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## Chapter 12. INSPECTION AND ENFORCEMENT PROCEDURES

This chapter establishes inspection and enforcement guidelines to be followed for inspections of stormwater management and water quality facilities.

### 12.1. Stormwater Management Inspector Authority

Stormwater Management Inspectors are authorized by Greenville County to inspect and enforce the requirements of this Design Manual. The inspectors shall be:

- Authorized to conduct inspections and file reports for periodic inspections as necessary during construction of stormwater systems to assure compliance with the approved plans.
- Authorized to furnish the permittee or agent the results of inspection in a timely manner after the completion of each required inspection.
- Authorized to issue a Correction Order to the permittee or agent when any portion of the work does not comply with the approved plans.
- Authorized to issue a Notice of Violation (NOV) to the permittee or agent when any portion of the work does not comply with the approved plans.
- Authorized to Issue a Stop Work Order as the result of unsafe conditions, working without a permit, unsatisfactory work, progress, or other non-compliance.
- Authorized to issue a Civil Citation as a result of unsafe conditions, non-compliance with a Stop Work Order, unsatisfactory work, progress or other non-compliance.
- Authorized to perform a final inspection upon the completion of the stormwater system to determine if the completed work is constructed in accordance with the approved stormwater design plan, approved “As-built” plan certified by the permittee’s registered professional engineer.

### 12.2. Stormwater Management Inspector Responsibility

Greenville County Inspectors shall conduct periodic site inspections on all land disturbing activities and sites that have post-development permanent water quality BMP facilities. The person responsible for the land disturbing activity shall notify the Greenville County Inspector before the initiation of construction and upon project completion when a final inspection shall be conducted to ensure compliance with the approved Stormwater and Sediment Control Permit.

Greenville County Inspectors shall enforce the following inspection items:

- Ensure that the approved stormwater management and erosion prevention and sediment control plans are on the project site and are properly being followed and implemented.
- Ensure that active construction sites are inspected for compliance with the approved plans on a regular basis.
- Provide the person financially responsible for the land disturbing activities a written report after every inspection describing:

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- ◆ Date and location of the site inspection,
  - ◆ Whether the approved plans have been properly implemented and maintained,
  - ◆ Approved plan or practice deficiencies, and
  - ◆ Action taken.
- Notify the person financially responsible for the land disturbing activities in writing within 15 working days when violation are observed including:
- ◆ Nature of the violations,
  - ◆ Proposed penalty,
  - ◆ Required corrective actions, and
  - ◆ The time period for adequately correcting the violations.

### 12.2.1 Inspection During Construction

Stormwater Management Inspectors shall conduct inspections for each stormwater management BMP shown on the specific plans for the project site during the construction phase of a project:

- Every seven calendar days and within 24-hours after each rainfall event that produces ½-inches or more of precipitation,
- At the request of Greenville County,
- At the request of the permittee, and
- Due to a complaint of any construction impacts.

The Inspector also has the freedom to make unscheduled inspections to assure compliance with the plans.

If an imminent hazard exists and the owner fails to comply with the required maintenance activities, Greenville County shall employ the necessary labor and materials to perform the required work as expeditiously as possible. The owner shall be assessed the costs of the inspection, labor, materials and equipment. The costs shall be collected from any bonds that are in place and sufficient to cover the costs, or shall become a lien on the property, and shall be collected in the same manner as County taxes.

Third party inspections, by a qualified individual who is independent of the owner, may be required at the discretion of the Director at sites that have compliance problems and at sites where stormwater discharges to environmental sensitive waters (such as waters classified as Trout Waters, Outstanding Resource Waters, Shellfish Harvesting Waters, etc.). Inspections must be done by qualified professionals as outlined in the SCDHEC's Construction General Permit (SCR-100000) Inspection reports shall be submitted to the County every two weeks or 30 days if the site has been temporarily stabilized and approved by the County showing results of inspections, weather conditions, corrective actions and other information as may be required by the Director.

### 12.2.2 Permanent Structure Maintenance Inspections

The purpose of maintenance inspections is to ensure that permanent stormwater management and erosion and sediment control BMP structures are working properly and remain functional.

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At least one preventative maintenance inspection shall be performed on permanent stormwater management BMPs during the first year of operation. After the first year of operation, these BMPs shall be inspected at least one time every three years or be inspected as stipulated in the maintenance agreement.

- The owner of the facility shall be contacted prior to maintenance inspections and the inspection shall be conducted at reasonable times.
- If the owner cannot be contacted, the inspection shall be performed and a report shall be sent to the owner.
- Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas where no objection is raised. The inspector shall immediately report the refusal and grounds to the Director. The Director shall promptly seek the appropriate compulsory process.
- In the event where it is believed that discharges from the property may cause imminent and substantial threat to human health or the environment, the inspection may take place at any time without notice.
- Inspection Reports shall be maintained in a permanent file located in the Directors office.
- A Correction Order and/or Notice of Violation shall be issued for any required maintenance needed.
- After a notice to comply is given in writing, a specified period of time shall be allocated for the owner/permittee to begin the required maintenance activities.

If an imminent hazard exists and the owner fails to comply with the required maintenance activities, Greenville County shall employ the necessary labor and materials to perform the required work as expeditiously as possible. The owner shall be assessed the costs of the maintenance labor and materials. The costs shall become a lien on the property and shall be collected in the same manner as County taxes.

## 12.3. Correction Orders

The purpose of the correction order is to notify the owner/permittee and or contractor/developer of deficiencies noted during specific inspections. Correction Orders shall be submitted in writing, and a verbal notice may be given if it shall result in immediate compliance as the work is being completed. The Director shall give written notice to the violator within 15 working days of the inspection.

Correction Orders are to be issued when the permittee or contractor is required to make changes to stormwater management controls and procedures that satisfy the stormwater design plans and specifications. The notice shall specify: the nature of the violation, the potential penalty, if applicable, the corrective action required, which may include restoration of impact to offsite land and waters, and the amount of time in which to correct deficiencies, if appropriate.

All Correction Orders, verbal or written, shall be noted in the project file. A compliance date and mailing address for sending needed information shall be supplied.

Correction Orders may be issued in such cases as:

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- Failure to comply with the stormwater design plans. Incorrect measurements, improper materials, improper installation or failing to follow proper procedures.
  - Failure to provide certification for completed stormwater structures. The Inspector shall issue a Correction Order to the permittee/developer requesting certification and/or “As-built.”
  - Failure to properly maintain permanent stormwater structures.

Any person violating any of the provisions of the Stormwater Management Ordinance shall be required to comply with the Director’s notice. Where a violation has not been corrected by the violator within the applicable time period for correction, Greenville County, or its contractor, may enter upon the lot or parcel of land and correct the violation, including offsite impact, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs) shall be collected from the letter of credit or other means of security in place and sufficient to cover such costs, or shall become a lien upon the property and shall be collected in the same manner as County taxes are collected. These costs shall be assessed in addition to any other penalty or injunctive relief authorized under the Ordinance.

## 12.4. Notice of Violation and Stop-Work Orders

The purpose of issuing Stop Work Orders and Notice of Violations is to gain compliance with Correction Orders issued and/or gain compliance with the Greenville County Stormwater Ordinance.

### 12.4.1 Issuing Violations

The Stormwater Management Inspector or Director shall issue a Notice of Violation to a permittee/owner and/or contractor/developer or agent upon non-compliance of the Greenville County Stormwater Ordinance. In most cases, a Correction Order is used for the first offense. Subsequent non-compliance with the Ordinance or failure to complete the items on the Correction Order within a specified time period may result in a Notice of Violation or Stop Work Order.

For violations that do not involve the safety of life, or an imminent threat of serious damage to the environment and public or private property, Stop Work Orders and Notice of Violations may be issued for, but is not limited to the following:

- Failure to notify the Greenville Stormwater Department before beginning work on the next phase of a development project.
  - ◆ Any work that has been placed without a required inspection approval shall be certified in writing by a registered design professional before the next phase of construction shall begin.
  - ◆ Greenville County reserves the right to require inspection on all un-inspected facilities at the sole expense of the permittee/owner. Any deficiencies that need to be corrected before work shall start again shall be listed and given a compliance date. The permittee shall be notified to call for future inspections.
- Failure to have work inspected and approved before continuing work on the project.

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- Failure to call for final inspection.
    - ◆ The final inspection shall list all deficiencies that must be corrected before the development project is complete.
    - ◆ The final inspection shall provide compliance date, and request a letter of certification or “As-built.” The permittee/owner or contractor/developer shall contact a Greenville County Inspector to request a re-inspection after completing the corrections of the initial final inspection.
  
  - Failure to provide certification for completed stormwater structures. If an engineer’s certification or “As-built” is not received by the compliance date as requested by a previously issued Correction Order, a Notice of Violation to the permittee/owner and/or contractor/developer will be sent requesting the certification.
  
  - Failure to have erosion and sediment controls in place, improper installation, and/or improper maintenance. If excavation has been initiated and no erosion and sediment control BMPs are in place, or are not working to protect sediment from the leaving the development site, a Notice of Violation shall be sent with a directive to install the BMPs or correct them immediately or face a Stop Work Order for the entire site.
  
  - Construction not in accordance with the approved plans.
    - ◆ First, a Correction Order stating the activities to be corrected and a compliance date shall be issued.
    - ◆ If the correction work hasn’t been completed by the compliance date, a Notice of Violation shall be issued stating:  
  
A Stop Work Order may be issued,  
Permits for the site may be suspended or revoked ,  
Bonds may be recalled if the work is not completed by a new compliance date.
  
  - Working without grading, building, or other applicable permits.
    - ◆ Stop Work Order shall be issued directing the owner to obtain the required permits.
    - ◆ The Stop Work Order shall state that failure to comply may result in the suspension or revocation of any remaining permits issued for the site and/or civil citations being issued.
  
  - Failure to properly maintain permanent stormwater structures.

## 12.4.2 Non-Compliance with Stop Work Orders

A Notice of Violation shall be issued warning the violator that the grading, stormwater, and/or building permit for the site may be suspended or revoked, bond recalled, or civil citation issued if any work continues on the development site.

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Any development in violation of a Stop Work Order is subject to impoundment of any and all equipment on the property, and payment of all fees, bonds, penalties and payment of impoundment charges prior to retrieving the equipment.

## 12.5. Working without a Permit

Any person that proceeds with development work on a site that requires a Site Development Plan without first submitting a plan or obtaining a permit where applicable shall automatically have a Stop Work Order placed on the development. This Stop Work Order shall require a fee of \$200 double the normal amount of applicable bond and fees and payment of any other applicable penalties prior to lifting the Stop Work Order. The Stop Work Order may allow or require correction of violations but no other project activities. Any development in violation of a Stop Work Order is subject to impoundment of any and all equipment on the property and payment of all fees bonds penalties and payment of impoundment charges prior to retrieving the equipment.

## 12.6. Civil Citations

The issuance of Civil Citations by the Inspector may be made for the following situations:

- When a Notice of Violation and/or Stop Work Order has not been complied with or there has not substantial progress in complying with the Notice of Violation and/or Stop Work Order.
- On abandoned sites where no work has been taking place, and continued non-compliance with a Notice of Violation may result in the issuance of repeat citations.
- When a Stop Work Order has been issued, and work still continues in defiance of the order. Under such circumstances, the Civil Citation shall be issued for the stormwater management violation.
- When repeated, reoccurring violations take place at the same development site or when repeated reoccurring violations take place by the same responsible party. Each day that a violation remains uncorrected constitutes a separate applicable violation.

In addition to or in lieu of the criminal penalties authorized by the Stormwater Management Ordinance, the County has the authority to assess a civil penalty of not more than seven thousand five hundred dollars (\$7,500.00) per violation against any person who has violated any provision of the ordinance. Each separate day of a violation constitutes a new and separate violation. A person assessed a civil penalty may appeal the assessment to the magistrate, who may waive, modify, or affirm the civil penalty. All civil fines collected pursuant to the provisions of the Ordinance shall be directed to fund the costs associated with stormwater education, correcting violations and/or enforcing the provisions of the ordinance.

Citations shall be hand delivered when possible. When it is not possible, the Citation shall be sent by Certified Mail. Owners, agents, permittees, lessees, builders, contractors, developers, firms, corporations, or partnerships listed on permit application or tax record may be cited under this provision.

## 12.7. Consent Process

Upon determination that a violation of any of the provisions of the Stormwater Management Ordinance or the SWMP have occurred, the County may choose to pursue in magistrate court action for criminal

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and/or civil fines and penalties to the maximum extent allowed by law. The County may also choose at its sole discretion, to proceed with a consent process. The first step for the consent process is for the County's enforcement officer to hold a fact finding meeting with the violator. Second, the enforcement officer develops a draft consent decree that contains corrective actions and penalties based on the facts found. This draft consent decree is presented to the violator and may be negotiated for a mutually agreeable action. If the parties fail to agree on the consent action the enforcement officer will present an administrative order to be enforced on the violator. In cases where the violator refuses to comply with the administrative order the County will pursue criminal and/or civil penalties for violations as authorized by this ordinance.

The County Attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal proceedings, for the enforcement of the Stormwater Management Ordinance or to correct violations of the Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

## **12.8. Criminal Penalties**

The County has the authority to charge any person violating any provision of this ordinance with a misdemeanor punishable within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense.