

**CITY OF EAST LANSING
STORM WATER MANAGEMENT PROGRAM**

**IMPLEMENTATION PLAN
FOR COMPLYING WITH THE
NPDES PERMIT REQUIREMENTS**

**4. ENFORCEMENT RESPONSE
PROCEDURE (ERP)**

UPDATED JANUARY 2020

INTRODUCTION

Overview:

This section of the “Implementation Plan” is intended to serve as the primary guidance document for the Enforcement Response portion of the Storm Water Management Program. This section was originally developed to provide a general overview of the requirements outlined in the City of East Lansing’s NPDES Permit No.MI0059327 which became effective June 2015. The Implementation Plan was subsequently reviewed and updated to reflect any changes to the new NPDES Permit which becomes effective February 1, 2020.

In particular, this section addresses Part I, Section A. 3. a “Enforcement Response Procedure (ERP)” which states *“The permittee shall implement the ERP for violations of the permittee’s ordinances or regulatory mechanisms identified in the SWMP for the maximum extent practicable. The ERP shall be implemented to compel compliance with the permittee’s ordinances and/or regulatory mechanisms and to deter continuing violations.”*

2015 Original Implementation Plan:

The City of East Lansing’s regulatory document is entitled “City of East Lansing, Michigan CODE OF ORDINANCES”. As of the issuance of the 2015 NPDES Permit, two sections of the Code directly addressed parts of the City’s Stormwater Management Plan:

1. Chapter 34- SOIL EROSION CONTROL. This section provides much of the regulatory mechanisms for addressing Construction Stormwater Runoff Control and for retaining stormwater onsite due to development or redevelopment.
2. Chapter 46- UTILITIES. Article IV-Municipal Separate Storm Sewer System “establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process”. This Article provides much of the regulatory mechanisms for addressing Illicit Discharges and for establishing and requiring Best Management Practices.

2017 Updated Implementation Plan:

On February 16, 2016, the City Council adopted an ordinance to address the Post Construction requirements of the NPDES Permit and Storm Water Management Program:

Chapter 46- UTILITIES. Article V-Post Construction Stormwater Management Ordinance. This ordinance was enacted and submitted to MDEQ prior to March 1, 2016 per the NPDES Permit. This ordinance provides the regulatory mechanisms for addressing Post Construction Stormwater Runoff.

MDEQ Audit:

An audit of the City's Enforcement Response Procedures and Implementation Plan was conducted by MDEQ on May 24, 2017. No issues were noted with the City's ERP plan or program.

2020 Updated Implementation Plan:

The 2020 NPDES Permit did not require any changes to the previous Implementation Plan.

Violations & Enforcement:

Each of the appropriate Sections of the CODE OF ORDINANCES addresses the enforcement, penalties, and compliance mechanisms available to the City to enforce the particular requirements of the SWMP. In general, enforcement of the requirements for compliance with the City's NPDES requirements will be considered and treated as a municipal civil infraction.

The following sections of the implementation plan specifically address tracking violations and enforcement actions:

- 7. Illicit Discharge Elimination Program
- 8. Construction Storm Water Runoff Control Program
- 9. Post-Construction Storm Water Runoff Program
- 10. Pollution Prevention and Good Housekeeping Activities for Municipal Operations

Tracking Noncompliance:

Part I, Section A. 3. A of the NPDES Permit also states *“The Permittee shall track and document all enforcement conducted pursuant to the permittee’s ERP. At a minimum the permittee shall track and document the following: the name of the person responsible for violating the permittee’s ordinance or regulatory mechanism; the date and location of the violation; a description of the violation; a description of the enforcement response used; a schedule for returning to compliance; and the date the violation was resolved.”*

The City has developed separate “Violation Forms” to use to track instances of noncompliance associated with Sections 7, 8, 9 and 10 of this Implementation Plan. These forms are completed and maintained annually under each of the four sections noted above.

Detail information and copies of correspondence, etc... for each violation will also be maintained in a separate file.

Implementation:

A separate annual checklist encompassing the various aspects and requirements for complying with the Enforcement Response Procedures requirements of the NPDES Permit has not been developed. Rather, enforcement is tracked and accounted for under the annual checklists for Section 7. Illicit Discharge Elimination Program; Section 8. Construction Storm Water Runoff Control Program; Section 9. Post-Construction Storm Water Runoff Program; and Section 10. Pollution Prevention and Good Housekeeping Activities for Municipal Operations.