



Augusta, Georgia  
Stormwater Management Program  
Enforcement Response Plan

October 2017

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Prepared in Conjunction with Requirements of  
Georgia Municipal Separate Storm Sewer System  
NPDES Permit No. GAS 000200



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## Table of Contents

Introduction .....	3
Type of Enforcement Actions.....	4
3.6.1 IDDE Enforcement.....	4
3.6.2 Construction Site Enforcement.....	6
3.6.3 Industrial Site Enforcement.....	9
3.6.4 HVPS Site Enforcement .....	10
3.6.5 GI/LID Post-Construction Enforcement.....	11

**Enforcement Response Plan (ERP)**  
**Augusta, GA MS4 NPDES Permit No. GAS000200**  
**Permit Section 3.3.6**

## **Introduction:**

This ERP is developed in compliance to Augusta, GA (Augusta) MS4 NPDES Permit section 3.3.6. Original ERP document was developed in October 2012 and approved by the Georgia Environmental Protection Division (EPD) in October 2013. The Augusta review this document periodically to ensure presented information is current per City Ordinances and Policy & Procedures.

This ERP describes the measures available to Augusta to exercise its legal authority to enforce provisions of its stormwater management and land developments rules and regulations, and to encourage timely response by a discharger. Level of enforcement action varies depending on nature and extent of observed unauthorized activity. Enforcement action may be Verbal Warning, Written Notice of Violation, or Citation. These actions are defined as follow:

**Verbal Warning:** A notice consisting of personnel contact or telephone call to notify a Discharger of a minor violation in order to seek explanation, suggest the exercise of more care or to notify the violator that subsequent violation of same type will be dealt with more seriously. A verbal warning may be used to correct minor inadvertent noncompliance. A written record of the verbal warning shall be made in the form of a memorandum to the file, an on-site inspection form or a phone call log.

**Written Warning or Notice of Violation:** A written notice to the Discharger that Augusta has observed a violation of Augusta's Stormwater Management Ordinance outlining expectations for the noncompliance to be corrected and requesting a written explanation from the responsible party(ies). A Notice of Violation typically includes a statement regarding additional enforcement actions which may be taken if the responsible party(ies) fails/fail to make necessary correction in a timely manner.

**Citation:** When a responsible party(ies) or potentially responsible party(ies) violates/violate terms of Augusta's Stormwater Management Ordinance and when other actions taken to facilitate compliance have failed, or where severity of the violation warrants this action, a citation to the Court having Jurisdiction will be issued to the responsible party(ies).

In addition to these enforcement actions, uncorrected violations of the Augusta stormwater ordinance may be tried as a misdemeanor and upon conviction, guilty parties may be subject to penalties provided in section 1-6-1 of the Augusta Code.

*"Sec. 1-6-1. General penalty for violation of Code, etc.; continuing violations.*

*Whenever in this Code or in any ordinance of Augusta-Richmond County or any rule or regulation or order promulgated by any officer or agency of Augusta-Richmond County under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance or rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor where no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance, rule, regulation or order shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding sixty (60) days, either or both, in the discretion of the judge of the court having jurisdiction. Each day any violation of any provision of this Code or of any such ordinance or rule, regulation or order shall continue shall constitute a separate offense."*

## Type of Enforcement Actions:

### 3.6.1 Illicit Discharge Detection and Elimination Program (IDDE) Enforcement

Augusta Stormwater Management Ordinance and Augusta Stormwater Management Plan Technical Manual manage illicit discharges to the MS4, and these ordinances will be stringently enforced. To provide for the health, safety, and general welfare of its citizens, AUGUSTA regulates non-stormwater discharges to the MS4 to the MEP, as required by state and federal law. Objectives of the Augusta illicit discharge detection and elimination program are:

- Regulate the contribution of pollutants to the Augusta MS4 by any user
- Ensure the proper installation, operation, and maintenance of construction site BMPs
- Prohibit illicit connections and illegal discharges to the AUGUSTA MS4
- Control discharges to the AUGUSTA MS4 from spills, dumping or disposal of materials other than stormwater
- Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure regulatory compliance

#### **Violation, Enforcement Mechanism, Appropriate Response, and Time Frame:**

Whenever the City Administrator or his/her designee finds that a person has violated a prohibition or failed to meet a requirement of this program, the City Administrator or his/her designee shall order compliance by verbal warning or written notice of violation to the responsible person.

Verbal warning will be issued when illicit discharge or activity can be addressed at the time of site visit or within 24-hours of its discovery. Augusta staff investigating violation discusses observed conditions with the Responsible Party and provides information on actions and activities that can help eliminate immediate concerns. If, however, the observed situation is not resolved to the Augusta staff's satisfaction, the staff will issue written notice of violation.

A written warning or notice of violation is issued when observed conditions suggest that corrective resolution is not feasible within 24-hours of illicit discharge or activity discovery.

The written warning or notice of violation shall contain:

- The name and address of the owner or applicant
- The address when available or a description of the building, structure or land upon which the violation is occurring
- A statement specifying the nature of the violation
- A description of the remedial measures necessary to bring the development activity into compliance and a time schedule for the completion of such remedial action
- A statement of the penalty or penalties that shall or may be assessed against the person to who the NOV is directed

Such notice may require:

- The performance of monitoring, analyses, and reporting
- The elimination of illicit connections or discharges
- That violating discharges, practices, or operations shall cease and desist

- The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property
- Payment of a fine to cover administrative and remediation costs
- The implementation of pollution prevention practices

A written warning or notice of violation will be issued with details regarding the nature of illicit connection and a schedule for response including corrective action plan submittal. Such notice will be issued within 72 hours of determination of illicit source requiring the Responsible Party to submit a response within 10 days of receipt of the notice. If resolution is received within the specified time of 10 days then written response will not be required. A definitive schedule to correct violation and follow-up inspections cannot be established due to variation in illicit source and required corrective measures. The site will be re-inspected by AED staff when the deadline for completion of correction actions specified in proposed corrective action plan is reached.

Any person receiving a NOV may appeal the determination of the City Administrator or his/her designee. The notice of appeal must be received by the City Administrator or his/her designee within fifteen (15) days from the date of the NOV. A hearing on the appeal before the Board of Commissioners shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the Board of Commissioners shall be final.

If the violation has not been corrected pursuant to the requirements set forth in the NOV, or, in the event of an appeal, within thirty (30) days of the Board of Commissioners' ruling upholding the decision of the City Administrator, then the City Administrator or his/her designee shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The notification will include copies of all invoices paid by AUGUSTA, and a log of all hours spent by government personnel. If the amount due is not paid within thirty (30) days of receipt of the notification, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to AUGUSTA by reason of such violation.

In addition to the enforcement processes and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is deemed a threat to public health, safety, and welfare, and is declared a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

The AED may grant a variance from requirements of this program if exceptional circumstances applicable to a site exists such that strict adherence to these provisions will result in unnecessary hardship and will not fulfill the intent of this program. A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance. The AED will conduct a review of the request for a variance within thirty (30) working days of receiving the request.

**Civil and/or Criminal Procurement:**

In addition to these enforcement actions, uncorrected violations of the Augusta stormwater ordinance may be tried as a misdemeanor and upon conviction, guilty parties may be subject to penalties provided in section 1-6-1 of the Augusta Code.

**Tracking:**

Tracking of enforcement action will be done electronically and reported annually with respective MS4 Annual Report. Tracking document consists of a copy of initial inspection report, follow up actions and closing resolution. IDDE Program enforcement documentation is maintained by Augusta Engineering Department.

**Illicit Discharge Enforcement Table**

<b>Violations</b>	<b>Action Required by Site</b>	<b>Enforcement Mechanism</b>	<b>Corrective Action schedule</b>
Illicit Discharge / Illegal Connection	Elimination or Cessation of violating discharge, practice, or operation	Following discovery- i) Issue verbal warning if corrective action feasible within 24-hours of its discovery; ii) if corrective action not feasible within 24-hours of discovery then issue written warning or notice of violation within 72-hours of determination of illicit source; iii) if violation not corrected, the City will abate the violation at violator’s expense or take civil action to abate, or compel cessation of such operation	i) Verbal Warning: 24-hours of discovery ii) Written Warning or Notice of Violation: within 72-hours of determination of illicit source; submit corrective measures plan within 10-days of receipt of written notice iii) Variable schedule if responsible failed to abate violation pursuant to the requirement set forth in the Notice of Violation

**3.6.2 Construction Site Enforcement Action**

Any action or inaction, which violates the provisions of the Augusta development regulations may be subject to the enforcement actions.

**Violation, Enforcement Mechanism, Appropriate Response, and Time Frame:**

Following issuing initial verbal warning notice, as a first step a Notice of Violation is issued. If the AED staff determines that a responsible party has failed to comply with the terms and conditions of the approved

plans, it issues a written Notice of Violation to such responsible party. The Notice of Violation contains a statement specifying the nature of the violation, a description of the remedial measures necessary to bring the action or inaction into compliance, the date for the completion of such remedial action, and a statement of the penalty or penalties that may be assessed against the party to whom the Notice of Violation is directed. The second step in the enforcement process is taken in the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, anyone or more of the actions or penalties such as Stop Work Order, Withhold Certificate of Occupancy, Suspension, Revocation or Modification of Permit and Civil Penalties could be taken or assessed against the party to whom the Notice of Violation was directed.

Any action or inaction, which violates the provisions of the City development regulations, may be subject to the enforcement actions. These enforcement actions may include:

- Verbal warning
- Notice of violation
- Stop work order
- Civil and/or criminal prosecution

These actions are further described below.

- 1) A verbal warning will be issued providing the developer/builder with details regarding the nature and extent of the deficiency, corrective measures that must be taken, and a schedule to implement these corrective measures. Such notice will be issued within 24 hours of determination of deficiency.
- 2) The site will be re-inspected by AED staff when the deadline for completion of correction actions specified in the verbal warning is reached. If the same deficiencies are still observed, a written NOV will be issued to the responsible party providing 7 days to initiate the corrective actions plan and submit completion schedule.
- 3) The site will be re-inspected by AED staff when the deadline for initiation of correction actions specified in the NOV is reached. If the same deficiencies are still observed, the AED will immediately issue a STOP Work Order halting land disturbing activities at the site until the problems are corrected. The Stop Work Order will also be issued if:
  - a) Land disturbing activity without LDA (Land Disturbing Activity) Permit;
  - b) Significant amount of sediment discharged to State Waters
  - c) Failure to maintain a stream buffer

**Civil and/or Criminal Procurement:**

In addition to these enforcement actions, uncorrected violations of the Augusta stormwater ordinance may be tried as a misdemeanor and upon conviction, guilty parties may be subject to penalties provided in section 1-6-1 of the Augusta Code.

**Tracking:**

Tracking of enforcement action will be done electronically and reported annually with respective MS4 Annual Report. Tracking document consists of a copy of initial inspection report, follow up actions and closing resolution.

**Construction Site Enforcement Table**

<b>Violation</b>	<b>Required action</b>	<b>Levels of enforcement action</b>
Approved ES&PC plan on-site and dated	obtain plan	4
Land disturbing activity permit	obtain permit	4
Improper construction exits	repair deficiency	1-4
Deficient perimeter silt control	repair deficiency	1-4
Insufficient disturbed area stabilization	repair deficiency	1-4
Insufficient slope protection	repair deficiency	1-4
Detention/retention pond present	install/repair	2-4
Pond outlet structure deficiency	repair deficiency	1-4
Sediment retention structure deficiency	repair deficiency	1-4
Drainage structure installation/maintenance deficient	repair deficiency	1-4
Storm drain inlet protection	install/repair	1-4
Storm drain outlet protection	install/repair	1-4
Excess runoff not retained or accommodated	repair deficiency	1-4
Discharge points	repair deficiency	1-4
Emergency spillway	install/repair	1-4
Fuel storage areas	repair deficiency	1-4

<b>Level</b>	<b>Enforcement action</b>	<b>Enforcement mechanism</b>	<b>Corrective Action schedule (days)</b>
1	verbal-first deficiency	discuss with superintendent/supervisor	Verbal Warning: within 24-hours of discovery- five (5) days to correct
2	written deficiency	written deficiency via email (if unsatisfactory response to Level 1)	Written Warning: five (5) days to correct
3	written violation 1	written violation via email (if same deficiency still observed)	Written NOV: seven (7) days to initiate corrective plan and submit completion schedule
4	written violation 2/ stop work order	written violation; stop work order issued; requires corrective action plan	TBD*

TBD\* time to correct may vary and will be documented in written violation

### **3.6.3 Industrial Site Enforcement**

Enforcement action at deficient industrial sites will follow a prescribed, progressive course of action, unless conditions are observed that pose an immediate and significant threat to human health or the environment. In this later case, the AED will immediately issue Notice of Violation including halting in question relevant industrial activities at the site until the problems are corrected.

#### **Violation, Enforcement Mechanism, Appropriate Response, and Time Frame:**

Progressive course of actions include i) Verbal Warning, ii) Notice of Violation, iii) Civil and/or Criminal Procurement. These actions are further described below.

#### **Verbal Warning:**

The verbal warning is issued for minor violations which would not cause harm to the environment and a phone call or informal meeting may be sufficient to obtain the desired compliance. Augusta staff investigating violation discusses observed conditions with the Responsible Party and provides information on actions and activities that can help eliminate immediate concerns. Phone call or informal discussion notes are kept summarizing the discussion. A copy of notes is placed in the Industrial Inspection file. In general, noted deficiency or violation is corrected within 24- to 48-hours of its notification. If, however, the observed situation is not resolved to the Augusta staff's satisfaction, the staff will issue written notice of violation.

#### **Notice of Violations:**

- 1) A written notice is issued providing the facility with details regarding the nature and extent of the deficiency, corrective measures that must be taken, and a schedule to submit remedial plan. Such notice will be issued within 72 hours of determination of deficiency requiring facility to submit remedial response within 10 days of receipt of the notice. If resolution is received within the specified time of 10 days then remedial response will not be required.
- 2) The site will be re-inspected by AED staff when the deadline for completion of correction actions specified in the remedial plan is reached. If the same deficiencies are still observed, a written NOV will be issued to the facility providing 5 days to initiate the corrective actions and submit completion schedule.
- 3) The site will be re-inspected by AED staff when the deadline for initiation of correction actions specified in the NOV is reached. If the same deficiencies are still observed, the AED will immediately issue Notice halting relevant industrial activities at the site until the problems are corrected.

#### **Civil and/or Criminal Procurement:**

In addition to aforementioned enforcement actions, uncorrected violations of the Augusta stormwater ordinance may be tried as a misdemeanor and upon conviction, guilty parties may be subject to penalties provided in section 1-6-1 of the Augusta Code.

#### **Tracking:**

Tracking of all enforcement action will be done electronically and reported annually with respective MS4 Annual Report. Tracking document consists of a copy of initial inspection report, follow up actions and closing resolution.

**Industrial Site Enforcement Table**

<b>Violation</b>	<b>Required action</b>	<b>Levels of enforcement action</b>
Improper catch basin maintenance	repair deficiency	1 - 3
Improper ditch maintenance	repair deficiency	1 - 3
Improper detention/retention pond maintenance	repair deficiency	1 - 3
Improper storm pipe maintenance	repair deficiency	1 - 3
Illicit discharge from operations	repair deficiency	1 - 3
Improper storage of potential pollutants	repair deficiency	1-3
Improper/ inaccessible spill control equipment	install/repair	1 - 3
Improper secondary containment of potential pollutants	install/repair	1 - 3
Excessive trash/debris	repair deficiency	1 - 3

<b>Level</b>	<b>Enforcement action</b>	<b>Enforcement mechanism</b>	<b>Corrective Action schedule (days)</b>
1	verbal-first deficiency	discuss with Operation superintendent/supervisor	Verbal Warning: within 24-hours of discovery-five (5) days to correct
2	written violation	written violation via email (if same deficiency still observed)	Written NOV: seven (7) days to initiate corrective plan and submit completion schedule
3	written notice to halt relevant activity(ies)	written violation; stop work order issued; requires corrective action plan	TBD*

TBD\* time to correct may vary and will be documented in written violation

**3.6.4 HVPS Site Enforcement**

Enforcement actions for deficiencies at highly visible pollutant source sites are similar to those for violations observed at industrial sites and construction sites (with the exception of stop work orders). These actions include:

- Verbal warning
- Notice of violation
- Civil and/or criminal prosecution

**Civil and/or Criminal Procurement:**

In addition to these enforcement actions, uncorrected violations of the Augusta Stormwater Ordinance may be tried as a misdemeanor and upon conviction, guilty parties may be subject to penalties provided in section 1-6-1 of the Augusta Code.

**Tracking:**

Tracking of enforcement action will be done electronically and reported annually with respective MS4 Annual Report. Tracking document consists of a copy of initial inspection report, follow up actions and closing resolution.

**HVPS Site Enforcement Table**

<b>Violation</b>	<b>Required action</b>	<b>Levels of enforcement action</b>
Improper catch basin maintenance	repair deficiency	1 - 3
Improper ditch maintenance	repair deficiency	1 - 3
Improper detention/retention pond maintenance	repair deficiency	1 - 3
Improper storm pipe maintenance	repair deficiency	1 - 3
Illicit discharge from operations	repair deficiency	1 - 3
Improper storage of potential pollutants	repair deficiency	1-3
Improper/ inaccessible spill control equipment	install/repair	1 - 3
Improper secondary containment of potential pollutants	install/repair	1 - 3
Excessive trash/debris	repair deficiency	1 - 3

<b>Level</b>	<b>Enforcement action</b>	<b>Enforcement mechanism</b>	<b>Corrective Action schedule (days)</b>
1	verbal-first deficiency	discuss with Operation superintendent/supervisor	Verbal Warning: within 24-hours of discovery-five (5) days to correct
2	written violation	written violation via email (if same deficiency still observed)	Written NOV: seven (7) days to initiate corrective plan and submit completion schedule
3	written notice to halt relevant activity(ies)	written violation; stop work order issued; requires corrective action plan	TBD*

TBD\* time to correct may vary and will be documented in written violation

**3.6.5 Green Infrastructure/Low Impact Development (GI/LID) Post-Construction Enforcement**

Green Infrastructure and Low Impact Development (GI/LID) refers to a broad range of development practices and stormwater structures that encourage infiltration, evapotranspiration, and/or harvest and use of rainwater onsite to improve water quantity and water quality and to protect the natural resources of Augusta, GA. This is done by minimizing the production of runoff through the application of better site design techniques, referred to as Low Impact Development (LID), that direct runoff from development to

appropriate areas, preserve natural features that aid in water management, and minimize impervious cover. These better site design techniques are combined with Integrated Management Practices (IMPs), referred to as Green Infrastructure, that manage stormwater at the source as much as possible.

Since the design and function of each GI/LID structure varies, in our professional opinion, a single maintenance plan will not be a reliable approach to ensure that these structures are functioning as designed. Therefore, Augusta has adopted a dynamic process. For privately owned GI/LID Integrated Management Practices (IMPs), as part of the development plan approval process, Augusta is requiring the design engineer (Engineer of Record) / Owner to submit a maintenance plan and a maintenance agreement for their proposed GI/LID IMPs. The maintenance agreement, in addition to other tools available to Augusta, will serve as the legal instrument to enforce maintenance-related compliance.

In addition, any action or inaction, which violates the provisions of the Augusta development regulations may be subject to the enforcement actions.

**Violation, Enforcement Mechanism, Appropriate Response, and Time Frame:**

Enforcement actions for noted deficiencies at GI/LID sites are similar to those for violations observed at development of new construction sites (with the exception of stop work orders). These actions include:

- Verbal warning
- Notice of violation
- Civil and/or criminal prosecution

These actions are further described below.

- 1) A verbal warning will be issued providing the responsible party with details regarding the nature and extent of the deficiency, corrective measures that must be taken, and a schedule to implement these corrective measures. Such notice will be issued within 24 hours of determination of deficiency.
- 2) The site will be re-inspected by AED staff when the deadline for completion of correction actions specified in the verbal warning is reached. If the same deficiencies are still observed, a written NOV will be issued to the responsible party providing 7 days to initiate developing the corrective actions plan, and submit the plan with completion schedule to Augusta Engineering for approval.
- 3) In case, responsible party failed to submit corrective action plan by the specified deadline, the AED will issue NOV follow-up letter to the responsibility party as a reminder requesting response within ten (10) working days of receipt of reminder-letter. If responsible party still irresponsive then Final NOV will be issued warning the responsible of applicable Civil and/or Criminal action under Augusta Code Section 1-6-1. In Final NOV notice responsible party will required to submit response within fifteen (15) working days.
- 4) The responsible party failure to address and correct noted defines within specified schedule will lead to final step that is issuing code violation notice. It will initiate legal court process.

**Civil and/or Criminal Procurement:**

In addition to these enforcement actions, uncorrected violations of the Augusta stormwater ordinance may be tried as a misdemeanor and upon conviction, guilty parties may be subject to penalties provided in section 1-6-1 of the Augusta Code.

**Tracking:**

Tracking of enforcement action will be done electronically and reported annually with respective MS4 Annual Report. Tracking document consists of a copy of initial inspection report, follow up actions and closing resolution.

**GI LID / Post-Construction Enforcement Table**

<b>Violations</b>	<b>Action Required by Site</b>	<b>Enforcement Mechanism</b>	<b>Corrective Action schedule</b>
Unmaintained or failing Integrated Management Control Feature (such as outlet structure, vegetative swale, CB inserts)	Correct noted deficiency	Following discovery- i) Issue verbal warning if corrective action feasible within 24-hours of its discovery; ii) if corrective action not feasible within 24-hours of discovery then issue written warning or notice of violation within 72-hours of determination of deficiency; iii) if violation not corrected, the City will issue code violation notice	i) Verbal Warning: 24-hours of discovery ii) Written Warning or Notice of Violation: within 72-hours of determination of deficiency; submit corrective measures plan within 10-days of receipt of written notice iii) Variable schedule – determine by the court