



Environment &
Conservation

DWR-P-01-Complaint Tracking-06302019
Complaint Tracking Best Practices

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide division staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

1) **EFFECTIVE DATE: 06/28/2019**

2) **SIGNATURES:**


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1 COMPLAINT TRACKING

1.1 COMPLAINT RECEIPT

Formal Complaints submitted under TCA §69-3-118 should be processed and investigated following the procedures outlined in the “Processing Formal Complaints under the Tennessee Water Quality Control Act” standard operating procedure. A copy of this procedure is available in WaterLog and may be found by searching documents for “Formal Complaint Procedures under TCA 69-3-118.”

All non-formal complaints and fish kills should be entered into WaterLog within three business days of receipt and/or notification. Staff should enter as much information about the complaint as possible. At a minimum, the following information shall be entered during complaint intake: Date Received, Received by, How Received, Concerning, Assigned To, County, Site (often the same as name of a facility, but it could be description of a geographic location), Location (facility or site street address, geographic location or other reference points; city, state and zip code are not required elements for this field, as those are captured elsewhere), City, Latitude, Longitude, Complaint Description, and Complainant information. If the complainant doesn’t provide all of the necessary location information, the staff person receiving the complaint should provide an approximation of the complaint location based on the information provided. If possible, the staff person receiving the complaint should enter enough information to give a complete summary of the complaint; they should contact the complainant to gather additional information if needed.

If a complaint is related to an existing site, the Site ID should be entered.

Note: If you enter a complaint from an existing site page, the complaint record will be partially auto-populated from existing information.

All stormwater complaints need to be entered into WaterLog, even if they are not regulated by DWR, including complaints that we refer to the MS4 or other authority. Stormwater complaints that do not fall under the Division’s authority need to be entered so DWR can report the number of complaints received in these various categories should the need arise with the General Assembly or other interested stakeholders.

1.2 COMPLAINT INVESTIGATION

Staff will quickly and correctly determine whether or not a complaint falls under division jurisdiction. If a complaint does not fall under division jurisdiction, staff will refer the complaint to the proper agency within three business days of investigation and/or the determination if a field investigation is not warranted.

Staff should coordinate complaint investigations with other agencies, as appropriate. If a complaint potentially impacts other program areas, staff will contact the appropriate field office manager(s). At a minimum, the

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following agencies should be consulted at the initiation of investigation or as soon as the need for consultation is determined for the issues listed:

- Local MS4 jurisdictions – Complaints involving stormwater issues at sites within their jurisdiction
- Tennessee Department of Agriculture – Complaints involving silviculture or agriculture¹
- Tennessee Wildlife Resource Agency – Complaints involving a fish kill
- Other TDEC program areas – issues that may fall under that program area’s authority

Staff will investigate complaints within 10 business days after receipt of the complaint, unless more immediate attention is required. Managers will determine if a complaint is regarding an issue that poses an immediate risk (spills, aquatic life kills, threats to water intakes, etc.). Fish kills and immediate risk complaints should be investigated within 24 hours or as soon as possible. Staff will compile the results of investigations and will thoroughly and accurately document all relevant facts into WaterLog. Staff will make the appropriate follow-up investigations until the complaint is resolved or closed.

If a complaint involves a fish kill, staff will obtain the appropriate field parameters (if equipment is available).

1.3 COMPLAINANT NOTIFICATION

Staff will notify complainant within three business days of investigation of the complaint, if the complainant was not listed as anonymous, of the results of their investigation.

1.4 WATERLOG DOCUMENTATION

Staff will document in WaterLog issues and investigation report or other appropriate documentation within ten business days of the investigation unless more immediate action is required that warrants sending the documentation sooner.

Staff will close out complaints in WaterLog within five days of complaint resolution. Staff will notify their manager within five business days of the completion of a complaint investigation so that the manager may review the final complaint write-up.

¹ Complaints involving silvicultural or agricultural activities should be investigated in line with the guidelines established in the Memorandum of Agreement between The Tennessee Department of Agriculture and the Tennessee Department of Environment and Conservation. A copy of the MOA is available in WaterLog and may be found by searching documents for “MOA Between Ag and TDEC 22-AUG-14.”

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1.5 ENTER COMPLAINT INFORMATION IN WATERLOG

As much information should be completed in WaterLog as possible. Descriptions of the available fields are provided below. At a minimum, the underlined items must be completed.

- Complaint
 - Program Area: The program area of TDEC under which the complaint falls.
 - Water Pollution – To be used for complaints related to Tennessee Water Quality Control Act issues.
 - Water Supply – To be used for complaints related to Safe Drinking Water Act, Water Wells, Underground Injection Control, and Safe Dams issues.
 - Ground Water – To be used for complaints related to Ground Water Protection Act issues.
 - Date Received: Date division is notified of the complaint. This defaults to the date on which the complaint is entered.
 - Received by: Name of DWR staff that originally received the complaint
 - How Received: Choose the most appropriate entry from the select list. Notice that you may indicate that the complaint was referred from “Other Agency”, etc., if you did not receive information from a complainant directly.
 - Concerning: Choose the most appropriate entry from the select list. Guidance is provided below for when categories should be selected.
 - Ag / Animal Waste: to be used for complaints involving agricultural activities including animal feeding operations.
 - Bypassing SSDS: this option is to be selected for issues with sewage bypasses when the waste is intentionally diverted away from or around the septic system (e.g. grey water bypass). Municipal wastewater bypasses should be categorized as “Sewage Bypass / Overflow.”
 - Covering SSDS w/o inspection/approval: to be used for SSDS systems that have been covered without DWR inspection/approval
 - Dam: this option should be used for complaints pertaining to dams regulated under the Safe Dam Act and unregulated farm ponds.
 - Dead Animals / Garbage in Creek: to be used when there are issues with dead animals or garbage has been dumped into the creek.
 - Discoloration / Appearance / Particulates: to be used for complaints about discoloration, appearance, or particulates in water provided by a public water system.
 - Drainage: to be used for complaints involving drainage to or from surface waters or flooding that is not associated with post construction stormwater. Complaints involving flooding due to construction should be categorized as “Stormwater – Post-Construction.”
 - Erosion / Sediment: to be used for complaints regarding erosion on sites that do not need permit coverage. Complaints related to construction stormwater should be categorized as “Stormwater – Construction”

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- Failing SSDS: to be used for complaints regarding failing septic systems.
- Fish Kill: to be used for complaints that involve a fish kill, including those caused by spills.
- Installing SSDS w/o installers permit: to be used for complaints regarding septic system installers operating without an installers permit.
- Junkyards: to be used for complaints on sites with accumulations of debris, cars, parts, etc. Complaints regarding salvage yard facilities should be categorized as “Stormwater – Industrial.”
- Leaks: to be used for complaints about leaks in public water systems.
- Logging: to be used for complaints related to logging operations. Complaints in this category will typically be referred to the TN Department of Agriculture, Division of Forestry for investigation.
- Mining: to be used for complaints on mining related activities.
- No SSDS: to be used for complaints on sites that do not have septic systems installed.
- Low Pressure / No water: to be used for complaints regarding water pressure or no water for facilities/homes connected to a public water system.
- Other: to be used for complaints that do not fit into any of the other categories. When this category is selected, addition description should be added to the “Concerning (Other)” field.
- Pollution / Spills / Illicit Discharges: to be used for complaints involving spills or illicit discharges that do not result in a fish kill.
- Pumper w/o permit: to be used for septic pumpers who are operating without a pumpers permit.
- Pumper Illegally Disposing Septage: to be used for complaints regarding septic pumpers who are illegally disposing of septic waste (septage).
- SSDS Construction w/o permit: to be used for construction of septic systems without a construction permit.
- Sewage Bypass / Overflow: this category is to be used for issues concerning bypasses or overflows of sewage/wastewater for municipal waste systems. Septic bypasses should be categorized as “Bypassing SSDS.”
- Sinkholes: to be used on complaints about sinkholes.
- Sludge: to be used for complaints regarding sludge generated by public water systems.
- Sludge / Bio-solids: to be used for complaints regarding the land application or disposal of sludge or biosolids.
- Source Water / Wellhead protection: to be used for complaints regarding source water or wellhead protection concerns related to public water systems.
- Stormwater – Construction: to be used for complaints on permitted sites or sites that need to be permitted
- Stormwater – Industrial: to be used for sites that have or need industrial stormwater permit coverage

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- Stormwater – Post-Construction: includes complaints related to flooding, stormwater volume, etc.
 - Stream Alteration: to be used for complaints regarding alteration of surface waters, including streams, jurisdictional ponds, etc. Complaints regarding the alteration of wetlands should be categorized as “Wetlands.”
 - Stream Debris: to be used for complaints regarding naturally occurring debris such as grass, trees, gravel, etc. in the stream. Complaints pertaining to trash in the stream should be categorized as “Dead Animals / Garbage in Creek.”
 - Taste and odor: to be used for complaints pertaining to taste and odor issues associated with water from a public water system.
 - Water quality / Health effects: to be used for complaints pertaining to water quality issues that could be contributing to health issues.
 - Wells: to be used for complaints regarding drinking water well issues.
 - Wetlands: to be used for complaints related to wetlands. Complaints related to alteration of other jurisdictional water should be categorized as “Stream Alteration.”
- Concerning (Other): If ‘Other’ is selected for Concerning, identify the nature of the complaint. This field may also be used for entering additional concerns from a single complainant about a single site (e.g., run-off into a creek), in which case "Concerning" should be entered with the most common type DWR complaint (e.g., Erosion / Sediment), followed by entering the less common DWR complaint or non-DWR complaint in "Concerning (Other)".
- Assigned By: This field may be used as needed by a supervisor, etc., who assigns a complaint to someone else for investigation.
- Assigned Date
- Assigned To: This is the lead inspector who is responsible for investigating the complaint and creating all documents and data uploads. This field should be populated as soon as possible, as well as updated if reassigned to a different lead inspector for whatever reason.
- Site ID: If Site ID is populated, all information in the Location region will be auto-populated. Populating this information will enable users to cross-reference complainant's information with TDEC's SITES table. However, this cross-reference is not required in order to capture a complaint. If you add a complaint record without a "Site", then later you find that you need to associate the complaint with a Site, this is the pop-up box used to make the association.
- Permit Number
- Other Permit Nos
- Location: Information should be updated upon verification of location following investigation.
 - County
 - Other Counties
 - Site: Often, the same as name of a facility, but it could be description of a geographic location.
 - Location: Facility or site street address, geographic location or other reference points. City, state and zip code are not required elements for this column, as those are captured elsewhere.
 - Site City
 - Zip

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- Site Description
- Latitude
- Longitude
- Site Owner
- Investigation
 - Date Investigated: Date of initial investigation
 - Status: Keep the status updated as the investigation proceeds
 - Advisement Letter: may not always be in the format of a letter, but is used when DWR provides notification or information to the responsible party regarding water quality requirements; notification may be verbal, emailed, or written.
 - Awaiting Response: to be used when DWR instructs responsible party of actions that need to be taken and gives a deadline for completion
 - Compliance Review Meeting: to be used when DWR holds a compliance review meeting as a result of issues observed during the investigation
 - Investigation Ongoing: use this status while the complaint is being investigated.
 - Issue Resolved: use this status when there are minor issues that are resolved prior to, during, or immediately after the investigation
 - Mailed literature: used when literature or other information is sent to the site owner/operator
 - No Jurisdiction: to be used with DWR does not have jurisdiction over issues at the site
 - No Problem Found: to be used when no water quality issues have been observed
 - NOV: to be used when DWR issues an NOV (notice of violation) as a result of water quality violations observed during the investigation
 - Open: to be used when a complaint has been received but no investigation has been performed.
 - Referred to Enforcement: use when site is already under an active enforcement case and additional violations are noted.
 - Referred to MS4: use when site is within an MS4 and issues are under the MS4's jurisdiction (e.g. construction stormwater, contaminants discharged to MS4 storm drain, stormwater volume issues, etc.)
 - Referred to other Agency: use when issues fall under the jurisdiction of another agency (e.g. forestry or agricultural issues referred to TDA, drinking water issues referred to a public water system, etc.)
 - Summons Taken: use when legal request is filed by DWR with sessions court clerk due to continued noncompliance with SSD requirements.
 - Responsible Party: This field is useful for identification of the responsible party (e.g., individual perpetrator, incorporated business, property owner), even if the responsible party is clearly defined elsewhere in WaterLog (e.g., Identified as the person involved in the associated Site for enforcement purposes, where a NOV is issued, uploaded, and the Site is linked to this complaint), because the Site and/or Facility name or ownership may change, as may associated contact

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- persons. Thus, the use of this field provides a more permanent record of the responsible party at the time of the complaint investigation.
 - Resp Party Phone: Phone number for the responsible party
 - Receiving Stream: Name of closest receiving stream
 - HUC: Identify the HUC in which the complaint location is located
 - Date Completed: This date is entered only after all investigation, paperwork, data entry, and document uploads are complete, and quality assurance checks are made (i.e., the complaint is completely finished). Each DWR EFOM will identify who in a particular Field Office may enter this date.
 - Action (Interim Steps Taken): Describe interim steps taken during investigation of the complaint. For example, dates that you contacted the MS4, dates that the MS4 notified you of an action, etc.
 - Formal: Select 'Yes' if it is a Formal 118(a) complaint
 - Referred To: If complaint was referred to another Agency or Section, enter details to whom the complaint was referred. This is a required field for any complaint whose "Status" is entered as "Referred to other Agency/Section".
 - Date Referred
 - Photos: Check yes if you have photos relevant to the complaint. Photos should be uploaded to the site page associated with the complaint. Check yes if you have photos pertinent to this particular complaint that you will/have uploaded to WaterLog. These will usually be photos taken by TDEC personnel, but could include documentary photographic evidence submitted by a complainant or other agency.
- Complainant
 - Contact ID: Click the triangle icon to search for complainant. If they exist, click on the underlined name to enter the Contact ID. Populating this information will enable users to cross-reference complainant's information with TDEC's contacts table. However, this cross-reference is not required in order to capture a complaint.
 - Anonymous: Check if complainant requested to remain anonymous or if you did not receive a name or contact information for the complainant. Note that if the complainant emailed you details or left a voicemail with their contact information they are not Anonymous.
 - Complainant Contact Information
 - Advised on: The date the complainant was informed of the outcome of the investigation. This is a required field for any complaint, unless the complainant is anonymous.
 - Advised by: This is a required field for any complaint, unless the complainant is anonymous.
- Complaint Description and Writeup: This field should contain a description of the original complaint and a brief summary of the final findings/actions of the complaint investigation. It is recommended that staff initials are used in lieu of staff names and that the complainant's name is omitted from this field.
- Documents: Documents can be uploaded from the site page. If a complaint is not affiliated with an existing site you must associate the complaint with a site prior to being able to upload any documents. Complaint investigations resulting in an NOV must have the associated NOV uploaded to the Documents region.

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- Resource Tracking: This region should be used for staff to track vehicle miles and staff hours spent on investigating and following up on the complaint. Each date of investigation should have a separate entry.

Revision Number	Date	Brief Summary of Change
0	6/28/2019	Initial Issuance