

Stormwater Management Ordinance Training Session 8 - Enforcement

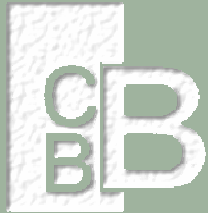
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STRUCTURE OF THIS PRESENTATION

- Enforcement Mechanisms
 - Fines
 - Stop Work Order
 - Suspension of Access to Storm Drain System
 - Corrective Action
- Appeal Process

ENFORCEMENT MECHANISMS – FINES AND PENALTIES

- Violation of Ordinance is a civil infraction
- **Minimum** fine of \$500 for a first offense
- **Minimum** of \$1,000 for a subsequent offense, plus costs, damages, and expenses
- Each day such violation occurs or continues shall be deemed a separate offense with a fine for each day
- Subsequent offense means a violation of Ordinance by the same person within 12 months of a previous violation

ENFORCEMENT MECHANISMS – STOP WORK ORDER

- Stop Work Order is in addition to the Fines and Penalties on the previous slide
- Land disturbances conducted in violation with the Ordinance will be served a Stop Work Order
- Disregard of a Stop Work Order is an infraction punishable by
 - Fine of **not less than** \$500 for first offence and \$1,000 for a subsequent offence
 - Plus costs as may be imposed at the discretion of the court
 - A Permit Reinstatement Fee may also be assessed, if applicable

ENFORCEMENT MECHANISMS – SUSPENSION OF ACCESS

- **Discharge access to the Storm Drain System can be suspended.**
 - This authority would be invoked to stop an actual or threatened discharge which presents danger to the environment, the health or welfare of persons, or the storm drain system
- **Discharge access to the Storm Drain System can be terminated**
 - This authority would be invoked to correct an illicit discharge
 - Violator will be notified of the proposed termination of access
 - Violator may petition for a reconsideration and hearing

ENFORCEMENT MECHANISMS – CORRECTIVE ACTION

- MS4 entity has the right to take corrective action necessary to prevent or remedy any violation if the violator is unwilling or unable
- Costs for corrective action taken by the MS4 entity will be charged to the person responsible
- Costs could include
 - repairs to the storm drain system made necessary by the violation
 - penalties levied on the MS4 entity by the EPA or IDEM for the violation (**can be as high as \$27,500 per day!**)
 - attorney fees
 - other costs and expenses.

APPEAL PROCESS

- Provisions of the Ordinance may be appealed in writing, not later than 30 days after the action or decision being appealed
- Appeal must be to the body that has supervision over the permitting officer/entity
- The body hearing the appeal can affirm, reject or modify the action being appealed, or grant a variance

QUESTIONS

