

Chapter 12: Drainage and Illicit Discharge Complaints

12.1 Introduction

The Montgomery County Storm Water Management Resolution (#03-1-5), Section 21 states:

The Building and Codes Department shall develop and implement a complaint logging and filing system for storm water drainage and shall become the depository for all drainage complaints received by the County. A prioritization system for drainage complaints shall be developed and implemented and shall become the basis for all non-routine or non-emergency maintenance activities initiated by the Montgomery County Building Commissioner or Qualified Designee.

This chapter is intended to set forth the policies and procedures for handling, documenting and archiving drainage complaints received by the Montgomery County Building and Codes Department.

12.2 Investigation Initiation

Drainage or illicit discharge investigations can be initiated by a complaint submitted in any of the following ways:

- In person submission by the complainant at the Montgomery County Building and Codes Department offices (350 Pageant Lane, Suite 309, Clarksville, TN.)
- By a complainant calling the main phone line of the Montgomery County Building and Codes Department (931-648-5718)
- By a complainant submitting an email report to any member of the staff of the Montgomery County Building and Codes Department (Buildings&Codes@montgomerycountyttn.org)
- By a complainant faxing the information to the Montgomery County Building and Codes Department fax number (931-553-5121)
- By a complainant submission through the U.S. Mail (Montgomery County Building and Codes Department; 350 Pageant Lane, Suite 309; Clarksville, TN. 37040)

Drainage or illicit discharge complaints can also be initiated by direction of the Building Commissioner or the Storm Water Program Coordinator, based on awareness of a situation that exists in violation of the Storm Water resolution.

Upon receipt of a complaint, the person taking the complaint will verify that the complaint location is in the county. If the complaint is in Clarksville, the complainant should be referred

to Clarksville Street Department (931-645-7664). If the complaint was submitted anonymously, the complaint should be forwarded by mail or telephone call to the Clarksville Streets Department Drainage Section. This action will be recorded on the original complaint form, the form will be marked as “closed”, and the form filed under “Forwarded City Complaints” in the order received.

12.3 Complaint Documentation

Drainage complaints will be documented on a Storm Water Complaint Form. Illicit discharge complaints will be documented on an Illicit Discharge Complaint form. The complaint information will be entered into the County Storm Water Data Base within 24 hours of receipt. All drainage or illicit discharge complaints made within the County’s area of responsibility will be investigated.

Complaints should contain the following minimum information:

- Date of the complaint
- The complainant’s name, address and phone number (**the complainant can remain anonymous**, but having the information allows the investigator to ask follow up questions and report the investigation results to the complainant)
- The location of the violation (address or complete location description)
- The name of the complaint property owner or resident (if applicable)
- As much information about the violation as possible (what happened, when it happened, where it happened, who is involved, etc.)

Complainants who chose to remain anonymous should be told that their name will not be released to either the public at large or to the person who they are complaining about. If a complainant still requests to be anonymous, do not enter their information on the complaint form.

The Storm Water Coordinator reviews all complaints. The complaints are then prioritized and assigned to an investigator for action. All complaints are to be investigated within five (5) working days from the date of the original complaint.

Complaints are to be identified and filed based on the address where the violation is taking place. The format for this identification is to be the street name, followed by the street address number. (i.e.: a complaint on 2323 West Street would be identified as “West Street 2323”). If the address is not known, the nearest street or road intersection is to be used along with the map and parcel number. The format for this would be: “76 Highway and Hampton Station Road, Map 034, Parcel 007.02” If either of these methods are not feasible, the location’s digital map grid

coordinates are to be collected using a GPS receiver. If necessary, a printed GIS map of the site should be included in the file to demonstrate the correct location as accurately as possible.

When the complaint is entered into the Storm Water Data Base, a unique case identification number is to be assigned and used for tracing purposes. This tracking number should

Copies of images and image data are to be filed with the hardcopy complaint form. The images may be printed in black and white. The image data is to be recorded either on the reverse side of the image paper or on a separate sheet of paper with a direct, unique reference to identify which image the data is concerning.

All case files will contain a list of the investigation events in chronological order. The case file will contain a copy of the complaint form, notes on the details of all attempts at notifications, evidence of receipt of all notifications, copies of correspondence related to the case, and notes of telephone conversations with the suspected violator. This information will also be entered in the Storm Water Database.

12.4 Complaint Investigations

Complaint conditions are to be investigated in person by the assigned investigator. Conditions are to be completely documented, both in writing and with photographic images that clearly show the complaint conditions. All reports are to be completed within 24 hours of the onsite investigation.

All photographic images are to be documented and noted in the report. The minimum information required for photographic image evidence includes, but is not limited to:

- The time and date that the image is taken
- The location the image is taken at
- A description of the situation or objects that are in the image
- The complaint case identification information

Note: Life threatening conditions require immediate action. The site will be secured to prevent harm to the general public. All appropriate agencies will be immediately notified (Sherriff, Emergency Management, EMS, etc.). The Building Commissioner will be notified immediately. If necessary, an immediate Stop Work Order will be issued and (if deemed necessary by the inspector) the site will be evacuated.

If the complaint *is not* valid, all findings and documentation of the investigation are recorded in both the hardcopy file and the Storm Water Database, and the investigation will be marked as being closed.

If the complaint *is* valid, the property owner will be sent an official Notification of Findings or Notice of Violation (depending on the violation severity) by certified mail. The inspector may also call or email the owner, if appropriate to the situation. The Notification of Findings (NOF) or Notice of Violation (NOV) will state the violation, and a time frame within which the violator is required to contact the Inspector (usually, five business days from the date of receipt). The letter can include specific remediation steps necessary to end the violation, as well as a time frame for compliance.

If the violator contacts the inspector within the time granted for contact in the official NOF or NOV, the inspector may negotiate specific remediation steps necessary to end the violation, and a time frame for compliance. The inspector will record the remediation steps and time frame in a Letter of Agreement. This agreement is noted in the database and a copy of the Letter of Agreement is to be placed in the hardcopy file, and another copy is sent to the violator's address by certified mail.

If the violator does not contact the inspector within the time granted for contact in the official NOF or NOV, a second Notice of Violation is sent to the violator, again stating the violation and setting a time frame within which action must be taken by the violator to avoid further legal action. The NOV will list the specific steps the inspector believes will end the violation in the most efficient manner consistent with the best interests of the County. This NOV will be sent by certified mail.

If the violator does not take corrective action within the required time frame, the Storm Water Coordinator and Building Commissioner will review the case and determine the appropriate course of action. Depending on the severity of the situation and based on the advice of the Storm Water Coordinator, the Building Commissioner can take any or all of the following actions:

- Request an arrest warrant be sworn out for the violator
- Impose a daily penalty on the violator
- Assess and recover expenses incurred in investigating and enforcing compliance with the Storm Water Resolution from the violator
- Assess and recover actual property damages from the violator
- Recover the costs of enforcement from the violator

Prior to any court hearings, Storm Water Appeals Board meetings, Building and Codes Committee meetings or County Commission meetings where an investigation is to be discussed or appealed, the Storm Water Coordinator is to perform an on-site inspection of the site and document current conditions in writing and with photos.

All confrontations with citizens during any investigation are to be promptly documented and included in the hard copy file and noted in the Storm Water data base.