspection of wastewater lines
- Smoke test wastewater line interceptors
- Provide routine maintenance of wastewater lines as necessary
- Replace or rehabilitate wastewater lines as necessary

## C. Overflows and Infiltration

### On-site Sewage Facilities (Septic Systems)

### Introduction

The focus of the On-Site Sewage Facilities (OSSF) Program is the enforcement of regulations under TAC Title 30 Ch. 285 and the City Code to abate or prevent pollution and injury to the public health by the use of inadequate or failing private sewage facilities or the improper disposal of domestic waste and sewage. The program generally applies to all subdivisions or lots within the full purpose and limited purpose annexation areas for planning, zoning, health and safety. Existing OSSF can be exempt from the current regulations so long as they are not causing pollution, nuisance conditions or are not substantially altered.

### Program Activities Description

The OSSF Program uses a multi-step process to reduce or prevent the possibility of illegal discharges from on-site septic systems, including seepage or infiltration into the municipal separate storm sewer system.

Major elements of the program include the following:

- No OSSF systems, generally, shall be installed on sites that have property lines, within 100 feet of an organized wastewater collection line.
- A permit is required to construct any new OSSF system.
- The site must undergo a site evaluation to determine if it meets minimum requirements.

Plans of new or modified systems are reviewed for minimum installation requirements. The minimum requirements for installation of a system have been established for lots, tracts, and subdivisions and include:

- Minimum lot size
- Minimum required setback from a water body (streams, ponds, lakes, rivers, creeks)
- No systems to be located within the 25-year floodplain
- Proximity to water supply systems
- Identification of faults, fractures and sink holes in karst topography
- Location of impermeable layers of rock or clay
- Demonstration of adequate soil texture and depth for system designs.

The program also requires that installers of OSSF systems be state licensed and that all new systems are licensed. The City Code does not require existing systems to meet current construction standards as long as they do not cause pollution, nuisance conditions or a threat to public health. However, the City may inspect OSSF reasonably believed to be causing pollution and, if non-compliant, can take enforcement action.

Enforcement actions may include citations for failure or refusal to remedy conditions prohibited by City Code. Violations of City Code may be charged and actions taken through administrative process or through the appropriate court. Violations of the City Water Quality Code, which include any un-permitted or illicit discharges of sewage or wastewater from a private or public system, into a storm sewer system or waterway are reported to City's WPD SCRP. SCRP is responsible for determining the source of illegal discharges such as wastewater discharges to storm sewers, evaluating the impacts of such discharges to Austin's waterways and enforcing regulations preventing these discharges. When necessary, action may be taken through Municipal Court to enforce these provisions of the City Code.

The Austin Water Utility also coordinates enforcement activities with several other local agencies such as the TCEQ, the Lower Colorado River Authority (LCRA), Travis County Transportation and Natural Resources Department and the Williamson County Health District on an as needed basis. For example, the TCEQ may assist with the enforcement of special regulations for the construction of wastewater systems over the Edwards Aquifer Recharge Zone, and the LCRA may assist with regulations regarding private sewage facilities near Lake Travis and the other Highland Lakes.

The City's OSSF Program will continue as described during the permit period. Changes may occur however, based on public hearings conducted each year by the City Council on the effectiveness and need for funding of all City programs.

The effectiveness of the City's program to prevent the infiltration or seepage of wastewater from OSSF into its storm sewer system and waterways will be measured through several indirect means, including:

- the number of new systems permitted and inspected
- the number of investigations and enforcement actions taken to correct failing systems
- the number of complaint responses related to private sewage systems discharges

## D. Household Hazardous Waste and Used Motor Vehicle Fluids

**Introduction**

The City's ARR is responsible for the development and management of the City's Household Hazardous Waste (HHW) Program. These programs fall within the disposal services operational area. The HHW Program functions as a stand-alone program that operates with a staff of environmental professionals. Staff members provide the day-to-day operations and management of the facility and program.

The City of Austin's HHW Program serves the residents Austin and Travis County, Texas. Funding is primarily from City ARR customers, although 13-17 percent of program participants come from Travis County outside the City's service area, and Travis County now contributes close to 10 percent of the annual program budget. The program focus is on decreasing pollution from indiscriminate use or disposal of home chemicals and used oil, thus preventing pollution of local watersheds contributing to the Colorado River. Citizens from surrounding counties may use the program's services, although they must pay a fee for the use

Publicity is provided through local newspapers and other news media, and talks provided to area schools, professional organizations and environmental conferences. With the assistance of the TCEQs Pollution Prevention and Education Section, and the North American Hazardous Materials Management Association (NAHMMA), information on the operation and success of Austin's program is made available to communities throughout Texas and the United States.

This program continues to benefit Austin and Travis County residents by providing convenient, responsible disposal options so that hazardous household wastes are removed from the City's and County's regular liquid (sanitary sewer) and solid waste streams. Proper disposal of hazardous waste also decreases this category of material from being disposed of in vacant yards, easements or storm sewers. Removing flammable, caustic or explosive hazards from solid waste collections contributes to a safer work place for sanitation workers and lessens risks for fire fighters. Program awareness and participation also helps make homes safer. Public education efforts are detailed in Section 7, Public Education.

**Program Activities Description**

Household Hazardous Waste Program

The HHW Program consists mainly of the semi-weekly collection program at a permanent solid waste transfer facility, although customers who require home pickups or other accommodations will be helped throughout the week. Household battery collection and recycling through numerous area stores, latex paint recycling and distribution, and reusing safe, good quality products in a product reuse program will continue. Although the City can no longer accept Conditionally Exempt Small Quantity Generator (CESQG) wastes, as 30 TAC 335 Subchapter N disallows this practice, CESQG customers will be provided a list of vendors. The City of Austin's HHW Program operations will be reviewed to maximize waste reductions and enhance recycling whenever possible.

City of Austin staff accepts and segregates waste into approved shipping containers for storage until the disposal contractor can transport the waste for disposal or recycling. Mixed solvents, antifreeze, oil, and latex paint will be bulked into drums (or storage tanks for oil and antifreeze) during collection hours. Oil-based paint is packaged into cubic yard boxes. A qualified, permitted hazardous waste transporter and disposal contractor is present, on a semi-weekly basis, to further segregate the collected material, manifest, package and transport collected wastes for disposal at U.S. EPA licensed disposal facilities. Collected waste will be stored at the HHW Facility in accordance with Title 30 Texas Administrative Code (30 TAC) Chapter 335 Subchapter N. Access to this facility by the public at times other than the scheduled collection hours will be restricted, but some HHW materials will be accepted off schedule if delivered, at the discretion of the HHW employees.

Paint Recycling Program

Another successful program under the HHW umbrella is the latex paint recycling program. Part of the segregation operation at the facility includes determining if latex paint, which is dropped off, is in usable condition. Good latex paint is poured into two separate containers to make up light and dark latex paint. The City of Austin has a contract with a local paint company to blend and package the latex paint into five-gallon pails. After receiving the packaged paint back onsite, it is given to 501(c) groups for building projects, to the Physical Graffiti Abatement Program of the Austin Police Department and to other groups deemed candidates for the paint.

Public Education Involvement and Intergovernmental Coordination

Another key component to the success of the HHW Program will be continued public involvement and coordination with other government entities. The City's HHW Program works closely and coordinates program planning and implementation with the TCEQs Pollution Prevention and Education Section. Notification of any HHW collection program is required 45 days prior, and a full operational plan with specific regulatory requirements is required to be available on site for any HHW collection. For permanent sites such as Austin's, the notification is required to be updated periodically (typically annually) while the operational plan is updated as changes occur within the program. The City will also continue to work closely with the LCRA and Travis County. As noted previously, Travis County contributes funds to pay for the county's share of hazardous waste transportation and disposal costs and additional employees to handle the workload in managing HHW from County residents outside the City.

The county and the City have agreed that County funding contributions to the program will be based on the percentage of participation coming from areas in the county outside the City limits.

## E. MS4 Screening and Illicit Discharge Inspections

### Introduction

The primary goal of the illicit discharge inspection program is to detect the source of illicit discharges to the City's municipal separate storm sewer system (MS4) in the effort to prevent or minimize the impact to water quality or other natural resources in the Austin area. This goal will be achieved through investigation of portions of the MS4 identified as potential sources of non-storm water discharges due to illicit connections or improper disposal practices.

### Program Activities Description

The illicit discharge inspection program is based primarily on the activities of the SCRP of the WPD. The SCRP staff investigates reports of illicit discharges to the storm sewer system.

Program Procedures

The SCRP investigators track the route of an illicit discharge and attempt to identify its source and cause. The standard procedures for conducting illicit discharge investigations have been summarized in the following outline (Figure 6-1).

The SCRP staff maintains written documentation on all illicit discharge investigations. The documentation will include, as necessary, information such as field observations, potential responsible party information, causes, sources, specific violations (or potential violations) observed, response action requested and final resolution. Incident reports are kept in a computer database that can be queried by map grid, watershed, facility name and various other pertinent fields. Any supporting material acquired during the investigation, including MSDSs, photos, phone logs or waste manifests are kept in respective hard copy incident files.

Illicit discharge investigation and inspection activities are not scheduled, rather they are initiated as warranted by the dry weather screening program referrals or reports of illicit discharges or improper disposal practices submitted by citizens, other departments or agencies.

The City does not anticipate any changes to the illicit discharges and improper disposal program, however changes to the scope of the various program components may be considered during review of the City's annual operating budget.

Figure 6-1. Illicit Discharge Investigation Procedures

INITIAL INVESTIGATION:

- Review information reported.
- If illicit materials discharged from storm drain outfall:
  - Assess general properties of discharge.
  - Determine if emergency containment is necessary.
- Evaluate environmental impact.
- Collect samples if necessary.
- Record observations on standard report form, documenting observations about discharged material.
- Use storm drain maps to identify potential area of discharge origin.
- Inspect storm drains and investigate suspect activities within the identified area for potential origin of discharge.
- Establish contact with potentially responsible party and/or other agency representatives.
  - Explain purpose of investigation, authority and communicate applicable regulations to suspected or potential responsible party.

INVESTIGATION AT DISCHARGE ORIGIN LOCATION:

- Collect samples from suspected origin of discharge if necessary.
- Investigate potential illicit plumbing connections:
  - Conduct visual observation of plumbing connections.
  - Conduct visual observation of area for staining or erosion due to illicit connection.
- Record observations on standard report form.
- Dye tracing (if necessary) to confirm illicit connection.
- If testing several plumbing connections at one facility:
  - Identify one color for each connection (ex. red for 1st wash sink, green for 2nd wash sink) and record on standard report form.
  - Pour appropriate dye colorant down drain.
  - Turn on tap water at each connection and let run for at least 15 minutes.
  - Observe flow from storm water outfall identified for the particular facility.
  - Identify illicit drain connection by dye color and record on standard report form.
  - If no flow at outfall, check area surrounding facility for potential overland flow.
- If testing connection at more than one facility:
  - Identify one color for each facility.
  - Pour appropriate dye colorant down each drain at the facility.
  - Turn on tap water at each connection at let run for at least 15 minutes.
  - Observe flow from storm water outfall identified for each facility.
  - Identify facility with illicit drain connection by dye color and record on standard report form.
  - Once facility has been identified, repeat process for individual facility.

## G. MS4 Maps

**Provided in Appendix G**

## H. Spill Prevention and Response

**Introduction**

This program seeks to protect the water quality of streams and related natural resources in Austin. This program targets illegal or illicit discharge to the storm sewer system and spills of hazardous and non-hazardous materials, which might be a threat to water quality within the City's planning jurisdiction and water supply watersheds. Discharges may occur through illicit plumbing connections to the City's storm sewer system, deliberate dumping or accidental spills of hazardous and non-hazardous materials. This program will work to reduce the number of these discharges by tracking and eliminating illicit connections, enforcing state and local statutes regarding illegal discharges and responding to accidental spills to monitor material containment and clean-up.

The responsibility for responding to surface water quality complaints and hazardous and non-hazardous materials spills for water quality protection is held by the Environmental Resource Management Division, Pollution Prevention and Reduction Section as a part of the WPD. The Austin Fire Department (AFD) is responsible for responding to hazardous material spills for protection of human health and safety. AFD also responds to certain non-hazardous materials releases that may be a threat to life, property, or the environment. The TCEQ is responsible for regulating disposal of hazardous waste, dealing with pollution threats to ground water and protecting surface water for the State of Texas, which includes the City of Austin.

**Program Activities Description**

The WPD maintains a rapid response capability by having investigators on-call on a rotating basis, and after-hours notification of environmental emergencies is accomplished through a 24-hour hotline operated by the WPD. In a typical response situation, the Spills and Complaints Response Program (SCRP) investigators are notified of hazardous material incidents by the AFD dispatch office. Occasionally, this notification is from the TCEQ) or the Austin and Travis/Travis County Health and Human Services (HHSD). Water pollution complaints are received from many sources: directly from private citizens calling the department's Pollution Hotline from referrals from other City departments such as the ATCHD or AWU and referrals from other regulatory agencies such as TCEQ or LCRA.

Figure 7-1 shows the procedures for conducting an investigation and Figure 7-2 describes each procedure.

The SCRP classifies incident investigations into two different categories: Priority Incidents and non-priority incidents. "Priority Incidents" are generally emergency spill incidents and situations that pose an immediate threat to water resources. "Non-priority incidents" are general environmental complaints that do not pose an immediate threat to water resources. SCRP investigators respond to priority and non-priority incidents within the scope of WPD programs. However, when the investigators note other problems outside their jurisdiction, they will refer them to other departments or agencies for action as appropriate.

SCRP investigators attempt to obtain voluntary compliance with applicable water quality regulations when violations are found. If unable to obtain voluntary compliance with City regulations, WPD staff has the option of filing complaints against the responsible party(s) in municipal court. Uncooperative offenders are sometimes referred to the TCEQ or EPA for enforcement as well. Criminal investigations where necessary are referred to Travis County Attorney's Office. Ultimate enforcement may be through one or more City departments or external agencies as their jurisdictions apply. Investigators in this program work with a large number of regulatory entities, including interactions with government organizations at the federal, state, county and local level. It is the policy of the WPD to provide all possible cooperation with these agencies, and SCRP staff meets periodically with the different agencies to discuss cooperation and coordination, lines of communication and areas of jurisdiction.

In addition to the spill and complaint response activities, the SCRP staff provides a data retrieval service for industry and interested citizens seeking data on spills and complaints. Investigation reports are recorded from a field notebook into a computerized database. Materials gathered during an investigation, such as photographs, reports, correspondence and Material Safety Data Sheets (MSDS) are kept in an investigation file. Information requests under the Freedom of Information Act are also received from businesses, citizens and the media. This information is gathered from the database and investigation files.

Program staff also provides an educational service by offering information to regulated businesses, City departments that work with WPD and citizens groups. This information is provided in the form of written handouts and staff presentations. Currently, handouts include general program description, regulatory contact information, good housekeeping and spill clean-up procedures, and waste recycling information.

During the permit period, the SCRP will continue spill and complaint response activities. However the program expects to see continued growth in the number of investigations. This increase is expected to be due in part by efforts to increase community awareness of environmental issues and the City's pollution prevention programs. Enhanced public awareness may be achieved through the development of educational materials for public distribution, working with local media and marketing program staff and giving public presentations to targeted organizations. There are a large number of neighborhood and environmental organizations in the City of Austin and these groups provide good information on the activities in their areas that might be causing water pollution. SCRP staff has given presentations to some of these groups and will continue to do so as a part of its effort to increase community awareness.

The WPD currently sponsors a youth monitoring program that monitors the water quality of local streams, creeks and lakes. These young citizens are an excellent source of routine information on polluting discharges to storm sewers and watercourses, and have been briefed on how to contact the SCRP in the event that they observe a polluting discharge while in the field. These efforts are expected to increase the number of spills and pollution problems reported to the program, thereby increasing the amount of pollutants (i.e. spill residues) removed from the environment.

Over the five-year permit period WPD will continue to seek advanced training opportunities to expand emergency response personnel knowledge and experience in addition to maintaining the current level of training, which includes:

- Hazardous Materials Operations and Emergency Response 40 hour course (satisfies OSHA 1910.120)
- In house training using staff resources, training manuals, videos, WPD safety liaison and various reference manuals
- Various conferences, workshops and seminars related to spill clean-up techniques, disposal of contaminated materials, federal and state environmental regulations, emergency response, and investigation techniques, and other related subjects such as confined spaces and rail car releases

Periodic review of the City the Water Quality Code, which regulates discharges to storm sewers and watercourses, may also occur during the five year permit period to consider whether modifications are appropriate.

Figure 7-1. Spill and Complaint Response Process Flow Chart

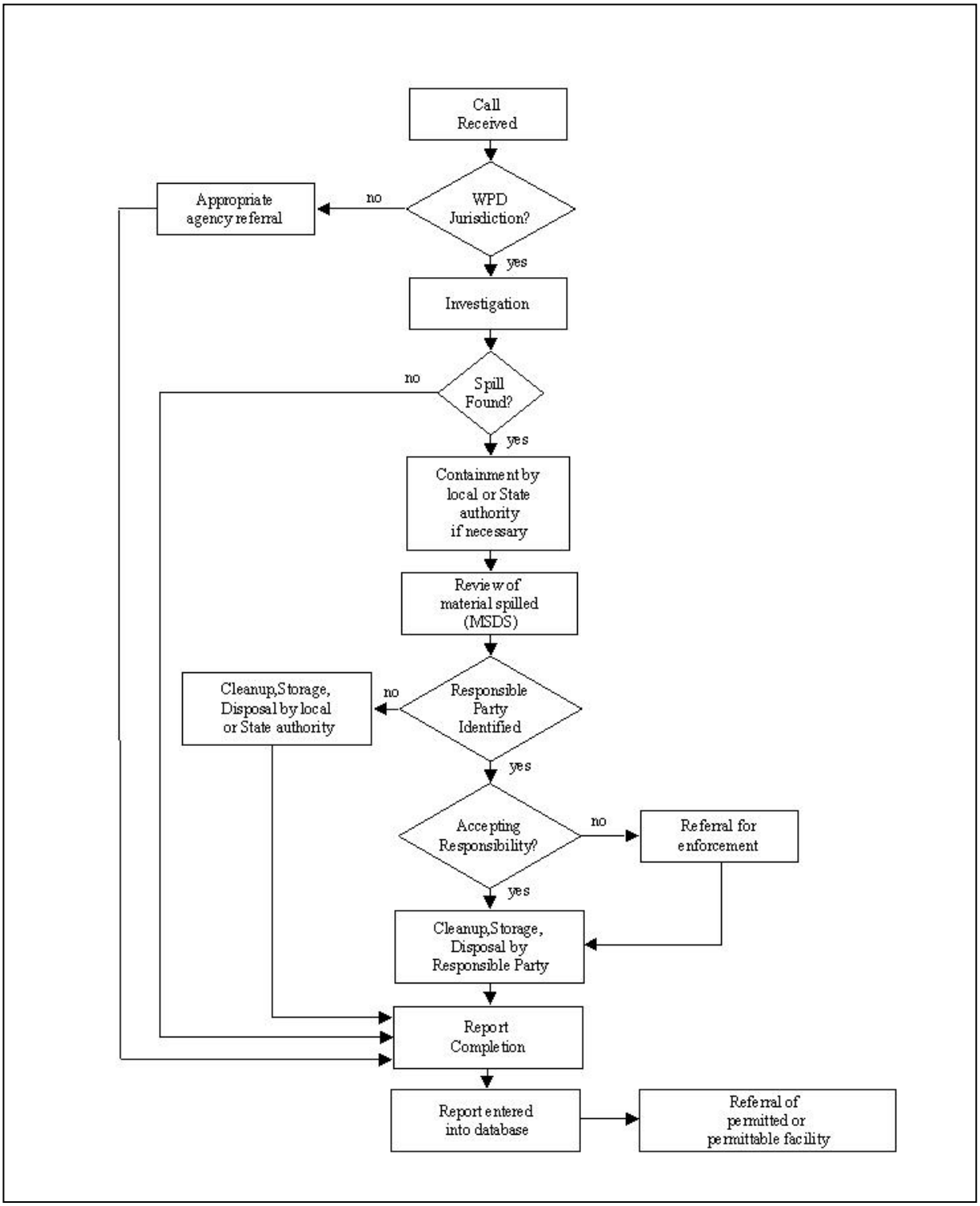

Figure 7-2. Spills and Complaints Response Program Investigation Procedure

CALL RECEIVED

- Calls are received through a 24-hour hotline by program investigators.

WPD JURISDICTION?

Yes:

- Investigator prioritizes call and responds to calls in order of priority.

No:

- Refer to appropriate agency (see appropriate agency referral)

APPROPRIATE AGENCY REFERRAL

- Refer to appropriate agency according to referral table (see Figure 7-3)
- Complete investigation report (see report completion)

INVESTIGATION

- Review information reported
- Prioritize response according to potential environmental impact
- Check and prepare equipment necessary for the investigation (see equipment list)
- Observe from distance and approach with caution and upwind if necessary
- Establish contact with potentially responsible party and/or other agency representatives, and present credentials
- Explain purpose of investigation and authority
- Record observations in field notebook, documenting any violations or potential violations

SPILL FOUND

Yes:

- Assess general properties of material spilled to determine mode of initial containment if necessary
- Evaluate environmental impact if appropriate
- Contact other agencies for assistance as necessary
- Coordinate with AFD and other agency or contracted company personnel if necessary
- Collect samples if necessary
- Communicate applicable regulations to suspected or potential responsible party

No:

- Verify information with caller
- Gather all pertinent information and evidence if a spill is suspected, but not found
- Communicate applicable regulations to suspected or potential responsible party
- Complete investigation report (see report completion)

CONTAINMENT BY LOCAL OR STATE AUTHORITY

- Containment by AFD when material is an immediate threat to a storm sewer or watercourse, or is a public hazard

REVIEW OF MATERIAL SPILLED (MSDS)

- If material is positively identified, effort is made to obtain more detailed information from sources such as:
- MSDS, Chemtrec, Emergency Response Guidebook, and various other departmental reference books.
- Information is gathered to determine minimum cleanup requirements according to all applicable regulations.

Figure 7-2. Spills and Complaints Response Program Investigation Procedure *continued*

RESPONSIBLE PARTY IDENTIFIED?

Responsible party is person(s) or business causing the illegal discharge. If no responsible party can be identified, the owner of the property on which the material is spilled is responsible. Unknown property ownership is determined by accessing City of Austin utility records or Travis County tax records.

Yes:

- Notification of violation and request for abatement is made verbally, and in writing if necessary

No:

- See cleanup, storage, disposal by local or state authority

CLEANUP, STORAGE, DISPOSAL BY LOCAL OR STATE AUTHORITY

- If cleanup is necessary, it is performed by local or state authority (AFD or TCEQ), or contractor hired by the agency, when no responsible party has been identified.
- Investigator makes recommendations on remediation methods, sample parameters, disposal methods, etc.

ACCEPTING RESPONSIBILITY

Yes:

- Responsible party accepts responsibility verbally
- Recommendations are made for cleanup, storage, and disposal, verbally or in writing as necessary.

No:

- See referral for enforcement

REFERRAL FOR ENFORCEMENT

- All documentation is gathered (MSDS, photos, field notebook entries) for filing affidavit of non-compliance in municipal court.
- Notification of personnel necessary to begin enforcement process, including WPD management and legal staff
- Notification of other enforcement agencies who may have jurisdiction
- Enforcement resulting in responsible party remediation (see cleanup, storage, disposal by responsible party)

CLEANUP, STORAGE, DISPOSAL BY RESPONSIBLE PARTY

- If cleanup is necessary, it is performed by the responsible party or a contractor hired by responsible party.
- Investigator makes recommendations on remediation methods, sample parameters disposal methods, etc.

REPORT COMPLETION

- Inspection of site to ensure all visible contamination removed
- Review lab analyses waste manifests and other documentation of clean-up and attach to report
- All follow-up investigations are completed and documented

REPORT ENTERED INTO DATABASE

- Report is entered into Spills and Complaint Response Program database
- Any supporting material is filed in program files

REFERRAL OF PERMITTED OR PERMITTABLE FACILITY

- If spill/complaint has occurred at Stormwater Discharge Program permitted or permittable facility, the spill or complaint is referred to a Program inspector.

**Austin Fire Department Hazardous Materials Emergency Response Team**

**Introduction**

The AFD Hazardous Materials Response Team is made up of personnel from the Special Operations Battalion within the department. The Special Operations Battalion supplies hazardous material response personnel, apparatus and equipment from four fire stations located in the central, northwest, east and south sectors of Austin. This Battalion also supplies Special Operations personnel who act as incident advisors, provide training, evaluate new equipment and maintain specialized response equipment.

**Program Activities Description**

Generally, this program targets the control of potentially hazardous material spills or other incidents that may endanger human health and safety within the City limits. The AFD emergency response activities are not targeted to any specific industry or business, rather the Hazardous Materials Response Team is trained to handle a wide variety of hazardous materials incidents including liquid spills, gas releases and rescues under hazardous conditions.

In addition to providing personnel, training and equipment for emergency response, the AFD maintains a large inventory of equipment for use during hazardous materials incidents, including spill containment, chemical monitoring, personnel protective clothing, confined space entry, decontamination and water rescue equipment.

Incidents are responded to in an expeditious manner with a priority given to life safety and protection of property. Fire suppression may not be initiated due to possible run-off of toxic substances. The "no attack" strategy has become an important consideration during the incident pre-planning effort. Once an immediate hazard has been alleviated, the Hazardous Materials Team has required follow-up remediation when a responsible party is identified, or actually performs cleanup operations.

The AFD Hazardous Materials Response Team coordinates with the City of Austin WPD, TCEQ, and the HHSD to ensure that current environmental and life safety regulations are met. The AFD Hazardous Materials Response Team will continue to provide emergency response capabilities as described throughout the permit period.

The City does not anticipate any further changes to the Spill Response Program, however changes to the scope of the program components may be considered during review of the City’s annual operating budget.