



# STORM WATER ENFORCEMENT RESPONSE PLAN

CITY OF MASON

Revised – April 2020

Revised – September 14, 2020

Wherever specific enforcement procedures are identified in each chapter/section/article of the City of Mason code, these shall prevail. Where enforcement procedures are not identified in the code, these shall apply:

- The Public Works Director and City Attorney will be copied on all formal Enforcement Responses. The Public Works Director will consult with the City Attorney and City Manager in Judicial Actions.
- The Director of Public Works will retain copies of violations and track violators for enforcement of this Policy.

### **VIOLATIONS AND RANGE OF ACTIONS**

The table below identifies the most common violations and indicates the potential circumstances associated with each violation. The Recommended Enforcement Response Plan, under a typical situation, is described in three levels of urgency.

#### Level 1

Administrative issues with relatively low environmental risk and an infrequent record of violation by the construction site operator should cause the following enforcement sequence:

Personal Contact -> Refusal of Municipal Inspections -> Notice of Violation -> Stop Work Order -> Administrative Order -> Termination/Suspension -> Judicial Action

#### Level 2

Record keeping and site conditions that pose a relatively moderate/significant environmental risk to discharge pollutants into the MS4 or adjacent receiving waterbody should cause the following enforcement sequence:

Personal Contact and Refusal of Municipal Inspections -> Notice of Violation -> Stop Work Order -> Administrative Order -> Termination/Suspension -> Judicial Action with Administrative Fees

#### Level 3

Any immediate threat to human health and environment or demonstrated willful non-compliance by a construction site operator should cause the following enforcement sequence:

Personal Contact -> Notice of Violation -> Termination/Suspension -> Stop Work Order -> Administrative Order with Administrative Fees -> Judicial Action with Administrative Fees

## Construction Stormwater Violations

NONCOMPLIANCE	CIRCUMSTANCES OF VIOLATION	RECOMMENDED ENFORCEMENT RESPONSE PLAN
Failure to Prepare or Maintain a Storm Water Pollution Prevention Plan or Required Records	Operator is unaware of requirements to complete and maintain a SWPPP.	Level 1
Failure to Install, Maintain or Properly Select Best Management Practices per Approved Plan	Operator is aware but does not follow requirements to prepare and maintain a SWPPP.	Level 2
Failure to Install, Maintain or Properly Select Best Management Practices per Approved Plan	Good faith effort has been demonstrated to select, install, and maintain BMPs	Level 1
Failure to Install, Maintain or Properly Select Best Management Practices per Approved Plan	Operator has disregarded responsibilities to select, install, and maintain BMPs	Level 2
Conducting Covered Activity without Approval of Erosion and Sediment Control Plan	Operator is unaware of requirements to obtain approval for land disturbance activities.	Level 2
Conducting Covered Activity without Approval of Erosion and Sediment Control Plan	Operator is aware of requirements to obtain approval for land disturbance activities but has not or has refused.	Level 3
Failure to Perform Inspections or Submit Required/Requested Reports and/or Documents	Infrequent occurrences	Level 1
Failure to Perform Inspections or Submit Required/Requested Reports and/or Documents	Frequent or routine occurrences	Level 2
Pollution Discharge to MS4, Contamination or Degradation of State Waters	Sediment or pollutants have left the perimeter of the construction area due to improper management of BMPs, but have caused little to no environmental damage	Level 2
Pollution Discharge to MS4, Contamination or Degradation of State Waters	Significant accumulation of sediment or pollutants in the MS4 or receiving waterbody that result from improper management of BMPs.	Level 3
Documented Pattern of Systematic Violations of Storm Water Regulations and/or Permit Requirements	The City will consider violations on a project by project basis and an operator basis when determining awareness and good faith efforts.	Level 3

### TIME FRAMES FOR ENFORCEMENT ACTIONS

Every violation must be evaluated to determine the appropriate enforcement response. Initial enforcement responses involving contact with the construction site operator and requesting information or corrective or preventative action will occur within in a timely manner. If the operator shows "good faith" in correcting the violation the City can avoid formal enforcement procedures.

The table below lists the enforcement responses, the maximum response time, and the person responsible to pursue or be informed of the action taken.

RESPONSE	TIME FRAME	RESPONSIBILITY
Telephone/personal contact	Within 24 hours of inspection	SWO (Storm Water Operator)
Refusal of Municipal Inspections	Immediate	Code Enforcement, SWO
Notice of Violation	Within 3 days of inspection	Code Enforcement ,SWO
Stop Work Order	After a NOV and prior to AO or AF	SWO, Public Works Director
Administrative Order - Compliance Order - Consent Order - Cease and Desist Order - Show Cause Hearing	Within 60 days of violation	SWO, Public Works Director, City Attorney, City Administrator
Administrative Fine	Within 60 days of violation	SWO, Public Works Director, City Attorney, City Administrator
Termination/Suspension	Within 30 days of violation	SWO, Public Works Director, City Attorney, City Administrator
Judicial Actions	Case by Case	SWO, Public Works Director, City Attorney, City Administrator