

Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)



Hamblen County Stormwater Department

Enforcement Response Plan

The May 2023 version of the Hamblen County Stormwater Department Enforcement Response Plan is the most current version of this document. If another copy is referenced without this notice, it is not the most recent version and any former resolutions described within are null and void.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

Executive Summary

Hamblen County, Tennessee (referred to herein as "County") is designated as a Municipal Separate Storm Sewer System (MS4) and through their NPDES stormwater discharge permit with the State of Tennessee is required to develop a Stormwater Management Program.

One component of the Stormwater Management Program is the implementation of an **Enforcement Response Plan (ERP)** to be used by the County in the oversight of regulation of certain land uses and development activities. These regulations include all locally adopted stormwater related resolutions directed towards areas of pollution prevention and water quality. Specifically, those regulations include;

1. Zoning requirements (as listed in the Zoning Regulations),
2. Subdivision standards involving the land development process (as listed in the Subdivision Regulations),
3. Erosion prevention and sediment control measures at construction sites,
4. Establishment of buffer zone requirements,
5. Illicit discharge and illegal connection control measures,
6. Permanent (post-construction) stormwater runoff control and management.

The County shall enforce these regulations and any violations identified will be addressed by using the following tools, as each is deemed appropriate, at the County's discretion:

1. **Verbal Warnings** – Verbal warnings will be used for minor violations. These warnings will be noted in an inspection log book, or other documentation file, including the date resolved.
2. **Written Warnings** - A written warning will be issued to the responsible party, by regular mail delivery, when verbal warnings fail to correct a violation in a timely manner.
3. **Notice of Violation (NOV)** - A Notice of Violation will be issued, via certified mail, to the responsible party for any violation(s) that remain uncorrected after verbal or written warnings have been issued by the County. NOV's will require that violators submit a response plan of action to resolve the noncompliance. They may also contain civil or administrative penalties depending on the severity of the situation.

Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)

4. **Consent Orders and Correction Notices** - Consent orders and correction notices will be used, as may be appropriate, where the County and the person responsible for the noncompliance can establish an agreement to bring the project site into compliance when an extended period of time may be needed. Such notices and orders may include civil and/or administrative penalties, along with any appropriately related cost recovery charges, when necessary.
5. **Compliance Orders** - Compliance orders will be used when a person continues to violate any locally adopted regulations, permits or other orders issued to them. A compliance order may require a violator to install adequate structures or devices and/or implement appropriate procedures for the proper operation and maintenance of an existing structure or device. Monetary penalties will be assessed with a compliance order.
6. **Appeals and Show Cause Hearings** - Appeals and show cause hearings are allowed to be brought before either the Hamblen County Planning Commission or its designee, or the Board of Zoning Appeals in certain cases. Decisions made by these bodies shall be considered final (pending any further appeal made pursuant to applicable state law under title 27, chapter 8). Whenever a monetary assessment or civil penalty has become final due to a failure to appeal, the County may apply to the court for a judgment and seek execution of such judgment.
7. **Stop Work Orders (SWO)** - Stop work orders will be used to halt all operations at a nonconforming site; except for cleaning up, terminating the discharge, or installation of appropriate control measures.
8. **Suspension, Revocation, or Modification** - The County may suspend, revoke, or modify a permit or plat approval for any land development project within the County upon a finding of just cause to do so. Such permit or plan approval may be reinstated upon the responsible party taking the steps necessary to remediate or otherwise cure the violation(s). In addition, building permit certificate of occupancy approvals will not be granted until corrections to all stormwater practices have been made.
9. **Civil and Administrative Penalties** - Civil and administrative penalties, when assessed, shall be no less than \$50.00 per day for each day of violation. The MS4 Department will take into account certain considerations when assessing penalties for violations.
10. **Recovery of Damages** - Recovery of damages and costs may include reasonable expenses incurred by the County in investigating and enforcing compliance with its adopted

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

resolutions or any other actual damages proximately caused by the violation(s).

11. **Performance Security Bond** - A performance security bond is required to be posted for developments where stormwater practices are to be installed based on an approved management plan. The security shall contain a forfeiture provision for failure to timely complete the specified work contained in the approved stormwater management plan.
12. **Legal Action** - The County may bring legal action for injunctions to restrain or compel activities by an owner, or other responsible party, or to institute proceedings to collect any unpaid penalties or cost recovery charges.
13. **Referral to TDEC** - NPDES permit referrals for identified unpermitted discharges that should be covered by a state issued NPDES permit shall be reported to the local Tennessee Department of Environment and Conservation (TDEC) Environmental Field Office when the County becomes aware of such situations. Referrals will also be made to the local Environmental Field Office of TDEC when progressive enforcement actions by the County are unsuccessful in bringing a discharge into compliance.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

Enforcement Response Plan

Description of Each Type of Enforcement Response:

1. Verbal Warnings;

- a. At a minimum, verbal warnings will specify the nature of the violation and detail the required corrective action(s) to be taken.
- b. Verbal warnings may be given at the discretion of the field inspector when it appears the condition can be corrected by the ~~violator~~ responsible party within a reasonable time, which time shall be approved by the inspector.
- c. No more than two (2) verbal warnings will be given for a single violation.
- d. All verbal warnings shall be documented in the Stormwater Office.

2. Written Notices;

a. *Written Warning*

- i. A written warning, may be hand delivered or sent by regular mail, addressed to the responsible party specifying the nature of the violation, the required corrective action(s) expected to be taken, and will set a follow-up inspection date.
- ii. Warning letters will be issued by the field inspector when a maximum of two (2) verbal warnings have failed to correct violations in a timely manner.

b. *Notice of Violation (NOV)*

- i. The NOV, will be delivered by certified mail, addressed to the responsible party specifying the nature of the violation, list the required corrective action(s) that must be taken, and will set a follow- up compliance inspection date.
- ii. The NOV will require the party committing the violation to submit a written explanation of the violation(s) and a response plan for the satisfactory correction and prevention of the violation conditions, including the specified required actions to be taken to resolve the violation within **seven (7) working days**.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

- iii. Submitting an NOV response plan does not relieve the responsible party of any monetary liability to the County for taking enforcement actions that may be deemed appropriate, for any violations that occurred either before or after the receipt of the NOV.
- iv. The NOV will be issued by the Stormwater Staff and may include monetary penalties (civil and/or administrative) being assessed which, if assessed, shall be \$50.00 per day with each day or portion thereof being considered a separate offense.

3. Citations and Administrative Orders;

a. *Consent Orders / Correction Notices*

- i. The Commission and/or Staff are empowered to issue Correction Notices and enter into Consent Orders, Assurances of Voluntary Compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance.
- ii. All Consent Orders /Correction Notices will include specific corrective actions needing to be taken in order to correct the noncompliance along with a specified time period to finish the corrective actions.
- iii. All Consent Orders/Correction Notices have the same force and effect as other administrative orders such as the Compliance Order and the Cease and Desist Order.
- iv. Civil and/or administrative penalties, along with related cost recovery charges may, at the County's discretion, be assessed against a violator with a Consent Order/Correction Notice in order to encourage compliance and to recoup any costs and/or damages proximately caused by the violator.
- v. If a civil and/or administrative penalty is assessed with a consent order/correction notice the penalty shall be determined on a case-by-case basis.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

4. Compliance Order;

- a. When the Commission and/or its Stormwater Staff finds that any person has violated or continues to violate any locally adopted regulations, ~~or~~ a permit issued under such regulations, or an order issued hereunder, a compliance order may be issued to the violator directing that, within a specific time period, adequate structures or devices must be installed and/or appropriate procedures must be implemented for the proper operation and maintenance of an existing structure or device.
- b. Compliance Orders may also contain other requirements as might be reasonably necessary to address the noncompliance, including the construction or modification of structures, installation of devices, conducting self-monitoring, performing inspections and implementing management practices (i.e., providing for the proper operation and maintenance of existing structures and/or devices).
- c. Monetary penalties (civil and administrative, including attorney fees, where applicable) will be assessed with the compliance order. A **judgement for penalties and costs may be filed, creating a lien upon the involved property.**

5. Show Cause Hearing (Notice of Appeal);

- a. The Commission is authorized to hear appeals by a person who has violated any provision thereof, or any permit or order issued hereunder, to show cause/appeal why a proposed enforcement action should not be taken. Unless provided otherwise (see subsection d), all notices of appeal must be received within thirty (30) days from the date a penalty, or other charge, has been assessed.
- b. Should a notice of appeal be filed within the specified time frame, a notice of the show cause hearing date will be served on the person making the appeal specifying the time and place for the meeting, the proposed enforcement action(s), the reasons for the proposed enforcement action(s), and a request for the violator to show cause (appeal) why the proposed enforcement action(s) should not be taken. The hearing of an appeal before the Planning Commission shall take place within thirty (30) days from the date of receipt of a notice of appeal. The hearing notice may be served personally or delivered by registered or certified mail (return receipt requested) at least ten (10) days before the scheduled hearing. The decision of the Planning Commission or their designee shall be final.
 - i. In cases involving post-construction requirements, the appeal shall be heard by the Planning Commission if a request is **made within fifteen (15) days of service** of the notice or order. For cases involving buffer zone requirements, the appeal shall be heard by the Planning Commission if a request is made **within thirty (30) days of service** of the notice or order. The decision of the Commission shall be final.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

- ii. In any case, regardless of the body authorized to hear an appeal, if a petition for review is not filed **within thirty (30) days** after service of the notice or order, the violator shall be deemed to have consented and the penalty, assessment, notice or order shall be final.

- iii. Appeals of a final decision made by either the Planning Commission or its designee, or the BZA may be made pursuant to applicable State law under title 27, chapter 8.

- iv. Whenever a monetary assessment or civil penalty has become final due to a failure to appeal, the County, through legal counsel, may apply to the Hamblen County Chancery Court for a judgment and seek execution of such judgment. The failure to file a timely appeal shall operate as a confession of judgement.

6. Stop Work Orders (SWO);

a. *Cease and Desist Order*

- i. The County Planning Commission or its Staff may issue a SWO, which requires that all work at a site must cease and desist immediately, to any person who has violated or continues to violate any resolutions or regulations, or any permit conditions, or other orders issued hereunder.

- ii. The SWO requires that the violator must comply with the cease and desist order and must take any appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation; including halting all operations (except for cleaning up) terminating the discharge and installing appropriate control measures.

- iii. Monetary penalties (civil and administrative, including cost recovery, where applicable) may be assessed with the SWO.

7. Suspension, Revocation or Modification of Permit or Plan Approval;

- a. The Stormwater Staff may suspend, revoke or modify a permit, or related plan approval, which authorizes a land development project to take place within the County upon a finding of just cause to do so (i.e., noncompliance with adopted resolutions, regulations, permits or orders).

- b. A suspended, revoked or modified permit, or plan approval, may be reinstated after the applicant, or other responsible person, has taken the remedial measures set forth in the notification or order, or has otherwise cured the violation(s) described therein. A permit,

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

or plan approval, may also be reinstated upon such conditions as the County may deem necessary to enable the applicant, or other responsible person, to take the required remedial measures to cure any violation(s) including the facility's ability to discharge to the MS4 system.

- c. In addition to the above, building permit certificates of occupancy approvals will not be granted until corrections to all stormwater practices have been corrected and are accepted by the Planning Commission and its Staff.

8. Monetary Measures;

a. *Civil and Administrative Penalties*

- i. The County declares that any person violating the provisions of its locally adopted resolutions, regulations, permits or orders may be assessed a civil and/or administrative penalty by the MS4 Department.
- ii. Each day of violation shall constitute a separate violation.
- iii. The MS4 Department will consider the following in assessing civil and/or administrative penalties for violations:
 - 1. The harm done to the public health or the environment;
 - 2. Whether the penalty to be imposed will be a substantial economic deterrent to the illegal activity;
 - 3. The economic benefit gained by the violator;
 - 4. The amount of effort put forth to remedy the violation;
 - 5. Any unusual or extraordinary enforcement costs incurred by the County;
 - 6. The amount of penalty established by resolution or other means for specific categories of violations; and
 - 7. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

b. *Recovery of Damages and Costs*

- i. All damages incurred by the County which are attributable to the violator, which may include reasonable expenses incurred in investigating violations of, and enforcing compliance with, adopted resolutions or any other actual damages caused by the violation may be assessed against a violator as may be found appropriate on a case by case basis.
- ii. The cost of the County's maintenance efforts made at stormwater facilities when the user of such facilities fails to maintain them as required by adopted resolutions shall be assessed against a responsible party in order to recoup such costs.
- iii. In addition to the above, when and where appropriate, violators shall be liable for court costs, attorney's fees, or other expenses, which may be incurred by the County in taking any civil action(s) that may become necessary to achieve compliance with adopted resolutions.
- iv. Also, where the county must expend funds to restore a buffer zone area, when the violator fails to comply, charges equal to two (2) times the cost of such restoration shall be recoverable from the responsible party, in addition to any other monetary penalties accrued.

c. *Performance Security*

- i. The County may require an applicant to submit a performance security before a site development plan is approved, or a permit is issued, or reinstated, in order that the stormwater practices are installed by the responsible party as required by the approved management plan.
- ii. Acceptable performance securities include an Irrevocable Letter of Credit, a certified check or cash deposit that will be deposited in the County's account.
- iii. Prior to any construction activity taking place, a surety or bond in the amount of one hundred fifty percent (150%) of the estimated cost of the required improvements must be submitted and approved by the Planning Commission. The surety or bond shall cover the cost of installation of any required drainage facilities, landscaping or any other required improvements as deemed necessary by the Planning Commission. The surety or bond shall be made out to the Hamblen County Planning Commission, all bonds must be within fifty (50) miles of Morristown, and shall be held and utilized, if needed, to complete the required improvements after twelve (12) months of its posting if the improvements have not been made or do not remain properly stabilized. Prior to the end of the twelve (12) month period the developer may request

Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)

- iv. release of the surety or bond if all installed improvements have been properly completed, adequately stabilized, and approved. Upon posting the surety or bond, the developer must give the Planning Commission a notarized statement granting permission for the required improvements to be installed on the property in case of default. (November 19, 2015)

- v. The applicant must provide an itemized construction cost estimate, complete with unit prices, as prepared by a Tennessee registered professional engineer which shall be subject to acceptance, amendment or rejection by the Hamblen County Planning Commission. Alternatively, the County shall have the right to calculate the construction cost estimate if it so chooses.

- vi. The performance security shall contain a forfeiture provision for failure to timely complete the specified work contained in the stormwater management plan.

- vii. To receive a full release of the performance security, the following steps must be fulfilled:
 - 1. The applicant must submit "as-built" drawings and a written certification sealed by a registered professional engineer licensed in the State of Tennessee stating that the structural BMPs have been installed in substantial compliance with the approved plan and specifications along with any other applicable provisions of the County's stormwater resolutions, and/or requirements.

 - 2. The County will make a final inspection of the entire site including the structural BMPs to ensure that the development is in substantial compliance with the approved plan and specifications along with the appropriate provisions of the County's adopted resolutions.

 - 3. Typically a performance security is held for **a period of one (1) year** following the Commission granting its final approval of a site development plat or plan. This ensures the site has been properly stabilized with vegetation and that any facilities and/or devices installed are operating properly.

- viii. A partial release of no more than fifty percent (50%) of the full amount of the security posted may be granted by the Commission, at its discretion, where adequate justification can be provided. The Commission is also authorized to require that an additional amount be posted or extend the typical holding period, **beyond one (1) year**, when noncompliance or other unacceptable condition(s) exist.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

d. *Legal Action/Other Remedies*

- i. The County may bring legal action to enjoin the continuing violation of its adopted resolutions. Also, pursuant to the County's resolutions, the County may, through the County Attorney, petition the appropriate court(s) for issuance of preliminary or permanent injunctions to restrain or compel activities by an owner, or other responsible party, or to institute proceedings to collect any unpaid penalties or cost recovery.

9. **NPDES Permit Referrals:**

a. *Unpermitted Discharges;*

- i. For a known project site involving a construction activity or an industrial stormwater discharge, where the discharge should also be covered by a state NPDES permit, and the known site does not have a State NPDES permit, the County must notify the Tennessee Department of Environment and Conservation (TDEC) about this discharge through the local Environmental Field Office (EFO). The following information will be supplied to the EFO:

1. Construction project or industrial facility location;
2. Name of owner or operator;
3. Estimated construction project size or type of industrial activity (including SIC code if known); and
4. Records of communication with the owner or operator regarding filing requirements.

b. *Unresolved Noncompliance of Permitted Discharges;*

- i. Where the County has used progressive enforcement to achieve compliance with its adopted resolutions, and in the judgment of the County it has not been successful, the County may refer the violation to TDEC through the local EFO. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections, two (2) warning letters, and a Notice of Violation. The following information must be supplied to the EFO:

1. Construction project or industrial facility location;
2. Name of owner or operator;
3. Estimated construction project size or type of industrial activity (including SIC code if known); and

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

4. Records of communication with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters, Notices of Violation, and any response from the owner or operator.

10. Recordkeeping and Tracking:

- a. All non-compliance instances will be tracked either electronically or by using paper files. This tracking system will include all records and documents related to stormwater resolution violations at the site and should be stored in the enforcement case file. The minimum required documentation must include the following items:
 1. Name of owner/operator;
 2. Location of construction project or industrial facility;
 3. Description of violation(s);
 4. Required schedule for returning to compliance;
 5. Description of enforcement responses used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
 6. Accompanying documentation of enforcement responses (e.g., notices of noncompliance, notices of violation, etc.);
 7. Any referrals to different departments or agents; and
 8. Date the violation was resolved.
- b. The County must use the non-compliance records and tracking to identify any chronic violators, and use this information to work toward reducing the rate of noncompliance relapse.
- c. This will include tracking violations, applying incentives and/or disincentives, and increasing the inspection frequency of the operator's sites.
- d. If the operator fails to take corrective actions, the County must pursue progressive enforcement and, if needed, perform the necessary work and assess against the owner the costs incurred for making repairs and/or performing required maintenance on post-construction facilities.
- e. For those BMPs located on public property or within public rights-of-way, the County must document that appropriate maintenance and/or repairs have been completed (e.g., using photos, maintenance logs, contractor invoices).

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

- f. The County must retain any closed files of enforcement actions taken for a minimum of three (3) years after the file is closed consistent with the MS4 General Permit conditions. However, file retention time may be longer if required by law.

- g. In case of Illicit Discharge complaints, the County shall investigate and respond within seven (7) days from detection and eliminate such discharges as soon as possible. In cases where an Illicit Discharge involves a septic system failure or other component thereof, the County will transfer the matter to the appropriate division of TDEC for enforcement.

11. Enforcement Action Matrices:

a. *Noncompliance with Construction Requirements;*

- i. See Table I for the enforcement action matrix for noncompliance with construction requirements. In general, the severity of the enforcement measure increases moving down the matrix.

- ii. For parties who fail to obtain a land disturbance permit before starting work, the initial enforcement action may be more stringent than for a project that has an approved plan but has failed to comply with the approved plan.
 - 1. The County has the ability to stop project work for non-permittees. Stopping work generally includes ceasing all work except what is needed to address stormwater and/or safety until the project has an approved stormwater plan.
 - 2. Non-permittees may be required to perform corrective actions as advised by the County and to develop the required erosion control and/or stormwater plan submittals to submit to the County for review and approval.
 - 3. The County will not issue a land disturbance permit where work began prior to receiving approval from the County. However, the County may issue another approval to the non-permittee following the plan review and approval process similar to what would have happened if the project plans had been submitted for advance review and permit approval before the work began.
 - 4. Once the corrective actions have been successfully completed and the submitted stormwater plan has been approved by the County, the County will issue the violator a written notice that the situation has been resolved.
 - 5. If the corrective actions or submitted plan cannot be approved, the County should also send a written notice to the violator describing what was deficient and what step(s) are needed to resolve the situation.

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

6. If the issue cannot be resolved by the Hamblen County Planning Commission/Stormwater Department, the violation will be referred to the Tennessee Department of Environment and Conservation (TDEC).

b. *Failure to Remove Illicit Discharges or Cause a Buffer Zone Violation;*

- i. See Table 2 for the enforcement action matrix for failure to remove an illicit discharge or cause a buffer zone violation.
- ii. The action matrix was set up to provide varying suggested degrees of response to noncompliance documented by the County.
- iii. In general, the severity of the enforcement measure increases moving down the matrix.

c. *Noncompliance with Post-Construction Requirements;*

- i. See Table 3 for the enforcement action matrix for noncompliance with post-construction requirements.
- ii. The action matrix was set up to provide varying suggested degrees of response to noncompliance documented by the County.
- iii. In general, the severity of the enforcement measure increases moving down the matrix.

12. Suspension Due to Illicit Discharges in Emergency Situations

- a. The Hamblen County Planning Commission and/or its Staff may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the States.

If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

13. Administration and Enforcement

- a. Stormwater inspections are a function of the Planning and Stormwater Office. The executive official supervising the day-to-day operations of the department is the Stormwater Coordinator (or his/her designee).

**Hamblen County, Tennessee
Stormwater Department
Enforcement Response Plan (ERP)**

- b. The Stormwater Coordinator shall be appointed by the County Mayor.

- c. In accordance with funding provided by the Hamblen County Legislative Body and with the concurrence of the County Mayor, the Stormwater Coordinator shall have the authority to appoint an inspector(s). Such employees shall have such powers as delegated by the Stormwater Coordinator.

- d. The Stormwater Coordinator, employees, and members of the Planning Commission charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is are hereby relieved from all personal liability for any damage occurs to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any inspector or employee because of an act performed by that individual in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction or such other counsel as may be provided by the jurisdiction until the final termination of the proceedings. The Stormwater Coordinator or any subordinate shall not be liable for costs in an action, suit or proceedings that are instituted in pursuit of the provisions of this code.

Table 1. Enforcement Action Matrix for Noncompliance with Construction Requirements

Type of Violation	Failure to Obtain Land Disturbance Permit Prior to Starting Work	Minor Violations (Failure to Install, Maintain, or Upgrade Measures on Erosion & Sediment Control Plan)	Minor Violations (Failure to Install, Maintain, or Upgrade Measures on Erosion & Sediment Control Plan for a Priority Area)	Major Violation (Failure to Install, Maintain or Upgrade Measures on Erosion & Sediment Control Plan that Resulted in a Sediment Release from the Project Site)	Repeat Violation By a Party (at the Same Site)	Repeat Violation by a Party (Different Site than Initial Noncompliance Site)
Enforcement Measures for Use (Increasing Severity Moving Down the Chart)		Verbal Warning (2 Max)	Verbal Warning (2 Max)			
		Written Warning (2 Max)	Written Warning (2 Max)			
		Notice of Violation	Notice of Violation	Notice of Violation	Notice of Violation	Notice of Violation
		Compliance Order or Consent Order	Compliance Order or Consent Order	Compliance Order or Consent Order	Compliance Order or Consent Order	Compliance Order or Consent Order
		Cease and Desist	Cease and Desist	Cease and Desist	Cease and Desist	Cease and Desist
		Suspension, Revocation, or Modification of Permit	Suspension, Revocation, or Modification of Permit	Suspension, Revocation, or Modification of Permit	Suspension, Revocation, or Modification of Permit	Suspension, Revocation, or Modification of Permit
		Legal Action	Legal Action	Legal Action	Legal Action	Legal Action

This plan is a guide; any of the enforcement responses may be used at the County's discretion and the County may choose to escalate an enforcement case by skipping intermediate steps. Penalties (Civil, Administrative, Recovery of Damages and Costs, etc.) may be assessed as described in the stormwater resolutions and as allowed by law at the County's discretion.

Table 2. Enforcement Action Matrix for Failure to Remove an Illicit Discharge or Cause a Buffer Zone Violation

Type of Violation	First Failure to Remove an Illicit Discharge or First Cause of a Buffer Zone Violation	Repeat Violation by a Party (Same Site)	Repeat Violations by a Party (Different Site than Initial Noncompliance Site)
Enforcement Measures for Use (Increasing Severity Moving Down the Chart)	Verbal Warning (2 Max)		
	Written Warning (2 Max)		
	Notice of Violation	Notice of Violation	Notice of Violation
	Compliance Order or Consent Order	Compliance Order or Consent Order	Compliance Order or Consent Order
	Cease and Desist or Consent Order	Cease and Desist or Consent Order	Cease and Desist or Consent Order
	Legal Action	Legal Action	Legal Action

This plan is a guide; any of the enforcement responses may be used at the County's discretion and the County may choose to escalate an enforcement case by skipping intermediate steps. Penalties (Civil, Administrative, Recovery of Damages and Costs, etc.) may be assessed as described in the stormwater resolutions and as allowed by law at the County's discretion.

Table 3. Enforcement Action Matrix for Noncompliance with Post-Construction Requirements

Type of Violation	First Failure to Comply with Post-Construction Requirements	Repeat Violation by a Party (Same Site)	Repeat Violations by a Party (Different Site than Initial Noncompliance Site)
Enforcement Measures for Use (Increasing Severity)	Verbal Warning (2 Max)		
	Written Warning (2 Max)		
	Notice of Violation	Notice of Violation	Notice of Violation
Moving Down the Chart)	Compliance Order or Consent Order	Compliance Order or Consent Order	Compliance Order or Consent Order
	Cease and Desist or Consent Order	Cease and Desist or Consent Order	Cease and Desist or Consent Order
	Legal Action	Legal Action	Legal Action

This plan is a guide; any of the enforcement responses may be used at the County's discretion and the County may choose to escalate an enforcement case by skipping intermediate steps. Penalties (Civil, Administrative, Recovery of Damages and Costs, etc.) may be assessed as described in the stormwater resolutions and as allowed by law at the County's discretion.

RESOLUTION # 23-23

**A RESOLUTION TO ADOPT
THE HAMBLEN COUNTY STORMWATER
ENFORCEMENT RESPONSE PLAN
MAY 18, 2023**

WHEREAS, The Hamblen County Stormwater Department was audited by the State of Tennessee Department of Environment and Conservation and;

WHEREAS, The Hamblen County Stormwater Department was informed via audit review that our regulations must be adopted in order to be in compliance with the State of Tennessee:

NOW, THEREFORE, BE IT RESOLVED THAT the Hamblen County Board of Commissioners does hereby approve the Enforcement Response Plan regulations for the Hamblen County Stormwater Department.

Motion was made by Thomas Doty

Second by Mike Richardson

Voting For: 12

Voting Against: 0

ATTEST:

Peggy Henderson
County Clerk

AUTHENTICATED:

Bill Butcher
County Mayor

6-6-2023
Date