

## University of Tennessee, Knoxville

## Enforcement Response Plan

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### Stormwater Enforcement Response Plan

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In compliance with the National Pollution Discharge Elimination System Permit # TNS07621, the University of Tennessee is required to prohibit and enforce non-Stormwater discharges to the municipal separate storm sewer system. This is supported by the University of Tennessee Illicit Discharge Policy. To fulfill the remainder of the NPDES requirements with regards to enforcement, these guidelines have been adopted by the University of Tennessee Facilities Services. Upon discovery of a violation of The Illicit Discharge Policy, the Stormwater Management Coordinator or his representative may employ any combination of the enforcement actions below, and to escalate enforcement responses where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.

- A) **Verbal Warnings** – The Stormwater Management Coordinator or his designee may issue verbal warnings that specify the nature of the violation, any required corrective action, and a time to comply with verbal warning.
- B) **Written Notices** – The Associate Vice Chancellor of Facilities Services or his designee may issue a Notice of Violation (NOV) to the responsible party and/or property owner where the violation has occurred. The NOV shall typically include:
1. The description and nature of the violations to the University Policy.
  2. The location of where the violations have occurred.
  3. A description of the ordered repair or remediation work which is necessary to comply with the Illicit Discharge Policy.
  4. The latest date that the repair or remediation work must be completed. This becomes the expiration date of the NOV.
  5. Signature of the person issuing the NOV.

The NOV shall require that any violation of the University policy must stop immediately, unless doing so would otherwise endanger the public safety or welfare. The Stormwater Management Coordinator will not allow an extension of time for NOVs that substantially harm natural streams and the environment.

The Stormwater Management Coordinator may review a written request for an extension of time, if there is sufficient evidence of hardship. Considerations which could allow for an extension of time may include:

- Structural modifications or any repair work (such as sanitary sewer laterals) for which new design plans are usually not necessary.
  - New structures or major structural modifications which require a coordinated effort for design planning.
  - New structures or any structural modifications that require state or federal permits to complete the project.
- C) **Citations with Administrative Penalties** - Any Contractor at the University of Tennessee in violation of the provisions of the Illicit Discharge Policy may be assessed a civil penalty by the University of not less than \$50 per day and not more than \$5,000 per day for each day of violation. Each day of violation shall

constitute a separate violation. After the NOV has been issued, the Contractor, Vendor, Developer and/or responsible party will be notified by mail of the violations and the ordered repairs.

The NOV typically does not include the amount of any fines or penalties. All fines and penalties will be determined by an agreement between the Facilities Services Project Manager (if applicable), the Stormwater Management Coordinator, and University Administration; and are generally assessed after the NOV expires. The following will be considered when assessing penalties:

1. The amount of damage to the public health and the environment.
2. The amount of effort put forth by the violator to remedy this violation.
3. The economic benefit gained by the violator for not obeying the law.
4. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.
5. The amount of penalty established by policy or resolution for specific categories of violations.
6. Any unusual or extraordinary enforcement costs incurred by the University.
7. Any equities of the situation that outweigh the benefit of imposing any penalty or damage assessment.
8. Willingness and cooperation of the violator to remedy this violation and remediate any damage.
9. Whether the violation was intentional, negligent, or accidental.
10. Costs incurred by the University for any administrative or remediation costs, including the investigative and monitoring activities.
11. Prior violations for this violator or at this location.

This penalty will be assessed upon the Company, Organization or individual found to be in violation by issuing a Civil Penalty Notification Letter. The violating entity will then be required to pay by check payable to the University of Tennessee, and mailed or hand delivered to 2040 Sutherland Avenue, Knoxville TN, 37921(physical) or 37996 (mailing). Payment must be made within thirty (30) days of receiving the Civil Penalty Notification Letter.

- D) **Stop Work Orders** - The Associate Vice Chancellor of Facilities Services or his designee may issue a Stop Work Order (SWO) for ceasing all activities on site, to the responsible entity where the violation has occurred and the violation is egregious or where the above means have failed to bring the site into compliance.