

City of Holland MS4 NPDES Application

Enforcement Response Procedure

As indicated in the responses contained in the following sections of this application, the City of Holland's codified ordinances contain many provisions that require compliance with MS4 Program goals and requirements. The ordinances contain language that allows the City of Holland to enforce correction or elimination of the violations.

Illicit Discharge Elimination (Includes Dumping and Spills) – Code of Ordinances Chapter 29 Sewer Usage and Administration

- Article VI, Stormwater, Sec 29-125 prohibits sewage and other polluted waters from being discharged into storm drains or natural drains unless under an approved NPDES permit; prohibits illicit connections
- Once an illicit discharge or connection has been identified, the following procedures are followed:
 - Written notification of any violation of any part Chapter 29 is sent to the responsible party and they must respond within 10 days to provide an explanation for the violation and plan for correction (Sec. 2-15a)
 - If the illicit discharge is to the city's MS4, then an immediate cease and desist order is issued (Sec 29-148)
 - If the illicit discharge/connection is not addressed within 10 days of the responsible party receiving notification, the city can undertake necessary or advisable protective measures, the cost of which is the responsibility of the property owner/responsible party (Sec 29-148, 29-149)
 - Access to the City's MS4 may be suspended in the case of an emergency illicit discharge or after detecting an illicit discharge (Sec 29-154)
 - The City's Community and Neighborhood Services can pursue further administrative remedies to compel compliance, including consent orders, show cause orders, compliance orders, cease and desist orders, administrative fines, and termination of permits, if applicable (Sec 29-15)
- Article II outlines penalties, sanctions and remedies for violations of any part of the Chapter
 - A notification of violation is sent after verification of the violation
 - A response must be received within 10 days of the receipt of the notice providing an explanation of the violation and a plan to come into compliance with the Chapter
 - Additional administrative remedies will be pursued if a response is not received or does not adequately address the violation (consent order, show cause order, compliance order, cease and desist order, administrative fines)
 - Escalated enforcement actions include the following judicial remedies: injunctive relief, civil fines and criminal prosecution
- When fines are issued, a hearing is also scheduled in District Court. The judge or magistrate can impose additional fines or grant the City permission to correct the violation if the property owner or responsible party does not.

- Violations of Chapter 29 can be declared a public nuisance and after 2 public hearings, the City Council can authorize the City to make necessary repairs or corrections and bill the property owner for the costs. A property lien will be issued for any unpaid bills.

Construction Stormwater Runoff Control Program

- The City of Holland is an APA and only has authority over their own projects
- Any violations of the Construction Stormwater Runoff Control Program within the City of Holland are referred to the appropriate County Enforcing Agency: the Ottawa County Water Resources Commissioner's Office or the Allegan County Health Department

Post-Construction Stormwater Runoff Control Program

- Post Construction Stormwater design standards are found in the City's Stormwater Standards. Enforcement of the rules is within Code of Ordinances Chapter 29 Sewer Usage and Administration
 - Sec 29-89 establishes applicability to all new development and redevelopment projects that disturb one (1) or more acres and projects that are less than one (1) acres that are part of a larger common plan of development or sale that would disturb one (1) acres or more
 - Article IV Stormwater, Division 2 Stormwater Review and Approval requires approval of post-construction stormwater management systems before development can occur
 - Sec 29-102 requires that a maintenance agreement be recorded with the County Register of Deeds prior to receiving a certificate of occupancy
 - Sec 29-164 requires maintenance agreements be signed and submitted to the City for review and approval. The maintenance agreement shall ensure access for proper inspection by the City of their designee, allow for maintenance of correction actions, and include provisions to track maintenance activities and transfer of operation and maintenance responsibility to ensure the performance standards are met in perpetuity.
 - Written notification of a violation of any part of Chapter 29 is sent to the responsible party and they must respond within 10 days to provide an explanation for the violation and plan for correction (Sec. 2-15a)
 - If the illicit discharge is to the city's MS4, then an immediate cease and desist order is issued (Sec 29-148)
 - If the illicit discharge/connection is not addressed within 10 days of the responsible party receiving notification, the city can undertake necessary or advisable protective measures, the cost of which is the responsibility of the property owner/responsible party (Sec 29-148, 29-149)
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Since the City of Holland Department of Community and Neighborhood Services and Transportation Department place the utmost importance on MS4 Program compliance, we accordingly place the highest priority on the enforcement and correction of violations that impact stormwater quality. Where necessary, several employees within these departments are authorized to enforce our municipal code requirement and can write civil infraction tickets.

In the past, the Department of Community and Neighborhood Services has taken the lead relative to compliance and enforcement of violations. Typically a hard-copy file is retained while the enforcement action is pursued to resolution and ultimate compliance. The City also inputs these into our electronic BS&A system for tracking purposes. Per the Code of Ordinances Chapter 29, Sec 29-155, the information that will be tracked includes:

- Name of the person responsible for violating the ordinance
- Date and location of the violation
- Description of the violation, including how the violation was identified
- Description of the enforcement response
- Schedule for returning to compliance
- Date the violation was resolved