

Allegan County MS4 NPDES Application

Enforcement Response Procedure

As indicated in the following sections of this application, Allegan County has, or will obtain, the authority to enforce each section of the SWMP. The following regulatory mechanisms apply:

- The Allegan County Health Department (ACHD), through County Ordinance No. 1013.1: Soil Erosion and Sedimentation Control Ordinance (Attachment 6), achieves the MS4 Program requirements for the **Construction Stormwater Runoff Control Program**. Enforcement procedures are found in Article VIII, Section 801-807. The Allegan County Drain Commissioner is an APA under this program for their own drain projects.
- The ACHD has a procedure in place to eliminate illicit discharges and connections as described in the Illicit Discharge Elimination Plan and summarized below. If the responsible party fails to comply, then enhanced enforcement is carried out by the Allegan County Drain Commissioner's Office with assistance from the Allegan County Sheriff, if necessary.
- The Allegan County Drain Commissioner (ACDC) is given the authority to achieve MS4 Program requirements for the **Illicit Discharge Elimination Program** through the Michigan Drain Code of 1956 (Chapter 18, Section 280.423, See Attachment 2a).
- The ACDC obtains the authority to achieve MS4 Program requirements for the **Post-Construction Stormwater Runoff Program** through local ordinances via Laketown and Fillmore Townships. The general procedure contained within the Township ordinances is summarized below (model ordinance is provided as Attachment 2b).

Construction Site Storm Water Runoff Control (Soil Erosion and Sediment Control)

1. Once a Soil Erosion Agent determines that a violation of Part 91 or Ordinance 1013.1 has occurred, a notice of determination is served in person or sent by certified mail (with return receipt) to the landowner/responsible party.
2. Within 5 days after a notice has been served, the landowner/responsible party must implement and maintain soil erosion and sedimentation control measures in compliance with Part 91 or Ordinance 1013.1
3. If corrections have not been implemented within 5 days, then the ACHD or its designee may enter the land and implement appropriate measures, expenses that shall be reimbursed by the landowner.
4. Persons found in violation of Part 91 or Ordinance 1013.1 are responsible for a uniform municipal civil infraction and may be ordered to pay a fine

Illicit Connections and Discharges

1. Illicit connections and discharges are prohibited township Stormwater Ordinances (Division IV in Attachment 2b).
2. Notification of all illicit connections and discharges are forwarded to the ACHD to initiate enforcement actions.

3. The ACHD will send written notification the property owner/responsible party requiring that the illicit discharge/connection be eliminated within five (5) days of receiving the letter.
4. If the discharge/connection cannot be removed within five (5) days the ACHD will work with the responsible party to determine a reasonable schedule for elimination. However, any discharges or connection that jeopardize public health or water quality will be eliminated within five (5) days.
5. If the discharge/connection is not removed within five (5) days or a time agreed upon between the ACHD and the responsible party, then the violation will be referred to the ACDC or other MS4 owner, as applicable, who will take the actions allowable under applicable rules to eliminate the discharge/connection.
6. ACDC action includes elimination of the illicit discharge/connection by ACDC staff or a hired contractor, will all expenses billed to the responsible party. This course of action is outlined in the initial ACHD notice.
7. If the responsible party does not comply with ACDC action, up to an including payment of invoices, then the Allegan County Sheriff's Office will be involved to compel compliance.
8. If the violation is related to a sanitary sewer, then the issue will be referred to the application Board of Public Works agency for enforcement.
9. If the violation is related to a septic system, the ACHD Policy #611.4.1 outlining sewage complaint investigations will be followed (Attachment 2c).
 - a. All complaints will be recorded in writing on the appropriate complaint form.
 - b. Complaints received are entered into and tracked in the SWORD Solutions Software System.
 - c. The complaint will be investigated by an ACHD Sanitarian within five (5) business days of receiving the complaint.
 - d. If an illicit discharge of sewage is discovered, a certified letter will be issued to the property owner requiring that the system be corrected in a period not to exceed 30 days.
 - e. If further enforcement action is needed, the case is referred to the Allegan County Prosecuting Attorney's Office.

Illegal Dumping and Spills

1. Accidental discharges are regulated by Township Stormwater Ordinances. The discharger shall notify the township or county immediately and file a written report within five (5) days.
2. Allegan County follows a policy for *Management of Potential Contamination Spills in Waterways* (Appendix C in Attachment 4).
3. Upon becoming aware of dumping or a spill into the County's MS4, Drain Commission and Health Department Staff will respond and perform a site investigation within twenty-four (24) hours or the next business day.
4. An Environmental Health Committee that includes DEQ, County and local government representatives will be notified.
5. Once the perpetrator of the spill is identified, the above enforcement procedures for illicit connections and discharges are followed to eliminate the dump site or spill.

6. If the responsible party cannot be immediately identified, the ACDC office will clean up the dump site of spill within five (5) days and invoice the responsible party for the expenses once identified.
7. If necessary, the Allegan County Sherriff's Office will be involved to compel compliance.

Post-Construction Stormwater Runoff Control Program

1. Enforcement of the ACDC's Site Development Rules (Attachment XX) that fulfill the post-construction stormwater runoff control program requirements is carried out under local ordinances. In Allegan County, this is done through Stormwater Ordinances that will be adopted by Laketown and Fillmore Townships within 6 months of MS4 permit issuance. A model ordinance is provided in Attachment 2b.
2. Upon becoming aware of a violation of the Stormwater Ordinance, written notification will be sent immediately to the responsible party requiring that compliance must be achieved within five (5) days.
3. Escalated enforcement actions are outlined in Division 6, including issuing stop work orders, the Township taking emergency measures to correct violations and applicable penalties.
4. The ordinance also provides a process for the Township to track compliance actions.
5. Maintenance agreements are required for all post-construction stormwater controls. The Township will track operation and maintenance and shall have authority to undertake maintenance if the responsible party fails to do so.

In the past, the Allegan County Health Department has taken the lead relative to compliance and enforcement of violations. Afile is retained while the enforcement action is pursued to resolution and ultimate compliance. In order to better track instances of non-compliance, the Allegan County Health Department maintains a document that will provide tracking of:

- Violation type;
- Location of violation;
- Date violation occurred;
- Responsible party (property owner or other);
- Enforcement action taken by the County, including dates of official correspondence issued; and
- Date compliance was achieved.

Violations that occur on Allegan County Drain Commissioner county drain projects will be managed by a representative of the Drain Commissioner. All reported violations, whether a county drain or not, will be immediately reported via the Allegan County Environmental Health Department Management of Potential Contamination Spills in Waterways Policy Procedure. The Allegan County Drain Commissioner keeps active files and permanent records at their office at 113 Chestnut, Allegan, MI 49010 for violations occurring in county drains. Violations occurring elsewhere in the county are forwarded to the Allegan County Health Department, and records are maintained there.