



Enforcement Response Plan

The City of Sandy Springs has established legal authority through ordinances to aid in the prohibition of illicit discharges, conduct an illicit discharge detection and elimination program, and to minimize polluted stormwater runoff from construction sites. The purpose of this Enforcement Response Plan (ERP) is to outline the actions and procedures that will be used by city staff for handling violations associated with illicit discharges and construction site violations.

Illicit Discharge and Illegal Connection Ordinance:

Article III of the Sandy Springs Code of Ordinances contains the City's Illicit Discharge and Illegal Connection Ordinance. This ordinance was designed to:

Protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City of Sandy Springs separate storm sewer system to the maximum extent practicable.

Comply with the Georgia Department of Natural Resources (DNR) and federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act (CWA). The objectives of this ordinance include:

- Regulate the contribution of pollutants to the storm sewer system by any person;
- Prohibit illicit discharges and illegal connections to the storm sewer system;
- Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the storm sewer system, and;
- To establish legal authority to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance.

Section 109-152 provides the City the authority to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance.

Identification of Potential Violations

Illicit discharges can occur by various sources.

Examples of illicit discharges:

- Sewage and septage
- Commercial carwashes
- Shop floor drains, connected to MS4
- Laundry wastewater
- Liquid wastes: oil, paint, concrete washout, radiator flushing, leaking dumpsters

Other scenarios of non-compliance may include:

- Failure to install appropriate BMPs on a construction site
- Failure to maintain a detention pond
- Illicit connection to the MS4
- Accidental discharge of a pollutant to the MS4

Enforcement Mechanism & Actions

The enforcement mechanisms listed below are consistent with the provisions within Article III, Sec. 109-152: Violations, Enforcement and Penalties of Illicit Discharge and Illegal Connection Ordinance. Once a violation of the ordinance has occurred, the City may order compliance by the written notice of violation (NOV). The City has discretionary authority at what level of the NOV to enforce.

The notice of violation shall contain

- o Name and address of the alleged violator, containing description of the building, structure or land;
- o Statement specifying the nature of the violation;
- o Description of remedial measures necessary to restore compliance;
- o Statement of penalty;
- o Statement that the determination of violation may be appealed by filing a written notice of appeal within thirty (30) days of service of notice of violation;

May require

- o Performance of monitoring, analyses, and reporting;
- o Elimination of illicit discharges and illegal connections;
- o That violating discharges, practices, and/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 costs to cover administrative and abatement costs, and:
- The implementation of pollution prevention practices.

Appeal

- Person receiving NOV may appeal;
- Notice must be received within thirty (30) days;
- Hearing shall take place within fifteen (15) days;
- The decision of the appropriate authority shall be final.

Enforcement measures after appeal

- If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the decision of the appropriate authority upholding the decision of the City, the representatives of the City may enter upon the property and are authorized to take any and all measures necessary to abate the violation and/or restore the property.

Costs of Abatement of the Violation

- Within sixty (60) days after the abatement of the violation, the owner will be notified of the cost of the abatement, including administrative costs.
- If the amount due is not paid within thirty (30) days, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Civil Penalties

- In the event the alleged violator fails to take remedial measures set forth in the NOV within ten (10) days, or such greater period as the City shall deem appropriate, after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the NOV.

Criminal Penalties

- For intentional and flagrant violations of this ordinance, the City may issue a citation to the alleged violator requiring the appearance in municipal court to answer charges.
- Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Violations deemed a public nuisance

- In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions

of this article is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

Timeframes for Illicit Discharge Responses

Once a violation has been brought to the City's attention regarding an illicit discharge, the City will contact the violator/property owner as soon as possible but no longer than 72 hours (MS4 Stormwater Management Plan, C-5). The violator/property owner will be notified to take steps to immediately stop any ongoing activities that constitute the violation and to ensure that such actions do not occur again by means of a verbal warning. Depending on the situation, the City may elect to issue a formal NOV in accordance with the enforcement mechanisms described above. In the event the alleged violator fails to take remedial measures within ten (10) days, the City may impose a penalty to not exceed \$1,000 for each day the violation remains unremediated. Reinspections typically occur daily until remediation has occurred.

Citizen Complaints/Tracking

The City of Sandy Springs has implemented a program for receiving, investigating, and tracking the status of illicit discharges complaints.

Residents report the issue; City investigates in no later than 24 hours;

Outside of business hours, one of the 24-hour agents enters the complaint into the City's computerized reporting system for availability for action the next business day. All citizen complaints are directed to the appropriate department: Community Development or Public Works. Once the complaint is entered into the database system, the following occurs:

- The database is checked by the appropriate administrative personnel per department;
- The complaints are forwarded to the correct department immediately if a mistake has been made by the 24-hour agent;
- Each department has a technician assigned to field complaints and will contact the complainant within 24 hours but no longer than 72 hours;
- The technician responds by conducting an immediate inspection;
- Resolution of the complaint varies for each issue, but typically the complaint is resolved that same day. Reinspection occurs typically the next day depending on the issue. If immediate resolution is not maintained, an NOV as described above is issued and owner/operator

must take remedial measures within ten (10) days or suffer civil penalties as described above.

The City maintains a database of citizen complaints and work orders. This information is used to track violations, enforcement actions, deadlines for compliance, and other information about the violation/property.

Soil Erosion, Sedimentation and Pollution Control Ordinance: Article VI of the Sandy Springs Code of Ordinances contains the City's Soil Erosion, Sedimentation and Pollution Control Ordinance. It references the intent to establish minimum requirements, standards, and enforcement procedures for land disturbance activities in order to conserve and protect the environment, public health, and the general welfare of the citizens of the City of Sandy Springs.

The enforcement mechanisms below describe the Erosion and Sediment Control Ordinance and are consistent with Article VI, Sec.109-254 of Inspection and Enforcement and of Article VI, Sec. 109-255 of Penalties and Incentives of the City of Sandy Springs Code of Ordinances. The following penalties are result from failure to obtain a permit for a land-disturbing activity and failure to comply with the permit.

Enforcement Mechanism & Actions

Stop Work Orders and Notice to Comply

- For the first and second violations of the provisions of this article, a written warning is issued to the violator;
- The violator has five (5) business days to correct the violation;
- If not corrected, a stop-work order will be issued;
- If the violation presents an imminent threat to public health or waters of the state, a stop-work order will be issued in lieu of a written warning;
- For a third and each subsequent violation, an immediate stop-work order will be issued;
- Stop-work orders remain in effect until violations are corrected;
- Violations such as, taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment have been discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued.

Penalties

- If the person fails to comply within the timeframe allowed and will be deemed to have forfeited his performance bond, if required to post one

under the provisions of subsection 109-253(b)(6). The City may call the bond to be forfeited and may use the proceeds to hire a contractor to stabilize the site and bring it into compliance.

- The City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it to compliance.
- Any person who violates any provisions of the ordinance, or any permit condition or limitation established pursuant to this article or who intentionally fails or refuses to comply with any final or emergency order of the City issued as provided shall be liable for civil penalty not to exceed \$2,500 per day. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

The following is a summary list of enforcement mechanisms available for the City of Sandy Springs Erosion and Sediment Control Ordinance:

- Written notice of violation;
- Citations (with fines);
- Stop work orders;
- Bond forfeiture.

Citizen Complaints/Tracking

The City of Sandy Springs has implemented a program for receiving, investigating, and tracking the status of erosion and sedimentation complaints complaints.

Residents report the issue; City investigates in no later than 24 hours;

Outside of business hours, one of the 24-hour agents enters the complaint into the City's computerized reporting system for availability for action the next business day. All citizen complaints are directed to the appropriate department: Community Development or Public Works. Once the complaint is entered into the database system, the following occurs:

- The database is checked by the appropriate administrative personnel per department;
- The complaints are forwarded to the correct department immediately if a mistake has been made by the 24-hour agent;
- Each department has a technician assigned to field complaints and will contact the complainant within 24 hours but no longer than 72 hours;
- The technician responds by conducting an immediate inspection;

- Resolution of the complaint varies for each issue, but typically the complaint is resolved that same day. Reinspection occurs typically the next day depending on the issue.
- For an issue that is not a threat to public health or waters of the state: the violator has five (5) business days to correct the violation; if not, a notice of violation will be issued; reinspection occurs; if not corrected, a stop-work order is issued after the second written warning; if the violation is an imminent threat to public health or waters of the state, a stop-work order is issued in lieu of a notice to comply. Stop-work order remains in effect until issue is remedied.

The City maintains a database of citizen complaints and work orders. This information is used to track violations, enforcement actions, deadlines for compliance, and other information about the violation/property.

Failure to Maintain Private Post-Construction Structural Stormwater Facilities:

Section 9.6 of the Sandy Springs Development Code contains the regulations for the long-term responsibility for operation, inspection, maintenance and repair of private structural stormwater control facilities. It references the intent to establish minimum requirements, standards, and enforcement procedures for these facilities in order to conserve and protect the environment, public health, and the general welfare of the citizens of the City of Sandy Springs.

The enforcement mechanisms below describe the Development Code and are consistent with Article VI, Sec.109-254 of Inspection and Enforcement and of Article VI, Sec. 109-255 of Penalties and Incentives of the City of Sandy Springs Code of Ordinances. The following penalties result from failure to maintain a private post-construction structural stormwater facility and private commitments for nonstructural stormwater management practices, which ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.

Enforcement Mechanism & Actions

Stop Work Orders and Notice to Comply

- For the first and second violations of the provisions of this article, a written warning is issued to the violator;
- The violator has five (5) business days to correct the violation;
- If not corrected, a stop-work order will be issued;
- If the violation presents an imminent threat to public health or waters of the state, a stop-work order will be issued in lieu of a written warning;

- For a third and each subsequent violation, an immediate stop-work order will be issued;
- Stop-work orders remain in effect until violations are corrected;
- Violations such as, taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment have been discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued.

Penalties

- If a person fails to comply within the timeframe allowed, they will be deemed to have forfeited their performance bond, if one was posted under the provisions of subsection 109-253(b)(6). The City may use the forfeited bond proceeds to hire a contractor to stabilize the site and bring it into compliance.
- Any person who violates any provisions of the Ordinance, or any permit condition or limitation established pursuant to this Article or who intentionally fails or refuses to comply with any final or emergency order of the City, issued as provided, shall be liable for civil penalty not to exceed \$2,500 per day. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

The following is a summary list of enforcement mechanisms available for the City of Sandy Springs Erosion and Sediment Control Ordinance:

Written notice of violation;
 Citations (with fines);
 Stop work orders;
 Bond forfeiture.

Citizen Complaints/Tracking

The City of Sandy Springs has implemented a program for receiving, investigating, and tracking the status of erosion and sedimentation complaints.

Residents report the issue; City investigates in no less than 24 hours;

Outside of regular business hours, one of the 24-hour agents enters the complaint into the City's computerized reporting system for action the next business day. All citizen complaints are directed to the appropriate department: Community Development or Public Works. Once the complaint is entered into the database system, the following occurs:

- The database is checked by the appropriate administrative personnel per department;

- The complaints are forwarded to the correct department immediately if a mistake has been made by the 24-hour agent;
- Each department has a technician assigned to handle complaints and will try to contact the complainant within 24 hours, but no longer than 72 hours;
- The technician responds by conducting an immediate inspection;
- Resolution of the complaint varies for each issue, but typically the complaint is resolved that same day. Reinspection occurs typically the next day, depending on the issue.
- For an issue that is not a threat to public health or waters of the State: the violator has five (5) business days to correct the violation; if not, a Notice of Violation will be issued; reinspection then follows; if not corrected, a Stop-Work Order is issued after the second written warning; if the violation is an imminent threat to public health or waters of the State, a stop-work order is issued in lieu of a Notice to Comply. The Stop-Work Order remains in effect until the issue is remedied.

The City maintains a database of citizen complaints and work orders. This information is used to track violations, enforcement actions, deadlines for compliance, and other information about the violation/property.

Note: In the event of a discrepancy between this document and a referenced ordinance, the referenced ordinance shall take precedence.