



V. ENFORCEMENT ACTION AND ESCALATION

A. Purpose

Enforcement measures are used to notify the Permittee/project site owner when an active construction project is not in compliance with Chapter 909 of the City of Tiffin Codified Ordinances. These procedures are to be used as a guideline to establish standards for enforcement action and escalation but may require the City Engineer to use their professional judgement to deviate from the typical policy.

B. Enforcement Measures

The City is authorized to exercise the use of the following enforcement measures:

- 2) **Verbal, Email, Letter, etc.** — Communication occurring prior to enforcement action to provide comments or recommendations regarding any BMP deficiencies or to convey the status of compliance with regulatory requirements.
 - a) Includes discussions of BMP deficiencies or other potential for corrective action by the City Engineer as recorded in the Site Inspection form.
 - b) Ample warning and communication should occur prior to issuing a Notice of Violation (NOV) or a Stop Work Order (SWO).
- 3) **Notice of Violation (NOV)** – A formal written notice that informs the Permittee/project site owner that the regulatory requirements have been violated.
 - a) Demands activities causing the violations or non-compliance are corrected, including restitution for damages (if necessary).
 - b) Generally issued when a warning is disregarded as documented by the City Engineer.
 - c) May require payment of fee in accordance with Chapter 909.
- 4) **Stop Work Order (SWO)** – A formal written non-monetary notice that informs the Permittee/project site owner that a condition or regulatory requirement has been violated and demands that the entire project cease.
 - a) All unsafe conditions, storm water BMPs, or any disruption to the public Right of Way or affected private property be restored to acceptable use prior to leaving the project site.
 - b) Generally issued when multiple NOV's have been issued for the project site and disregarded.
 - c) May revoke the Construction Site Runoff Control Permit and hold any contracts held with the City.
 - d) Remains in effect until the required corrective actions have been completed.

C. Enforcement Procedure

Enforcement action or escalation by the City Engineer is justified for a Permittee/project site owner under the following conditions:

- 1) **Initiating construction without Construction Site Runoff Control Permit:** Land disturbance occurs on any project site without proper federal, state or local permits.
 - a) City Engineer to issue a NOV Letter and SWO to be posted on-site.
 - b) Notify the project site owner verbally or in writing the reasoning behind the enforcement actions and the process they shall follow to obtain approval for construction activity.
- 2) **First noncompliant site inspection** – Site inspection for the active project site shows noncompliance with regulatory requirements.
 - a) Notify the Permittee/project site owner verbally or in writing of the nature of the violation and the required corrective actions.
 - b) Perform a follow-up site inspection no later than one (1) week following the last inspection.
- 3) **Second noncompliant site inspection and issuance of NOV Letter:** Follow-up site inspection is completed and project site continues to show noncompliance.
 - a) Issue first NOV letter to the Permittee/project site owner and collect fee (if applicable).
 - b) Perform a follow-up site inspection no later than thirty (30) days following the last inspection.
- 4) **Second NOV Letter:** Follow-up site inspection is completed and project site has not achieved compliance within thirty (30) days from issuance of first NOV as defined in ORC 307.79 Section E.
 - a) Issue second NOV letter to the Permittee/project site owner and collect fee (if applicable).
 - b) Perform a follow-up site inspection no later than thirty (30) days following the last inspection
- 5) **Third NOV Letter and issuance of SWO:** Follow-up site inspection is completed and project site has not achieved compliance within thirty (30) days from issuance of second NOV.
 - a) Issue SWO and provide the Permittee/project site owner a copy of the SWO.

D. Documentation

The following will be the minimum documentation for enforcement action and escalation and should be maintained for five (5) years following project closeout:

- 1) Copies of all enforcement actions and issued fines, NOVs, SWOs, or other enforcement measures.
- 2) Any correspondence with the Permittee/ project site owner in regards to the above