

Spill and Illicit Discharge Response Procedure Manual

The purpose of this Spill and Illicit Discharge Response Procedure Manual is to provide a framework for spill and illicit discharge response procedures in the City of Fort Atkinson and to comply with the Wisconsin Department of Natural Resources WPDES Permit No. WI-S050075-1 requirements. All employees are expected to work cooperatively with state and local agencies to define, contain, and clean up spills and illicit discharges.

This manual is designed to provide general response procedures to the City of Fort Atkinson employees. However, each situation is unique and field conditions may determine different procedures. Home and mobile telephone numbers are not to be released to the public.

SAFETY FIRST – Follow all appropriate safety procedures when dealing with any spill or illicit discharge.

For the City of Fort Atkinson, the Director of Public Works at 920-563-7760 is the designated Illicit Discharge Coordinator. If the Director of Public Works is not available, contact the following people in the following order to act as Illicit Discharge Coordinator in his absence:

Assistant City Engineer	-	920-563-7760
Supt. of Public Works	-	920-563-7771

I - DISCOVERY AND NOTIFICATION

- a) Accept information regarding reported spill or illicit discharge using the Spills/Illicit Discharge – Initial Contact Form in Appendix A.
- b) If it is obvious that there is a fire, explosion or safety hazard to life and health, threat to the environment, or need to evacuate, contact the Fire Department (911) immediately. This includes any incident involving petroleum sheen, sheen from any unknown source or a highly suspicious material.
- c) Notify the Illicit Discharge Coordinator of reported spill or illicit discharge.

If the incident is determined to be a spill, with a risk of fire explosion or safety hazard to life, health or the environment or a need to evacuate, the Fire Department will follow their spill procedures. The remainder of this document is not intended to conflict with or supersede any of their procedures.

II – COORDINATION AND CONTAINMENT

- a) Identify persons and agencies that need to be notified and involved in the situation.

For the City of Fort Atkinson, parties that may be requested to assist in a situation may include, but are not limited to:

- Fire Department (emergency dial 911, non-emergency dial 920-563-7795)
- Police Department (emergency dial 911, non-emergency dial 920-563-7777)
- County Emergency Management Coordinator (Donna Haugom, dial 920-674-7450)
- Public Works Department (Tom Kramp, 920-563-7771)

- Inspection Department (Brian Juarez, 920-563-7760)
- Jefferson County Health Department (Gail Scott, 920-674-7275)

Current contact information for some of these people can be found on the Flowcharts in Appendix B.

- Notify persons and agencies, providing as much information about the incident as possible.
- Contain the spill or illicit discharge safely and legally through necessary means.
- Determine if the spill is “reportable” to the WDNR (using standards found in <http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR558.pdf>). If reportable, contact the WDNR through the spill hotline (1-800-943-0003).
- If the spill is not “reportable”, contact the South Central Region WDNR Spills Coordinator, Dino Tisoris, at 1-608-275-3299.
- If a responsible party has been identified, they are to take control of the situation as soon as practical and shall continue containment, cleanup and disposal of the substance as required by local and state agencies.

III – CLEANUP, EVIDENCE COLLECTION AND DOCUMENTATION

- Coordinate efforts of those people involved in managing the incident
- Locate the source of the spill or illicit discharge
- Attempt to locate the responsible party

The City of Fort Atkinson will use any or any combination of the following strategies to located the source and responsible party of a spill or illicit discharge:

- Visual and smell indicators
 - Field test kit
 - Uncover manholes upstream to identify where flow may be coming from and use additional samples and tests as needed to isolate potential source areas
 - Utilize available MS4 mapping to assist in tracking upstream of the incident.
 - Dye-test storm and sanitary sewers
 - Smoke test sanitary storm sewers
 - Televisise sanitary and/or storm sewers
 - Obtain access to private property to obtain samples and perform tests.
- Collect evidence
 - Documentation the entire process

The following documentation will be kept to the maximum extent possible during a spill or illicit discharge event:

- An on-going written log
- Pictures
- Sketches or Maps
- A list of the names of those who have been involved, their agency and contact information.
- Other data as may be deemed appropriate by those involved in managing the incident

- Samples - Samples will be collected from the following locations as long as they are accessible and conditions are safe:
 - The suspected source of the spill or discharge (discharge substance and/or site soil)
 - Down-gradient of the suspected source
 - Up-gradient of the suspected source

f) Clean-up the spill or illicit discharge

Parties responding to the incident will work downstream to determine the extent of cleanup required.

If the Responsible Party is identified, they will be notified and directed to correct the problem. The Responsible Party is required to provide adequate cleanup for a spill or illicit discharge. The City of Fort Atkinson will follow the enforcement procedures as outlined in the Illicit Discharge Ordinance. The City of Fort Atkinson will notify WDNR if an illicit discharge is not cleaned up and removed after 30 days to discuss further options.

If the Responsible Party cannot be identified, the City of Fort Atkinson will work with WDNR to ensure that the necessary steps are taken to clean up the spill or illicit discharge. The WDNR may be contacted to discuss any funding opportunities that may be available. WDNR may be contacted for assistance in hiring a qualified contractor and will be kept informed of the progress of a cleanup.

g) Work toward cost recovery

Once the responsible party has been identified every effort will be made to receive cost recovery of funds expended by the City of Fort Atkinson. The WDNR may be contacted to discuss any funding opportunities that may be available.

IV – EVALUATION AND REPORTING

a) Evaluate the process and procedures

The Illicit Discharge Coordinator will contact the parties involved in the event to discuss what went right, what went wrong, and any suggested improvements to the process and procedures. This information will be kept at the Municipal Building, 101 North Main Street.

b) Report cleanup efforts

All files regarding spill events created by the Fire Department will be kept at the Fire Department, 124 West Milwaukee Avenue. All files regarding spills and illicit discharges created by the Illicit Discharge Coordinator shall be kept at the Municipal Building, 101 North Main Street. Reports will be made to the following agencies as appropriate for each incident:

- County Emergency Management
- WDNR

All files will be made available to the City of Fort Atkinson Director of Public Works for the Annual Report.

List of Appendix

Appendix A – Spills/Illicit Discharge – Initial Contact Form

Appendix B – Flow Charts (3rd Party and Employee)

Appendix C – Interactive Map / Contact List of adjoining municipalities

Appendix D – WDNR Form #4400-91 Substance Release Form

Appendix E – WDNR Publication RR558

Appendix F – WNDR Publication RR560

Appendix G – Sample Chain of Custody Form (this must be made specifically for your community and chosen procedure)

Spill and Illicit Discharge Response Guidance Document

This Guidance Document is for the City of Fort Atkinson's use only. It includes phone numbers for help at all levels, safety information, response guidance for some specific spills, authority, references, and forms.

Each employee that may be involved in spill or illicit discharge response should take the time to become familiar with the information in the Procedure Manual and the Guidance Document. If you know of revisions that should be made or have suggestions to improve this manual, send your comments to the Director of Public Works.

Staff will maintain their personal safety and the safety of others as their first objective. It is also critical that complete and accurate information of the incident and all parties' involvement is documented.

Introduction:

This document describes the stages of spill and illicit discharge cleanup and provides examples for the various sections of the Manual. The stages involved in spill and illicit discharge response and cleanup are:

- I. Discovery and Notification
- II. Coordination and Containment
- III. Cleanup, Evidence Collection, and Documentation
- IV. Evaluation and Reporting

Types of Discovery

- **3rd Party Reporting:** Incidents that have been reported to the municipality by members of the general public.
- **Employee Discovery:** Incidents where a municipal employee comes across a spill or illicit discharge during regular work activities.
- **Illicit Substances Detected due to Field Screening:** Incidents of spills and illicit discharges that are discovered during planned field screening of outfalls.

Intake

Upon discovering or being notified of a spill or illicit discharge, obtain as much information about the incident as possible. This information will assist in establishing the severity of the incident and how to proceed with the cleanup efforts.

Use the Spills/Illicit Discharge Initial Contact Form in Appendix A to get as much information as possible regarding: date and time of the discharge, location of discharge, street address, municipality, property owner name and address, name and phone number of person reporting the incident, name and address of possible responsible party, type or description of substance, approximate amount of substance, and any actions taken by the person reporting the incident.

Illicit Discharge Coordinator

Regardless of who reports the incident, the first priority is to determine if there is any fire, explosion or safety hazard to life, health or the environment or a need to evacuate. If this is not clearly obvious to the person taking the call, the Illicit Discharge Coordinator will make that determination. It is also the responsibility of the Illicit Discharge Coordinator to identify all persons who will be involved in the cleanup effort.

Type of incident	911	Illicit Discharge Coordinator
Public report of grass clippings in storm sewer	N	Y
Public report of pet waste in storm sewer	N	Y
Public report of a sheen along the river	Y	Y
Public report of gasoline or other petroleum product entering storm sewer	Y	Y
Public report of an unknown chemical substance entering the storm sewer	Y	Y
Public report of chlorinated swimming pool water being discharged into the storm sewer	N	Y
Public or employee report of carpet cleaning company discharging dirty water into storm sewer	N	Y
Employee notices grease and/or cooking oil going into storm drain during restaurant inspection	N	Y
Employee spills less than one gallon of gasoline while fueling a municipal vehicle – it does not enter the storm sewer; is contained and cleaned up	N	Written record shall be submitted
Employee spills less than one gallon of gasoline while fueling a municipal vehicle – it does enter storm sewer	N	Y
Employee notices large amount of unidentified substance on the river while in the field for another purpose	Y	Y
Employee notices an unidentified substance discharging from an outfall to a waterway while performing other work related activities	Y	Y
During Illicit Discharge field screening, employee notices small quantity of an unknown material / substance at the outfall.	N	Y
During Illicit Discharge field screening, employee notices large quantity of a material with unusual color and odor	Y	Y

Scenarios

3rd Party Reporting

- a) Phone call received from the general public that he saw someone putting pet waste or grass clippings into the storm sewer

Recommended Action: Complete the Spills/Illicit Discharge – Initial Contact Form and route to the Illicit Discharge Coordinator

- b) Phone call received from the general public that she noticed a sheen and gasoline smell along the river

Recommended Action: Complete the Spills/Illicit Discharge - Initial Contact Form and contact 911 immediately. Notify the Illicit Discharge Coordinator by giving them a copy of the Spills/Illicit Discharge - Initial Contact Form.

Employee Discovery:

- a) During routine maintenance an employee spilled a small quantity of oil.

Recommended Action: The employee should follow the municipality's standard policy and procedure on containment, clean up and disposal of material (e.g. using oil dry and sweeping up)

- b) During a restaurant inspection an employee notices that grease is being poured into the storm sewer drain.

Recommended Action: Employee should contact their supervisor and/or the Illicit Discharge Coordinator immediately to report their observation. The Spills/Illicit Discharge - Initial Contact Form should be completed and routed to the Illicit Discharge Coordinator. The Illicit Discharge Coordinator will then work to get the restaurant to cease its actions.

- c) While out on an inspection an employee notices a large quantity of an unidentified substance along the river.

Recommended Action: The Employee should call 911 immediately or, if they do not have a cell phone, contact their supervisor and/or the Illicit Discharge Coordinator to call 911 immediately. The Spills/Illicit Discharge - Initial Contact Form should be completed and routed to the Illicit Discharge Coordinator.

Illicit Substances Detected due to Field Screening

- a) While doing a field inspection for illicit discharge the employee comes across a small quantity of an unknown material/substance at the outfall

Recommended Action: The employee should contact the Illicit Discharge Coordinator. The Spills/Illicit Discharge - Initial Contact Form should be completed.

- b) While doing a field inspection for illicit discharge the employee comes across a large quantity of a material with unusual color and odor

Recommended Action: The Employee should contact 911 immediately and then contact the Illicit Discharge Coordinator relaying as much information as possible. The Spills/Illicit Discharge - Initial Contact Form should be completed.

Locating an unknown source and responsible party

Once a spill or discharge is found, additional efforts usually are necessary to determine the source and responsible party. There are many methods that can be used to find the source of a spill or illicit discharge, including:

- Tracing the discharge upstream through the MS4 using available maps
- Field test kits
- Chemical analysis
- A certification program that shows that buildings have been checked for illicit connections
- An incentive program
- An inspection program of septic systems
- Televising the storm and/or sanitary sewers
- Dye-testing buildings in problem areas. The WDNR and/or the local wastewater treatment facility should be contacted prior to dye testing.
- Visual and smell indicators
- Uncovering manholes upstream to identify where flow may be coming and use additional samples and tests as needed to isolate potential source areas.
- Utilizing available MS4 mapping to assist in tracking the incident upstream.
- Checking for amount of flow in discharge
 - Sanitary blockages (usually higher flows)
 - Cross-connects (usually much lower flows)
- Dye testing sanitary and storm sewers and connections
- Smoke testing sanitary sewers
- Obtaining access to perform tests and obtain samples
- Tracing the spill or illicit discharge upstream – beginning at the outfall

A combination of tactics may be required to aid in the discovery of the source and responsible party of a spill or illicit discharge. The MUNICIPALITY shall determine in advance the various roles individual departments may play. Some examples include:

- The Department of Public Works will be required to open Public manhole covers but not allowed to open Private manhole covers
- The plumbing inspectors may be authorized to make inspections on Private property while Public Works employees are not.

When locating an illicit discharge, remember illicit discharges generally originate from one of the following sources:

- An internal plumbing connection (e.g., the discharge from a washing machine is directed to the building's storm lateral; the floor drain in a garage is connected to the building's storm lateral)
- A service lateral cross-connection (e.g., the sanitary lateral from a building is connected to the MS4)
- An infrastructure failure within the sanitary sewer or MS4 (e.g., a collapsed sanitary line is discharging into the MS4)
- An indirect transitory discharge resulting from leaks, spills, or overflows.

Evidence Collection

It is important to gain evidence of the spill or illicit discharge before the site has changed, during the cleanup, and after the work has been completed. Samples and photographs should be

obtained prior to the evidence being changed or destroyed by weather or cleanup crews. The level of effort and quantity of evidence collected will need to be based upon experience and the severity of the incident or as directed by the City of Fort Atkinson legal authority. If there are multiple agencies working on a single incident, sharing of information is imperative so that duplication of efforts is minimized.

Evidence will be used to hold the responsible party accountable, for successful enforcement of civil/criminal statutes, and to recover cleanup costs. Uniform procedures should be followed when documenting an incident through sampling, photographs, and collecting other information. This includes maintaining a "chain of custody" on all samples, photographs, and other evidence.

■ **Keep an on-going written log**

Statements should be taken while eyewitnesses are still readily available. Written documentation should include notes or a log of your observations, conversations, statements of witnesses, decisions, actions, sampling activity, and photographs. Include names, addresses, dates, and times in your notes. Also, obtain copies of any shipping papers, material safety data sheets (MSDS), and statements from responsible parties regarding product, vehicle numbers, etc. Make certain you have the correct spelling of each chemical name (common and scientific).

■ **Take pictures**

Take pictures before the spill site has changed, during the cleanup, and after the work has been completed. Color photographs are preferred. Do not be afraid to use film when you are at a spill incident. The more pictures you take, the better the documentation. Carry your camera with you during the entire incident. Always have spare batteries and film readily available.

Pictures should show the source or possible sources, path of discharge, the extent of the discharge, damage to the environment, and any other object or scene which will make the case clearer for other Municipal Staff, WDNR staff, prosecutors, and the courts. Be sure to maintain the chain of custody of both the original photographs and negatives.

Document the following information on each photo and in your reports:

- Date and time of the photo
- Name of the responsible party
- Exact location and site description
- The photographer's name

Digital Photos

The use of a digital image as evidence requires additional care because, unlike a negative, the original image can be easily manipulated. Digital images can be easily and quickly manipulated by virtually anyone who possesses a computer. Digital images can also be intentionally or unintentionally deleted or lost. The following digital image management steps are recommended:

- Be familiar with the operation of the digital camera.
- Take extra batteries and floppy disks or memory cards/sticks.
- Label disks used at the scene with all pertinent information, as listed above.
- Upon returning to the office, a back-up file of the digital image should also be made. Any disks containing the original digital image should have a file name that includes the word 'original', and should be preserved as evidence.
- Digital images should be promptly viewed on a computer monitor to become familiar with the digital images and ensure the digital image accurately depicts the scene at the time it was photographed.
- Any enhancements, including simple cropping, should be made to duplicate digital image and saved with a different file name. Manipulation should not be performed on any original digital images that may be used as evidence.
- Consider using password protection, "write protect" features, or writeable CDs for storing digital images.

- A brief report documenting how the digital images were handled, enhanced, and archived should be prepared and placed in the case file.

■ **Collect samples**

Do not collect samples of unknown substances. Only authorized and properly trained persons should be permitted to collect samples. Those who are authorized to collect samples must be properly protected prior to sample collection.

Those collecting samples should understand and have available the following before beginning sample collection:

- Appropriate PPE (Personal Protection Equipment) for the situation
- Sample collection jars
- Sample preservation
- Sample analytical parameters
- Chain of Custody
- Sample packaging for shipping

Any other questions relating to sample collection and analysis should be addressed to the Director of Public Works. WDNR environmental staff may be able to offer some general assistance. A sample Chain of Custody form can be found in Appendix G.

Document the following information on each sample and in your reports:

- Date and time collected
- Name of the responsible party
- Exact location and site description
- Name of person collecting the sample

Sampling is critical to identification of the spilled material and may aid in determining the responsible party or parties. Supporting sample documentation includes maintaining a chain of custody, pictures of sample locations, sampling parameters, sample results, etc.

■ **Create Sketches or Maps**

Sketches and maps should show the extent of the environmental impacts, discharge point, location of vehicles, permanent reference points, sampling locations etc. because this information is valuable in explaining and understanding the spill incident.

Add the following information on each map or sketch:

- Date and time of the sketch
- Name of the responsible party
- Location and site description
- The name of person completing sketch
- Location of permanent reference points such as street intersection, building corner, fire hydrant, trees, etc.
- Scale measurements used

■ Other Data

Check container shapes, markings, colors, placards, identification number and labels that may indicate the presence of a hazardous material. Talk with the drivers; check shipping paper information (most reliable), vehicle ID numbers and/or initials to identify hazardous material cargo.

Cleanup Efforts

Cleanup includes transportation and disposal of the spill or illicit discharge substance. Efforts should be coordinated with other agencies with a notable interest in the cleanup. If a contractor is needed for cleanup, contact the WDNR and ask for assistance in hiring a qualified contractor. For hazardous spills, the WDNR will use their Zone Contractor procedure.

Documentation from the process of identifying, containing and cleaning up spills and illicit discharges should be collected. Documented actions should be provided to the City of Fort Atkinson Director of Public Works to be tracked for the annual report. These actions should be included in annual reports and include information such as: the number of outfalls screened; any complaints received and corrected; the number of discharges and quantities of flow eliminated; the number of dye or smoke tests conducted, etc. This illustrates that progress is being made to eliminate illicit connections. The County Emergency Director shall be notified of any spills that were determined to be a fire, explosion or safety hazard to life and health, threat to the environment or a need to evacuate.

The Responsible Party shall provide adequate cleanup for a spill or illicit discharge. If the Responsible Party has been identified, every effort should be made to receive cost recovery for funds expended by the City of Fort Atkinson. The WDNR should be kept informed of the progress on cleanups and to verify if any funding opportunities are available.

If a spill or illicit discharge is not cleaned up immediately it will require routine inspections to ensure that steps are being taken toward completing the cleanup. It is necessary to document these inspections in case further enforcement actions are necessary.

The Responsible Party shall provide documentation that the spill or illicit discharge has been cleaned up. The Illicit Discharge Coordinator has the authority to determine that the spill or illicit discharge has been adequately addressed. If the WDNR was involved in the cleanup, the City of Fort Atkinson may contact the WDNR to discuss the status.

Definitions:

WDNR Reportable Spill

ALL discharges of hazardous substances that adversely impact, or threaten to adversely impact public health, welfare or the environment must be IMMEDIATELY reported to the WDNR.

(Source: WDNR PUB-RR-560 "Wisconsin Spill Reporting Requirements – Condensed Version" <http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR560.pdf>) and can be found in Appendix F.

Hazardous Substance

Chapter 292.01(5), Wis. Stats., defines a hazardous substance as "any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses or which may pose a substantial present or

potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department."

This definition suggests that a hazardous substance can be anything, depending on the nature of the release. The question to ask is "How much was released and into what environment?" The rule of thumb is that if you have to think about whether a spill or illicit discharge needs to be reported, it probably does. Whether the spilled hazardous substance is heating oil or gasoline, or something unusual like corn, butter and/or manure that flows towards a stream, pickle juice spilled on the ground, or even mercury spilled in a classroom, WDNR staff will tell you if your specific incident does not meet the criteria of a reportable spill at the time that it is reported. To help clarify what spills are reportable, statutory exemptions as well as "de-minimis" exemptions have been established.

(Source: WDNR PUB-RR-558 "Hazardous Substance Spills Reporting Requirements" <http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR558.pdf>) and can be found in Appendix E.

Illicit Discharge – Section _____

Any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

Municipal Separate Storm Sewer System (MS4) -- Section _____

As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

- (a) Owned or operated by a municipality.
- (b) Designed or used for collecting or conveying storm water.
- (c) Which is not a combined sewer conveying both sanitary and storm water.
- (d) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Outfall -- Section _____

The point at which storm water is discharged to waters of the state or to a storm sewer.

Spill

The spill law, Chapter 292.11, Wis. Stats., requires that a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted by the statute. In order to determine whether you have a hazardous substance spill that requires immediate notification, you must ask yourself the following three questions: 1) Is the substance spilled a hazardous substance?; 2) Has it been released to the environment?; and 3) Are there statutory or rule exemptions that apply to this situation?

(Source: WWDNR PUB-RR-558 "Hazardous Substance Spills Reporting Requirements")

<http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR558.pdf>) and can be found in Appendix E.

List of Appendix

Appendix A – Spills/Illicit Discharge – Initial Contact Form

Appendix B – Flow Charts (3rd Party and Employee)

Appendix C – Interactive Map / Contact List of adjoining municipalities

Appendix D – WDNR Form #4400-91 Substance Release Form

Appendix E – WDNR Publication RR558

Appendix F – WDNR Publication RR560

Appendix G – Sample Chain of Custody Form