

Illicit Discharge Elimination - Corrective Action Notification

The procedure for responding to illicit discharges will vary depending on the nature of the discharge (ex: illicit connection to a storm sewer, failing septic system, illegal dumping, etc.) and jurisdiction of the discharge. Similarly, the timeline for eliminating a discharge will vary depending on the geographic extent of the issue, the complexity of the corrective action, responsible party's financial constraints, etc. Deviations to the procedures below may be made on a case by case basis and will be documented in the IDEP record and in the Permit Progress Report. In all cases, corrective action measures will be implemented to the maximum extent practicable and as soon as practicable. The status of corrective actions will be included in the Permit Progress Report to the MDEQ.

1. Discharges from Private Sources to MS4s

If the source of an illicit discharge has been determined to be privately owned, discharging to the Dearborn's MS4 and regulated by the Dearborn's MS4, the City will use the procedure below to notify and correct the illicit discharge.

First Notice: Notification of Problem and Correction Needed

Once the source(s) of an illicit discharge has been identified, the City will provide the first written notice to the responsible party of the illicit discharge by registered mail within 7 days. The first written notice will notify the responsible party of the illicit discharge, the City's regulatory authority to require correction, and the potential enforcement actions if the discharge is not addressed. The responsible party will be required to contact the City regarding plans for correction within 14 days. Tracking of all notifications and documentation of registered mail receipts shall be retained by the City.

Final Notice

If 14 days have passed from the date of the 1st written notice and no response has been received from the responsible party, a second written notice will be sent. The second written notice will remind the responsible party of the illicit discharge, the prior notice, the regulatory authority to require correction, and the potential enforcement actions that will occur if the discharge is not addressed. The responsible party will be given an additional 14 days to contact the City regarding plans for correction.

Enforcement

If 30 days have passed from the date of the first written notice, a citation will be issued. The City will issue civil infractions as described in the Enforcement Response Procedure (ERP) for the violation of the applicable IDEP-related ordinances as listed in individual permittee stormwater management plans. A citation shall include fines and may require a court appearance.

Corrections/Repairs

In the event that the owner does not contact the City within 14 days of the Final Notice and/or the discharge is not addressed by the owner 30 days after civil infractions have been issued, the MS4 owner will pursue other enforcement actions such as: discontinue water service to the property and

designate the property uninhabitable, place a lien on the property, and initiate efforts to complete the necessary repairs, as authorized by law.

2. Discharges from Public Properties to MS4s

If the discharge is emanating from a public property (other than the permittee's property), the City will request correction or a written corrective action plan be submitted within 60 days of notification. If the discharge cannot be corrected within 60 days of notification, interim measures shall be implemented, as practical, to reduce the impact of the discharge on the receiving water. The corrective action plan will include a schedule for completion with a goal of completion within 18 months of plan approval. The plan will be reviewed by the City within 60 days and approved or denied with explanation. Approval of the plan will not waive any local permitting requirements of the community.

3. Discharges from Permittee's Properties

For discharges emanating from the permittee's own property, a corrective action plan will be developed within 60 days of discovery of the discharge. The plan will include a schedule for completion with a goal of completion within 18 months of plan completion. If the discharge cannot be corrected within 60 days of discovery, interim measures shall be implemented, as practical, to reduce the impact of the discharge on the receiving water.