

5.0 VIOLATIONS AND RANGE OF ACTIONS

The Table 5.1 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**

Table 5.1 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
	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
	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
	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
	Frequent or routine occurrences	Level 2