

OHIO DEPARTMENT OF NATURAL RESOURCES
Division of Soil & Water Resources

SWCD Standard Operating Procedures (SOP) for Handling Pollution Complaints

I. General

- The Division of Soil & Water Resources (DSWR) will review with the SWCDs their roles and responsibilities resulting from any existing Pollution Abatement Agreements/Memorandums of Understanding (MOU) with the DSWR. The DSWR will also review any related pollution abatement MOUs existing between the DSWR and other agencies.
- The DSWR will provide training on pollution abatement Best Management Practices (BMPs), investigative techniques, administrative procedures, rules/laws of relevant agencies, as well as other relevant pollution abatement topics at least every two years.
- Each SWCD must maintain an up-to-date contact list of Ohio Environmental Protection Agency Division of Surface Water (OEPA-DSW) staff and OEPA-Department of Emergency Remedial Response (DERR), Ohio Department of Agriculture-Livestock Environmental Permit Program (ODA-LEPP) staff, county wildlife officer or ODNR-Division of Wildlife (DOW) Communication center, county sanitarian, county Emergency Management Agency staff and the sheriff's department. Telephone numbers of these individuals should be posted in the SWCD office and available to each staff member and supervisor at home. This will help to ensure that in the event a multi-agency response is needed for a pollution event, all relevant parties are contacted. **Each SWCD should designate a contact person and inform these agencies of the SWCD's contact person so that if complaints are received by other agencies they can inform the SWCD expeditiously.**

II. Complaint Response & Tracking for Written and verbal complaints (e.g., from private citizens, DSWR, or other agencies):

1. According to OAC 1501 rules, SWCDs, under agreement with the DSWR, will investigate written and verbal complaints. Upon receipt of a complaint, either written or verbal, the SWCD will perform an investigation within three business days and enter the complaint in the Soil and Water Information Management System (SWIMS) program. If the SWCD is unable to perform the investigation within three business days, the SWCD will contact the Area RMS who will investigate the complaint within three business days of notification by the SWCD.

If the complaint alleges manure is significantly impacting waters of the state; the investigation should be performed w/in 24 hours. In these situations DSWR-RMS (or Columbus 614-265-6610), OEPA-DERR (800-282-9378) and ODNR-DOW (614-799-9538) should be contacted and notified immediately upon receipt of the complaints.

It is recommended that all investigations are performed with a minimum of two individuals. It is appropriate for other agencies to accompany the SWCD representative, but the SWCD representative should take the lead. Complaints should not be investigated in other agencies vehicles.

2. Once the investigation is complete, if a violation exists that is degrading waters of the state, the SWCD will inform their Area RMS of the details of the complaint as soon as possible, but within 24 hours of the investigation.
3. Within ten working days of receipt of the complaint, the SWCD will inform the DSWR of its disposition by completing the applicable Livestock, Sediment, or Silviculture Pollution Investigation Report (PIR) in the SWIMS program. The SWCD will inform the complainant and any other involved agencies of the status of the complaint. Such information will be made available to the ODA, ODNR-DOW, and OEPA, as appropriate.
4. If the investigation indicates that the operation is in compliance with OAC 1501 rules and no violation exists, the SWCD will do the following:
 - a. If there is no Management Plan (MP) or Timber Harvest Plan (THP) for the operation, offer to assist the owner/operator in the development of one.
 - b. If a MP or THP plan does exist for the operation, offer to review the plan to ensure it meets the requirements of OAC 1501 rules. If the review indicates updates are needed, the SWCD should notify the owner/operator.
 - c. Contact the RMS to change the status of the complaint to "Complaint Resolved", in SWIMS.
5. If the investigation indicates that a violation of OAC 1501 rules exists and the owner/operator is interested and willing to seek a voluntary, cooperative solution, the SWCD shall:
 - a. Set "status" of complaint to "Complaint Resolution in Progress".
 - b. Send a Notice of Violation (NOV) letter to owner/operator stating:
 - i. What rule(s) was violated,
 - ii. Offer information and technical assistance for developing an inventory and evaluations (I&E),
 - iii. Corrective actions, both temporary and permanent, should begin immediately and be completed within twelve months of the initial investigation, &
 - iv. Provide information on available financial assistance.
 - c. Coordinate with the owner/operator to establish a reasonable time schedule for both temporary and permanent corrective measure implementation.
 - d. If applicable, inform the owner/operator of their legal obligation to apply for an Ohio EPA NPDES permit in a reasonable amount of time.
 - e. Recommend to develop an MP which will comply with OAC 1501 rules.
 - f. Secure SWCD Board approval of the MP.

Note: If a corrective solution is not implemented within six months of the investigation, SWCD and DSWR staff will review the complaint and determine if adequate progress has

been made towards a solution. If adequate progress has not been made, DSWR will request the SWCD refer the complaint to DSWR for resolution and/or enforcement action.

6. If the investigation indicates that a violation of OAC 1501 rules exists but the landowner is unwilling to cooperate in correcting the problem, the SWCD shall:
- a. Set "status" of complaint to "Complaint Resolution in Progress", in SWIMS.
 - b. Inform the SWCD Board of Supervisors of the facts established by the PIR, succeeding action followed to seek compliance with the rules, and the action or inaction taken by the owner/operator.
 - c. Consider inviting the owner/operator by certified mail/return receipt requested, to meet with the Board to review the PIR at the Board's next regularly scheduled monthly meeting. The SWCD will request the area RMS to attend the meeting.
 - d. Inform the person in violation by certified mail/return receipt requested of:
 - i. What rule(s) was violated,
 - ii. Information and technical assistance for developing an inventory and evaluations (I&E),
 - iii. Corrective actions, both temporary and permanent, should begin immediately and be completed within twelve months of the initial investigation,
 - iv. Information on available financial assistance, &
 - v. A time schedule for both temporary and permanent corrective measure implementation.
 - e. If applicable, inform the owner/operator of their legal obligation to apply for an Ohio EPA NPDES permit in a reasonable amount of time.

Note:

In the event circumstances prevent meeting an established time schedule, the SWCD Board and staff should consult with their area RMS and secure agreement for a revised schedule for corrective measures to be implemented. The RMS will notify DSWR central office of such schedule changes.

7. Once the Board concurs in the recommended corrective actions and timetables, they will be submitted to the RMS. SWCDs may offer technical assistance, and in consultation with the area RMS, state financial assistance. The SWCD should continue to work with the operator; however, if the violations are not corrected in the timeframe established by the SWCD, the case shall be referred to the DSWR.
8. In carrying out complaint follow up, SWCDs must coordinate with the RMS and inform them of progress or the lack thereof.
9. Financial assistance: the SWCD Board and staff may attempt to secure and offer state and/or federal cost sharing to resolve OAC 1501 rule violations.
10. When the complaint is resolved, contact the RMS to change the status of complaint to "Complaint Resolved".

III. Referral of Complaint Situations to the DSWR for Issuance of a Chief's Order

- SWCDs shall involve their RMS in all referral cases and keep the RMS apprised of progress. In the event that a SWCD determines that it can no longer achieve a voluntary solution to a complaint, the SWCD will inform the RMS, request the issuance of a Chief's Order, and fulfill its responsibilities under 1501:15-5-15.
- The area RMS will review the case for compliance with OAC rule 1501:15-5-15. If the case is complete and the rules have been followed, the RMS shall forward the case to the DSWR central office in Columbus, which may draft and issue a Chief's Order pursuant to the rules.