

**A RESOLUTION ADOPTING
A STORMWATER
ENFORCEMENT POLICY**

WHEREAS, the city is required as a local issuing authority and by its MG4 permit to regulate stormwater and soil erosion activities; and

WHEREAS, the city needs to establish an enforcement policy:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRY that the attached City of Perry Enforcement Response Plan dated April 15, 2022 is adopted as the city stormwater/soil erosion enforcement policy.

SO RESOLVED THIS 2nd DAY OF AUGUST 2022.

CITY OF PERRY

By:



RANDALL WALKER, MAYOR

Attest:



ANNIE WARREN, CITY CLERK





Where Georgia comes together.

Enforcement Response Plan

National Pollutant Discharge Elimination System
Phase I Municipal Separate Storm Sewer System
Permit

Prepared for:

City of Perry

April 15, 2022



1039 Sullivan Road, Suite 200
Newnan, GA 30265
(p) 678.552.2106
(f) 678.552.2107

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1. INTRODUCTION

As required in the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) permit effective December 6, 2017, the City of Perry (City) must develop and implement an Enforcement Response Plan (ERP) that describes the action to be taken for violations associated with this permit and the SWMP. The ERP will detail the permittee's responses to any noted stormwater violations, including escalating enforcement responses to address repeat and continuing violations.

2. ILLICIT DISCHARGE PROHIBITION

2.1 Purpose

It should be noted that requirements of illicit discharge prohibition are within *Article 7 – Stormwater Management* of the *Land Management Ordinance*. The purpose of this article is to protect the public health, safety, environment and general welfare of the citizens of the City through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable. The objectives of this article are:

- a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- b. To prohibit illicit connections and discharges to the MS4; and;
- c. To establish legal authority to carry out all inspection; surveillance and monitoring; and enforcement procedures as necessary to ensure compliance with this article.

2.2 Authority

Perry Land Development Ordinance Sec. 232, provides authority to implement illicit discharge, illegal connection enforcement measures. It provides the authority to implement an inspection, investigation and enforcement mechanism to prevent any type of illicit discharge or illegal connection into our MS4 system.

2.3 Violations, Enforcement Mechanisms, Appropriate Responses, and Time Frames

If an owner violates the Land Management Ordinance the following enforcement mechanisms will be used

Illicit Discharge Detection and Elimination Violations		
Violation	Definition	Violation Type
Sewage/Septage Flows	Flows from sewer pipes or septic systems.	Threat to environment and/or public health
Washwater	Flows generated from commercial car washing, gray water (laundry) from homes, and commercial laundry wastewater.	Threat to environment and/or public health
Liquid Waste	Hazardous waste that is commonly found disposed of in the storm drain system. Examples include: oil, paint, gasoline and radiator flushing water.	Threat to environment and/or public health
Tap Water	Flows that come from leaks that occur during the distribution of drinking water in the water supply system.	Minor
Leaking Dumpster	Dumpster is missing drain plug, or rusted holes in side walls has led to leaking of dumpster	Minor
Exposed, leaking containers	Containers that are stored outside are missing lids or have damage resulting in leaking.	Minor
Illicit Connection	Direct connection of anything other than stormwater or clean groundwater to a storm drain	Threat to environment and/or public health
Improper Storage	Petroleum tank without proper containment	Minor

Minor Violation Escalation

All minor violations will start with a verbal warning, with a re-inspection to be completed after 48 hours. A verbal warning can consist of phone calls or face-to-face discussions. The inspector should specify the nature of the violation and the required corrective action during the conversation. If the violation is not corrected after 48 hours a notice of violation (NOV) will be issued.

A NOV will consist of a form or a letter that has been hand-delivered or sent certified mail. Copies of the NOV will be retained by the City inspector for potential escalating enforcement. The NOV shall contain the following information:

- a) The name and address of the owner or the applicant or responsible person or alleged violator;
- b) The address when available or a description of the building, structure or land upon which the violation is occurring;
- c) A statement specifying the nature of the violation;
- d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or an approved erosion sedimentation and pollution control plan, an approved State General Permit for construction activity, an approved site plan or provisions of this chapter and a time schedule for the completion of such remedial action;
- e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
- f) A statement that the determination of violation may be appealed to the Planning Commission by filing a written notice of appeal within 30 days after the notice of violation

After 48 hours the site shall be re-inspected for compliance. If the violation has not been corrected after 48 hours a stop work order (SWO) will be issued with final notice. The final notice will serve as a warning to the violator that if the violation is not corrected after 48 hours, fines will begin. After 48 hours, the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- a) Fine \$500; reinspect after 48 hours
- b) Fine \$1,000; reinspect after 48 hours
- c) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. A flow chart showing the detailed escalation described above has been provided in Appendix A.

Threat to Environment and/or Public Safety Escalation

If the violation is determined to be a threat to environment and/or public safety, a verbal warning or NOV will be issued. The City inspector will have to make a judgement call on which type of enforcement measure to use. Many factors (e.g. severity, willingness to cooperate) will need to be evaluated to determine which enforcement action is more appropriate. The violator will be provided 24 hours to correct the violation. After 24 hours the site will be re-inspected and if not in compliance a stop work order with final notice will be issued. The final notice will serve as a warning to the violator that if the violation is not corrected after 24 hours, fines will begin. After 24 hours the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- a) Fine \$500; reinspect after 24 hours
- b) Fine \$1,000; reinspect after 24 hours
- c) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. Please note that unlike the minor violation the circumstances surrounding a significant violation have a greater impact on the environment and public health. As such, the timeline between inspections has been shortened from 48 hours to 24 hours. A flow chart showing the detailed escalation described above has been provided in Appendix A.

2.4 Tracking

Enforcement of the Land Management Ordinance is the responsibility of the Community Development Department. The Community Development Department will maintain an electronic database of all identified violations and enforcement actions. The log will include pertinent information including:

- Name of owner/operator of the facility and/or location and address
- Type of site (e.g. Construction)
- Description of noncompliance
- A description of the remedial measures necessary to bring the action or inaction into compliance
- Description of enforcement mechanism/actions used
- Time frame given to owner for corrections, repairs or cleanup
- A statement of the penalty or penalties
- Time frame for other enforcement actions (e.g. before citation is issued)
- A statement that the determination of violation may be appealed
- Date of violation resolution

Inspection reports, notice of violations and stop work orders provided to violators as well as any other correspondence will be maintained on file by the Community Development Department.

3. SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL

3.1 Purpose

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the Soil Erosion, Sedimentation and Pollution Control Ordinance and the NPDES permit are not met. Therefore, plans for those land-disturbing activities that are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES general permit. Additionally, the installation of BMP's should conform to the installation methods outlined in the GSWCC field manual for erosion & sediment control in Georgia (i.e. Green Book).

3.2 Authority

Perry Land Development Ordinance Article XV, provides authority to implement E&S enforcement measures

The City has entered into Memorandum of Agreement with the Georgia Soil and Water Conservative Commission. The Memorandum of Agreement authorizes the City as a Local Issuing Authority. As a Local Issuing Authority, the Memorandum of Agreement authorizes the City to:

- Conduct erosion control enforcement; and
- Implement a tracking program of land disturbance activities

3.3 Violations, Enforcement Mechanisms, Appropriate Responses, and Time Frames

If an owner violates the Soil Erosion, Sedimentation and Pollution Control Ordinance the following enforcement mechanisms will be used:

Erosion and Sedimentation Control Violations		
Violation	Circumstances of Violation	Violation Type
No Level 1A on site	Owner is not aware of requirement	Minor
	Owner is aware, but has chosen not to obtain Level 1A certification	Significant
Land disturbance activities without permit	Owner is not aware of requirement	Minor
	Owner is aware, but has chosen not to obtain permit	Significant
Grading Outside Defined Disturbance Area	Owner is not aware of grading outside defined area	Minor
	Owner is aware, but has chosen not to revise permit	Significant
Significant amounts of sediment leaving site	First Violation	Minor
	Repeated Violation	Significant
Use of BMP not approved on E&S Plan	First Violation	Minor
BMP failure or incorrect installation*	First Violation	Minor

*See list of BMPs on Erosion and Sedimentation Control Violations Spreadsheet

Please note that the full list of BMP failures or incorrect installation can be found in the spreadsheet of E&S violations, located in Appendix C of this document. The minimum requirements for the BMPs were taken directly from the GSWCC field manual for erosion and sediment control in Georgia (i.e. Green Book). Additionally, the flow chart for enforcement escalation has been included in Appendix A and should be used in conjunction with the E&S violation spreadsheet.

Minor Violation Escalation

All minor violations will start with a verbal warning. The exception to this will be any violation that meet any of the following criteria:

- Sediment from site has reached City MS4
- Sediment from site has reached State Water
- Sediment in street for 5 days or more
- Dust from construction has reduced visibility
- Same violation has occurred with the last 30 days

If the violation meets any of the above criteria, an immediate stop work order (SWO) will be issued. The SWO shall be served on the applicant or other responsible person. The SWO shall remain in effect until the applicant or other responsible person has taken the remedial measures set for the in the SWO or has otherwise cured the violation or violations described therein, provided the SWO may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

If the violation does not meet the above criteria, a verbal warning will be issued with a re-inspection to be completed after 48 hours. A verbal warning can consist of phone calls or face-to-face discussions. The inspector should specify the nature of the violation and the required corrective action during the conversation. If the violation is not corrected after 48 hours a notice of violation (NOV) will be issued.

A NOV will consist of a form or a letter that has been hand-delivered or send certified mail. Copies of the NOV will be retained by the City inspector for potential escalating enforcement. The NOV shall contain the following information:

- a) The name and address of the owner or the applicant or responsible person or alleged violator;
- b) The address when available or a description of the building, structure or land upon which the violation is occurring;
- c) A statement specifying the nature of the violation;
- d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or an approved erosion sedimentation and pollution control plan, an approved State General Permit for construction activity, an approved site plan or provisions of this chapter and a time schedule for the completion of such remedial action;
- e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
- f) A statement that the determination of violation may be appealed to the Planning Commission by filing a written notice of appeal within 30 days after the notice of violation

After 48 hours the site shall be re-inspected for compliance. If the violation has not been corrected after 48 hours a SWO will be issued with final notice. The final notice will serve as a warning to the violator that if the violation is not corrected after 48 hours, fines will begin. After 48 hours, the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- a) Fine \$500; reinspect after 48 hours
- b) Fine \$1,000; reinspect after 48 hours
- c) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. A flow chart showing the detailed escalation described above has been provided in Appendix A.

Significant Violation Escalation

If the violation is determined to be significant, a stop work order will be immediately issued. The violator will be provided 24 hours to correct the violation. After 24 hours the site will be re-inspected and if not in compliance a final notice will be issued. The final notice will serve as a warning to the violator that if the violation is not corrected after 24 hours, fines will begin. After 24 hours the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- a) Fine \$500; reinspect after 24 hours
- b) Fine \$1,000; reinspect after 24 hours
- c) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. Please note that unlike the minor violation, the circumstances surrounding a significant violation have a greater impact on the environment and public health. As such, the timeline between inspections has been shortened from 48 hours to 24 hours. A flow chart showing the detailed escalation described above has been provided in Appendix A.

3.4 Tracking

Enforcement of the Erosion and Sedimentation Control Ordinance is the responsibility of the Community Development Department. The Community Development Department will maintain an electronic database of all identified violations and enforcement actions. The log will include pertinent information including:

- Name of owner/operator of the facility and/or location and address
- Type of site (e.g. Construction)
- Description of noncompliance

- A description of the remedial measures necessary to bring the action or inaction into compliance
- Description of enforcement mechanism/actions used
- Time frame given to owner for corrections, repairs or cleanup
- A statement of the penalty or penalties
- Time frame for other enforcement actions (e.g. before citation is issued)
- A statement that the determination of violation may be appealed
- Date of violation resolution

Inspection reports, notice of violations and stop work orders provided to violators as well as any other correspondence will be maintained on file by the Community Development Department.

4. POST-CONSTRUCTION STORMWATER RUNOFF

4.1 Purpose

The purpose of the Post-Development Stormwater Management Ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City of Perry jurisdiction.

4.2 Authority

Perry Land Development Ordinance Sec. 233 provides authority to implement enforcement actions to insure proper MS4 system development, maintenance and operation

4.3 Violations, Enforcement Mechanisms, Appropriate Responses, and Time Frames

If a person violates the Post-Development Stormwater Management Ordinance the following enforcement mechanisms will be used:

Post-Construction Stormwater Management Violations		
<i>Violation</i>	<i>Circumstances of Violation</i>	<i>Violation Type</i>
Failure to obtain a stormwater maintenance permit	First Violation	Significant
Storm drain box not built to specification	First Violation	Minor
Wrong type of drainage materials outside the approved plans.	First Violation	Minor
Straying from E&S approved plans	First Violation	Minor
Grading Outside Defined Disturbance Area	Owner is not aware of grading outside defined area	Minor
	Owner is aware, but has chosen not to revise permit	Significant
Failure to submit as-build plans or final plats	First Violation	Minor
Lack of maintenance/violation of maintenance agreement (see inspection checklist inspection items)	First Violation	Minor

Minor Violation Escalation

All minor violations will start with a verbal warning. The exception to this will be any violation that meet any of the following criteria:

- Sediment from site has reached City MS4
- Sediment from site has reached State Water
- Sediment in street for 5 days or more

- Dust from construction has reduced visibility
- Same violation has occurred with the last 30 days

If the violation meets any of the above criteria, an immediate stop work order (SWO) will be issued. The SWO shall be served on the applicant or other responsible person. The SWO shall remain in effect until the applicant or other responsible person has taken the remedial measures set for the in the SWO or has otherwise cured the violation or violations described therein, provided the SWO may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

Because post-construction related violations tend to be labor and financially intensive, there will be deviation from the time frame outlined in the flow chart. A specified time frame for these violations will typically exceed 30 days. During each phase of the enforcement escalation, the owner and City will need to work together to determine the most appropriate time frame. The owner will need to develop a plan of action. The plan should show how the violation will be corrected and the timeline for completion. At that point, the City will provide a NOV with the required time frame. After the predetermined time frame has expired, the site will be reinspected for compliance. If the violation has not been corrected after the provided time frame a SWO will be issued with final notice. The final notice will serve as a warning to the violator that if the violation is not corrected after a predetermined time frame, fines will begin. After predetermined time frame, the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- a) Fine \$500; reinspect after predetermined time frame
- b) Fine \$1,000; reinspect after predetermined time frame
- c) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. A flow chart showing the detailed escalation described above has been provided in Appendix A.

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. A flow chart showing the detailed escalation described above has been provided in Appendix A.

Significant Violation Escalation

If the violation is determined to be significant, a stop work order will be immediately issued. The violator will be provided 24 hours to correct the violation. After 24 hours the site will be re-inspected and if not in compliance a final notice will be issued. The final notice will serve as a warning to the violator that if the violation is not corrected after 24 hours, fines will begin. After 24 hours the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- d) Fine \$500; reinspect after 24 hours
- e) Fine \$1,000; reinspect after 24 hours
- f) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. Please note that unlike the minor violation, the circumstances surrounding a significant violation have a greater impact on the environment and public health. As such, the timeline between inspections has been shortened from 48 hours to 24 hours. A flow chart showing the detailed escalation described above has been provided in Appendix A.

4.4 Tracking

Enforcement of the Post-Construction Ordinance is the responsibility of the Community Development Department. The Community Development Department will maintain an electronic database of all identified violations and enforcement actions. The log will include pertinent information including:

- Name of owner/operator of the facility and/or location and address
- Type of site (e.g. Construction)
- Description of noncompliance
- A description of the remedial measures necessary to bring the action or inaction into compliance
- Description of enforcement mechanism/actions used
- Time frame given to owner for corrections, repairs or cleanup
- A statement of the penalty or penalties
- Time frame for other enforcement actions (e.g. before citation is issued)
- A statement that the determination of violation may be appealed
- Date of violation resolution

Inspection reports, notice of violations and stop work orders provided to violators as well as any other correspondence will be maintained on file by the Community Development Department.

5. FLOODPLAIN MANAGEMENT

5.1 Purpose

The purpose of the Floodplain Management Ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection.

5.2 Authority

Perry Land Development Ordinance Sec. 234, provides authority to implement floodplain management enforcement measures.

5.3 Violations, Enforcement Mechanisms, Appropriate Responses, and Time Frames

If an owner violates the Floodplain Management Ordinance the following enforcement mechanisms will be used:

Floodplain Management Violations		
<i>Violation</i>	<i>Circumstances of Violation</i>	<i>Violation Type</i>
Performing development activities in areas of special flood hazards without a permit	First Violation	Significant
Failure to submit a floodplain management and flood damage prevention plans as required	First Violation	Minor
Failure to submit required engineering flood management studies	First Violation	Minor
Failure to perform required maintenance that would insure flood-carrying or flood storage capacity is not diminished	First Violation	Minor
If a variance is granted, failure to adhere to variance specifications	First Violation	Minor
Failure to follow approved building standards for structures located within floodplain	First Violation	Minor

Minor Violation Escalation

All minor violations will start with a verbal warning. The exception to this will be any violation that meet any of the following criteria:

- Sediment from site has reached City MS4
- Sediment from site has reached State Water
- Same violation has occurred with the last 30 days

If the violation meets any of the above criteria, an immediate stop work order (SWO) will be issued. The SWO shall be served on the applicant or other responsible person. The SWO shall remain in effect until the applicant or other responsible person has taken the remedial measures set for the in the SWO or has otherwise cured the violation or violations described therein, provided the SWO may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

Because post-construction related violations tend to be labor and financially intensive, there will be deviation from the time frame outlined in the flow chart. A specified time frame for these violations will typically exceed 30 days. During each phase of the enforcement escalation, the owner and City will need to work together to determine the most appropriate time frame. The owner will need to develop a plan of action. The plan should show how the violation will be corrected and the timeline for completion. At that point, the City will provide a NOV with the required time frame. After the predetermined time frame has expired, the site will be reinspected for compliance. If the violation has not been corrected after the provided time frame a SWO will be issued with final notice. The final notice will serve as a warning to the violator that if the violation is not corrected after a predetermined time frame, fines will begin. After predetermined time frame, the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- a) Fine \$500; reinspect after predetermined time frame
- b) Fine \$1,000; reinspect after predetermined time frame
- c) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. A flow chart showing the detailed escalation described above has been provided in Appendix A.

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. A flow chart showing the detailed escalation described above has been provided in Appendix A.

Significant Violation Escalation

If the violation is determined to be significant, a stop work order will be immediately issued. The violator will be provided 24 hours to correct the violation. After 24 hours the site will be re-

inspected and if not in compliance a final notice will be issued. The final notice will serve as a warning to the violator that if the violation is not corrected after 24 hours, fines will begin. After 24 hours the site will be re-inspected and if the site is not in compliance the following fine schedule will be implemented:

- a) Fine \$500; reinspect after 24 hours
- b) Fine \$1,000; reinspect after 24 hours
- c) Fine \$2,500; notify owner of daily \$2,500 fine until violation corrected

If the violation remains unresolved, the City will suspend MS4 discharge access and take corrective action with the cost to be borne by violator. For nonpayment of incurred costs, the City shall place a lien upon the property. Please note that unlike the minor violation, the circumstances surrounding a significant violation have a greater impact on the environment and public health. As such, the timeline between inspections has been shortened from 48 hours to 24 hours. A flow chart showing the detailed escalation described above has been provided in Appendix A.

5.4 Tracking

Enforcement of the Floodplain Management Ordinance is the responsibility of the Community Development Department. The Community Development Department will maintain an electronic database of all identified violations and enforcement actions. The log will include pertinent information including:

- Name of owner/operator of the facility and/or location and address
- Type of site (e.g. Construction)
- Description of noncompliance
- A description of the remedial measures necessary to bring the action or inaction into compliance
- Description of enforcement mechanism/actions used
- Time frame given to owner for corrections, repairs or cleanup
- A statement of the penalty or penalties
- Time frame for other enforcement actions (e.g. before citation is issued)
- A statement that the determination of violation may be appealed
- Date of violation resolution

Inspection reports, notice of violations and stop work orders provided to violators as well as any other correspondence will be maintained on file by the Community Development Department.

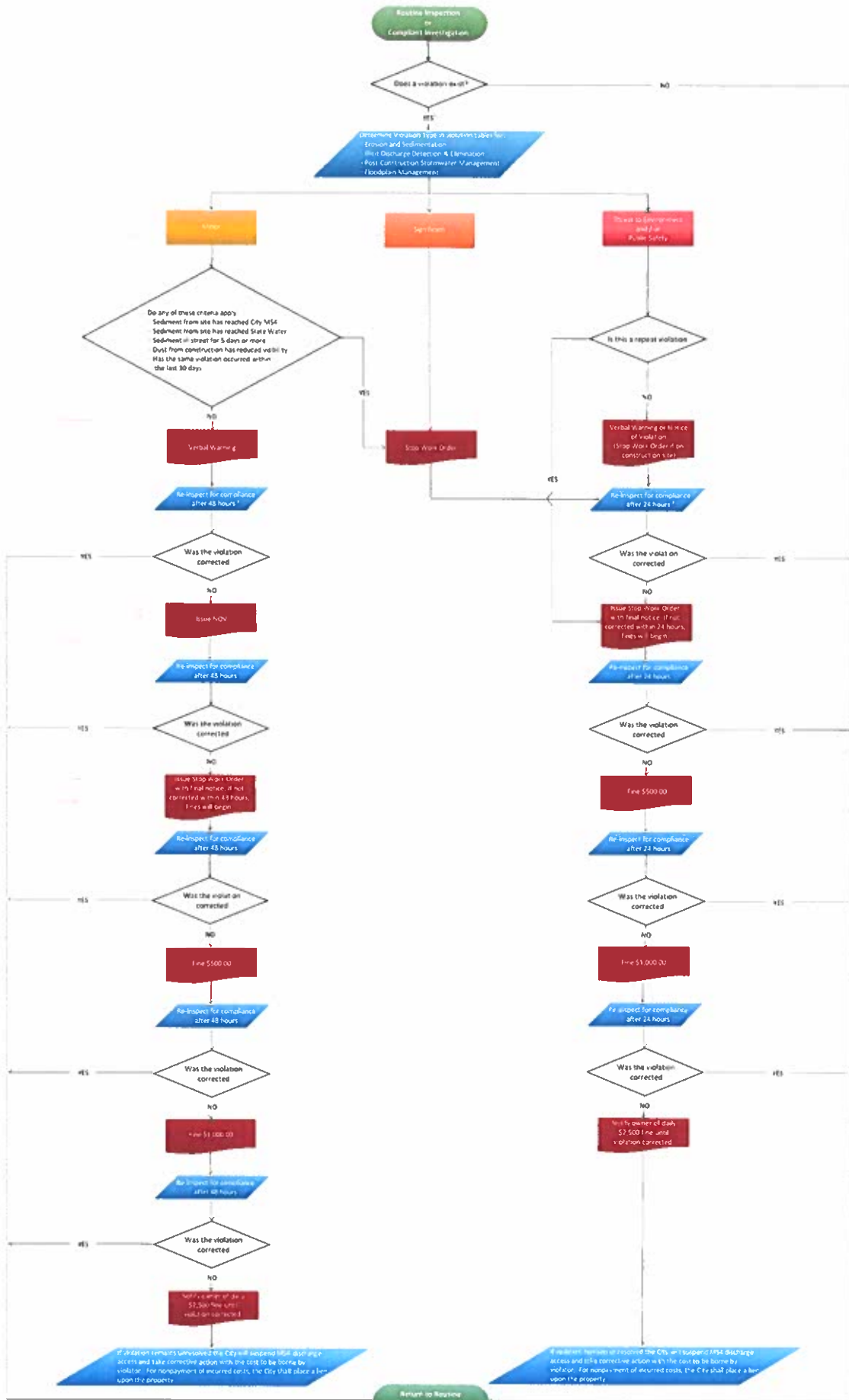
6. COMPLAINT REPORTING

The City developed a Citizen Complaint Contact Number for citizens' use to report suspected water quality and E&S violations. The Citizens Complaint Contact Number is (478) 988-2720 and is located on the Community Development webpage. The Citizen Complaint Contact Number is answered by a City Staff member who forwards the complaint via email or submitting a work order request that is assigned to the appropriate City department. The City staff member taking the original citizen complaint call is responsible for entering the date, time, location, and the nature of the complaint as well as the contact information for the citizen into the work order system and complaint spreadsheet. Additionally, complaints can be made using the City's Facebook Page (www.facebook.com/cityofperryga) and the Your Perry mobile application. All complaints received by the City are logged and tracked using a spreadsheet. An example of the spreadsheet is included in Appendix F.

After the complaint is forwarded to the appropriate department, City staff within that department are responsible for investigating all complaints within 72 hours, documenting each step of the complaint process, documenting the resolution, and taking any necessary enforcement actions per the enforcement response plan.

APPENDIX

A



* Any violation can be appealed. Each appeal will be reviewed by City staff. Based on circumstances, allowed deviation from flow chart will be determined on a case by case basis.

† Specified time frame for post construction violations will typically exceed 30 days as abatement requires significant time and funding to resolve.

APPENDIX

B

Illicit Discharge Detection and Elimination Violations	
Violation	Definition Violation Type
Sewage/Septage Flows	Flows from sewer pipes or septic systems. Threat to environment and/or public health
Wastewater	Flows generated from commercial car washing, gray water (laundry) from homes, and commercial laundry wastewater. Threat to environment and/or public health
Liquid Waste	Hazardous waste that is commonly found disposed of in the storm drain system. Examples include: oil, paint, gasoline and radiator flushing water. Threat to environment and/or public health
Tap Water	Flows that come from leaks that occur during the distribution of drinking water in the water supply system. Minor
Leaking Dumpster	Dumpster is missing drain plug, or rusted holes in side walls has led to leaking of dumpster Minor
Exposed, leaking containers	Containers that are stored outside are missing lids or have damage resulting in leaking. Minor
Illicit Connection	Direct connection of anything other than stormwater or clean groundwater to a storm drain Threat to environment and/or public health
Improper Storage	Petroleum tank without proper containment Minor

Soil Erosion and Sedimentation Control Violations		
Violation	Circumstances of Violation	Violation Type
No Level 1A on site	Owner is not aware of requirement	Minor
Land disturbance activities without permit	Owner is aware, but has chosent not to obtain Level 1A certification	Significant
Grading Outside Defined Disturbance Area	Owner is not aware of requirement	Minor
Significant amounts of sediment leaving site	Owner is aware, but has chosent not to obtain permit	Significant
Use of BMP not approved on E&S Plan	Owner is not aware of grading outside defined area	Minor
Check Dam	Owner is aware, but has chosent not to revise permit	Significant
Center: 9" lower than outer edges.	First Violation	Minor
Side Slopes: 2:1 or flatter	Repeated Violation	Significant
Spacing: Toe of upstream dam is at the same elevation as the top of the downstream dam.	First Violation	Minor
Geotextile: Placed between the rock and its soil foundation.	First Violation	Minor
Maintenance: Sediment removed when depth reaches 1/2 the original dam height. Dam removed and area stabilized when useful life has expired.	First Violation	Minor
Channel Stabilization		
Installation: Channel lining installed immediately after grading and vegetate all bare areas.	First Violation	Minor
Riprap Lining: Graded to 1.5:1 or less. A filter blanket, at least 6" thick, of sand, gravel, and/or geotextile material should be between soil and riprap	First Violation	Minor
Outlet: Adequate outlet for free flow of water from flood plains into channel	First Violation	Minor
Clearing: Objectionable materials removed from the channel. As many trees preserved, as possible	First Violation	Minor
Buffers: Preserved by clearing for soil placement on one side of channel only. Buffers re-established with appropriate vegetation.	First Violation	Minor
Construction Exit		
Aggregate Size: 1.5" -3.5"	First Violation	Minor
Pad Thickness: 6" minimum	First Violation	Minor
Pad Width: 20 ft minimum	First Violation	Minor
Pad Length: 50 ft minimum	First Violation	Minor
Location: At all exit points	First Violation	Minor
Geotextile: Placed the full length and width of the exit	First Violation	Minor
Construction Road Stabilization		

Aggregate Size: 1.5"-3.5"	First Violation	Minor
Pad Thickness: 8"-10"	First Violation	Minor
Pad Width: 14 ft minimum	First Violation	Minor
Stream Diversion Channel		
Size: Channel width should be a minimum of 6 ft with side slopes flatter than 2:1	First Violation	Minor
Lining: The liner should consist of geotextile or class I riprap	First Violation	Minor
Diversion		
Site Preparation: Trees, brush, stumps, and other objectionable material have been removed.	First Violation	Minor
Fills: All fills have been compacted. All un-needed excavated material has been disposed of and stabilized. Ridge should be at least 10 ft wide. Add 10% height for settlement	First Violation	Minor
Stabilization: Channel outlets have adequate vegetation, riprap, and/or concrete	First Violation	Minor
Downdrain Structure		
Location: On un-disturbed soil or wellcompacted fill.	First Violation	Minor
Outlet: Stabilized with rock riprap.	First Violation	Minor
Pipe: Heavy duty, flexible tubing staked at 10 ft intervals for temporary structure. Joints are well-connected and watertight	First Violation	Minor
Filter Ring		
Size: At inlets with a diameter less than 12", the stone size should be 3"-5"	First Violation	Minor
Size: At inlets with a diameter greater than 12", the stone size should be 10"-15"	First Violation	Minor
Height: The filter ring should have a minimum height of 2 ft from grade	First Violation	Minor
Gabion		
Design: Designed and installed by a professional familiar with the use of gabions	First Violation	Minor
Grade Stabilization Structure		
Materials: Constructed of concrete, rock, masonry, steel, aluminum, or treated wood.	First Violation	Minor
Outlet: Adequate, stable outlet for discharge	First Violation	Minor
Vegetation: On all disturbed areas.	First Violation	Minor
Level Spreader		

Grade: No greater than 1% for the last 15 ft. of the dike or diversion	First Violation	Minor
Length: Determined by the design professional from estimated storm flow.	First Violation	Minor
Outlet: Discharges onto an undisturbed stabilized area to create uniform sheet flow	First Violation	Minor
Maintenance: No blockages at point of discharge.	First Violation	Minor
Rock Filter Dam		
Height: The dam center shall be 9" lower than the outer edge and not higher than the channel banks	First Violation	Minor
Side Slopes: 2:1 or flatter	First Violation	Minor
Location: Located so that it will not cause flooding of upstream property	First Violation	Minor
Rock Size: Determined by the design criteria set forth in Appendix C of the Manual	First Violation	Minor
Top Width: 6 ft or greater	First Violation	Minor
Maintenance: Sediment removed when it reaches a depth of 1/2 the original height of the dam. Remove dam at the end of its useful life.	First Violation	Minor
Retaining Wall		
Design: Designed and installed by a professional familiar with the use of retaining walls.	First Violation	Minor
Maintenance: Periodically inspected for signs of undercutting or excessive erosion	First Violation	Minor
Retrofit		
Height: 1/2 the height of the outlet control structure	First Violation	Minor
Half-Round Pipe: Diameter should be 1.5x the principal pipe outlet diameter	First Violation	Minor
Slotted Board Dam: Minimum posts size of 4"x4". The spacing between shall be 0.5"-1.0"	First Violation	Minor
Stone Size: 3-4" stone	First Violation	Minor
Pond Inlet: Sediment entry point should be at opposite end of basin from outlet if not, baffles shall be installed	First Violation	Minor
Maintenance: Trash and debris hindering drainage shall be removed. Sediment removed when structure is 1/3 full. Structure removed when final stabilization achieved	First Violation	Minor
Sediment Barrier		
Location: Intended for areas where sheet flow occurs. Installed along the contour. Where state waters are present, 2 rows of Type "S" is installed.	First Violation	Minor

Brush Barrier: Wind-rowed on the contour. Width should be between 5-10 ft and height should be between 3-5 ft	First Violation	Minor
Silt Fence: Verify fabric type and support spacing for each application. Entrenched to a depth of 6". Verify post size.	First Violation	Minor
Maintenance: Sediment removed at 1/2 the original height of the barrier. Product replaced when it cannot maintain 80% of properly installed height. Removed once final stabilization has occurred	First Violation	Minor
Inlet Sediment Trap		
Excavated: A minimum depth of 1.5 ft is provided. Side slopes should be 2:1 or flatter	First Violation	Minor
Fabric & Frame: Steel posts are used. Fabric is entrenched at least 12" and fabric is securely fastened to the posts	First Violation	Minor
Curb Inlet: 8" concrete blocks wrapped in filter fabric or gravel bags consisting of #57 stone wrapped in filter fabric or equivalent material	First Violation	Minor
Gravel: 3" in diameter or larger stone placed on slope toward the inlet. 1/2"-3/4" gravel placed on slope away from inlet.	First Violation	Minor
Maintenance: Sediment removed when accumulation has reached 1/2 the height of the trap. Remove once contributing drainage basin has been stabilized	First Violation	Minor
Temporary Sediment Basin		
Location: Not placed in a live stream	First Violation	Minor
Principal Spillway: Vertical pipe should extend through the embankment and exit beyond the downstream toe of the fill. All pipe and riser connections should be watertight. Pipe should be a minimum of 8" in diameter	First Violation	Minor
Riser: 1/2" perforations spaced 3" apart covered with 2 ft of 3"-4" stone. Embedded 9" into an 18" thick concrete base	First Violation	Minor
Emergency Spillway: Constructed on undisturbed ground. Minimum bottom width of 8 ft. Stabilized with vegetation, riprap, or concrete.	First Violation	Minor
Maintenance: All damages caused by erosion or equipment repaired before the end of each day. Sediment removed when 1/3 of the storage volume has been lost	First Violation	Minor
Temporary Sediment Trap		
Depth: Maximum depth is 4 ft	First Violation	Minor
Overflow: The maximum permanent wet depth is 2 ft. Slopes are less than 2%	First Violation	Minor
Combination: The maximum depth of ponded water is 12"	First Violation	Minor
Rock: Height of the embankment is not greater than 5.5 ft. The top width is at least 3 ft. Slopes do not exceed 2:1	First Violation	Minor

Maintenance: All damages caused by erosion or equipment repaired before the end of each day. Sediment removed when 1/3 of the storage volume has been lost.	First Violation	Minor
Floating Surface Skimmer		
Excavation Pit: 4 x 4 x 2 ft pit filled with riprap under the skimmer. Must be lower than the invert of the outlet barrel of the riser	First Violation	Minor
Apparatus: Schedule 40 or greater PVC or other appropriate materials	First Violation	Minor
Maintenance: Use a floatable rope to remove trash and debris that accumulate on the outside of guard. Free skimmer from being stuck in the mud	First Violation	Minor
Seep Berm		
Location: Not located above fill slopes that have not achieved permanent stabilization. Not located across streams, ditches, or waterways.	First Violation	Minor
Berm: Minimum width of 12" and height of 4 ft. Compacted by mechanical equipment.	First Violation	Minor
Vegetation: Planted with seed that has 70% or better germination	First Violation	Minor
Spacing: The toe of the upstream dike is at the same elevation as the top of downstream dike	First Violation	Minor
Maintenance: Inspect after every 1/2" rainfall or greater. Remove sediment when accumulation is 1/3 the height of the intermediate dike	First Violation	Minor
Temporary Stream Crossing		
Size: Large enough to convey full bank flow without appreciably altering the stream flow characteristics.	First Violation	Minor
Location: Installed perpendicular to the stream	First Violation	Minor
Overflow Protection: Elevated crossings, crown fills over pipes, or diversions and dikes	First Violation	Minor
Maintenance: Inspect after every rainfall and at least once a week	First Violation	Minor
Storm Drain Outlet Protection		
Alignment: The apron is properly aligned and preferably straight throughout its length	First Violation	Minor
Grade: Constructed at 0% grade with no overfall at the end. The top of the riprap at the downstream end is level with the receiving channel. Compacted any required fill.	First Violation	Minor

Filter Fabric: Gravel filter or Geotextile installed between the riprap and subgrade. Fabric is free of any punching or tears. Gravel filter is properly graded and installed according to the manufacturer's recommendation	First Violation	Minor
Riprap Thickness - 1.5x the maximum stone diameter Upstream Width - 3x the diameter of the outlet pipe Length of Apron - Refer to Plan	First Violation	Minor
Maintenance: Inspect riprap outlet structures after heavy rain events. Make repairs immediately	First Violation	Minor
Surface Roughening		
Steeper than 3:1: Roughened by either Stair-Step Grading, Grooving, or Tracking	First Violation	Minor
Flatter than 3:1: Soils loosened to a depth of 2"-4"	First Violation	Minor
Stair-Step Grading: Maximum depth of 30"-40" Maximum width of 40"-50"	First Violation	Minor
Grooving: Un-Mowed slopes with a minimum depth of 3" and maximum spacing of 15". Mowed slopes with a minimum depth of 1" and maximum spacing of 12"	First Violation	Minor
Tracking: Not recommended on clay soils. Sandy soils may be tracked.	First Violation	Minor
Vegetation: Roughened areas are seeded and mulched immediately after roughening	First Violation	Minor
Turbidity Curtain		
Location: Barrier placed 25 ft outside of the construction area where possible. Curtain placed parallel to flow.	First Violation	Minor
Water Body: Not altered by the installation of the curtain.	First Violation	Minor
Filling: Required permits and variances have been obtained and allowable limits have not been exceeded	First Violation	Minor
Maintenance: Removed when no longer needed. Excess sediment carefully removed.	First Violation	Minor
Topsailing		
Stripping: Confined to the immediate construction area with a typical depth of 4"-6." Topsoil is friable, loamy, and free of debris and objectionable rock	First Violation	Minor
Stockpile: Located where natural drainage is not obstructed and contained by a sediment barrier. Stabilized with temporary vegetative measures	First Violation	Minor
Spreading: Applied at a uniform depth of 5". Subsoil has been loosened and agricultural lime added as required	First Violation	Minor

Tree Protection			
Fence: Orange plastic fabric stapled to 2x4 treated wood stakes. Treated wood fencing with orange fabric attached used for single family homes	First Violation		Minor
Protection Zone: Local government contacted regarding tree ordinances and critical rooting distance	First Violation		Minor
Vegetated Waterway			
Channel: Free of all trees, bank projections, and other objectionable material that will impeded normal flow. Shaped to desired cross section and stabilized in accordance vegetative standards.	First Violation		Minor
Fill: Compacted as needed. Excess fill disposed of in an appropriate manner	First Violation		Minor
Buffer Zone			
Width: For warm water fisheries, a minimum of 25 ft from the point of wrested vegetation shall be protected. For cold water fisheries, a minimum of 50 ft from the point of wrested vegetation shall be protected	First Violation		Minor
Maintenance: Area closest to the stream is maintained at all times with minimal impact from equipment.	First Violation		Minor
Variance: A variance is required for any work inside State mandated buffers	First Violation		Minor
Disturbed Area Stabilization (with mulching only)			
Preparation: Soil loosened to a minimum depth of 3"	First Violation		Minor
Application: Applied by hand or mechanical equipment	First Violation		Minor
Anchoring: Anchored with a disk harrow or tackifier. Polyethylene film entrenched at the top	First Violation		Minor
Materials & Related Depths Straw or Hay - 2" to 4" Wood waste/chips - 2" to 3"	First Violation		Minor
Disturbed Area Stabilization (with temporary seeding)			
Preparation: Soil should be loose and friable. Soil should be scarified when sealed by rainfall.	First Violation		Minor
Lime & Fertilizer: Applied at a rate determined by the soil pH.	First Violation		Minor
Seeding: Plant species selected based on site and soil conditions, area, and time of year.	First Violation		Minor
Irrigation: Applied at a rate that will not cause runoff and erosion.	First Violation		Minor
Disturbed Area Stabilization (with permanent seeding)			
Preparation: Soil should be loose and friable. Soil should be scarified when sealed by rainfall.	First Violation		Minor

Lime & Fertilizer: Applied at a rate of 1-2 tons/acre unless soil tests indicate otherwise. Refer to Manual for 2nd & 3rd year fertilizer rates	First Violation	Minor
Seeding: Plant species selected based on site and soil conditions, area, and time of year	First Violation	Minor
Mulch: Applied in accordance with Ds1 specifications	First Violation	Minor
Irrigation: Applied at a rate that will not cause runoff and erosion.	First Violation	Minor
Mowing: 6" of top growth maintained at all times	First Violation	Minor
Disturbed Area Stabilization (with permanent seeding)		
Surface: Soil surface is brought to final grade and clear of any trash, debris, and clods larger than 1"	First Violation	Minor
Installation: Sod applied to soil surface only (not to frozen or gravel type soils). Cut and installed within 36 hours of digging.	First Violation	Minor
Lime & Fertilizer: Applied based on soil tests or at a rate of 1-2 tons/acre	First Violation	Minor
Anchoring: Sod should be anchored with pins on slopes steeper than 3:1.	First Violation	Minor
Irrigation: Used as a supplement to rainfall for a minimum of 2-3 weeks	First Violation	Minor
Mowing: Grass height should not be cut less than 2"-3"	First Violation	Minor
Dust Control		
Methods: Mulch, vegetation, tackifiers, or irrigation used to prevent surface and air movement of dust	First Violation	Minor
Slope Stabilization		
Installation: Conforms to manufacturer's guidelines for installation of HECsPs & RECPs	First Violation	Minor
Maintenance: Inspected periodically after installation. All materials reinstalled after washouts or breakage.	First Violation	Minor

APPENDIX

D

Post-Construction Stormwater Management Violations		
Violation	Circumstances of Violation	Violation Type
Failure to obtain a stormwater maintenance permit	First Violation	Significant
Storm drain box not built to specification	First Violation	Minor
Wrong type of drainage materials outside the approved plans.	First Violation	Minor
Straying from E&S approved plans	First Violation	Minor
Grading Outside Defined Disturbance Area	Owner is not aware of grading outside defined area	Minor
	Owner is aware, but has chosen not to revise permit	Significant
Failure to submit as-built plans or final plats	First Violation	Minor
Lack of maintenance/violation of maintenance agreement (see inspection checklist inspection items)	First Violation	Minor

APPENDIX

E

Floodplain Management Violations		
<i>Violation</i>	<i>Circumstances of Violation</i>	<i>Violation Type</i>
Performing development activities in areas of special flood hazards without a permit	First Violation	Significant
Failure to submit a floodplain management and flood damage prevention plans as required	First Violation	Minor
Failure to submit required engineering flood management studies	First Violation	Minor
Failure to perform required maintenance that would insure flood-carrying or flood storage capacity is not diminished	First Violation	Minor
If a variance is granted, failure to adhere to variance specifications	First Violation	Minor
Failure to follow approved building standards for structures located within floodplain	First Violation	Minor

APPENDIX

F

Complaint Response

2018

	Date	Name	Address	Telephone	Complaint	Investigation	
						Date	Action
1							
2							
3							
4							
5							