Water Quality Program Industrial Stormwater General Permit Enforcement

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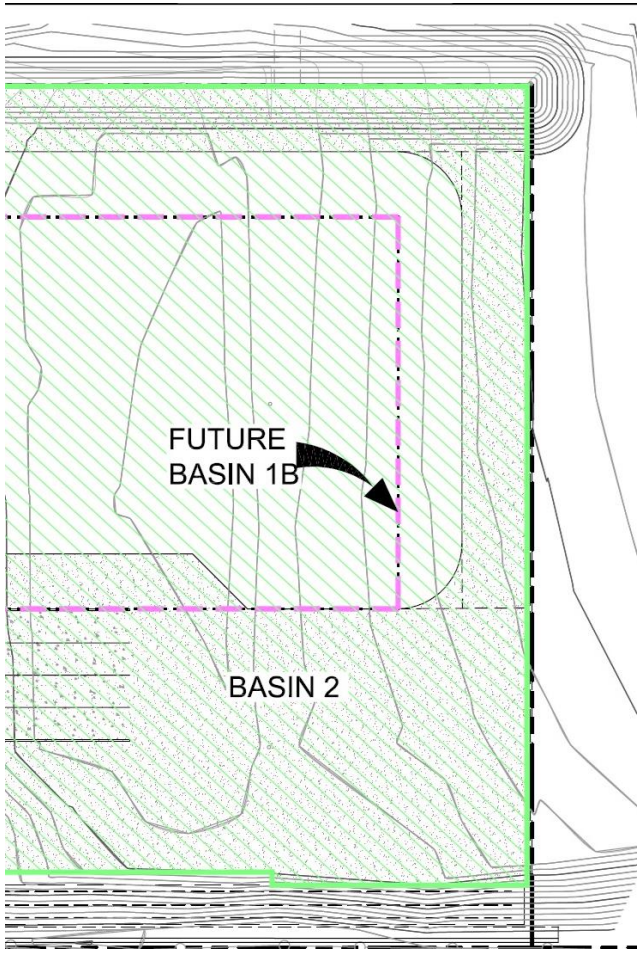
Name that ISGP Violation

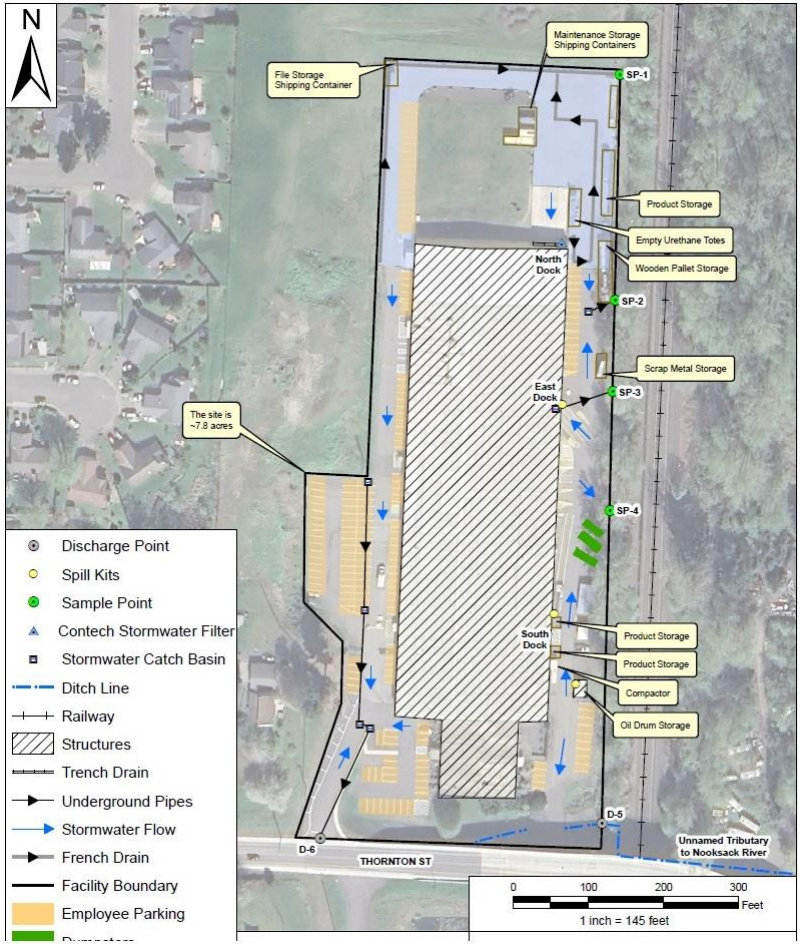
DEPARTMENT OF ECOLOGY
State of Washington

Industrial Stormwater General Permit – Most Common Violations

- Lack of Secondary Containment
- Uncovered Dumpsters
- Stormwater Pollution Prevention Plan (SWPPP) missing elements
- Not maintaining stormwater infrastructure (filter socks, sediment)
- Inadequate sweeping
- Not cleaning up or documenting spills
- Missing or Late Annual Report
- Not meeting deadlines for Corrective Actions (Levels 1, 2, 3)



Before



After

Enforcement Philosophy

Compliance

Ecology expects all facilities and entities will comply with water quality laws, regulations, and permits.

Escalating Levels of Enforcement

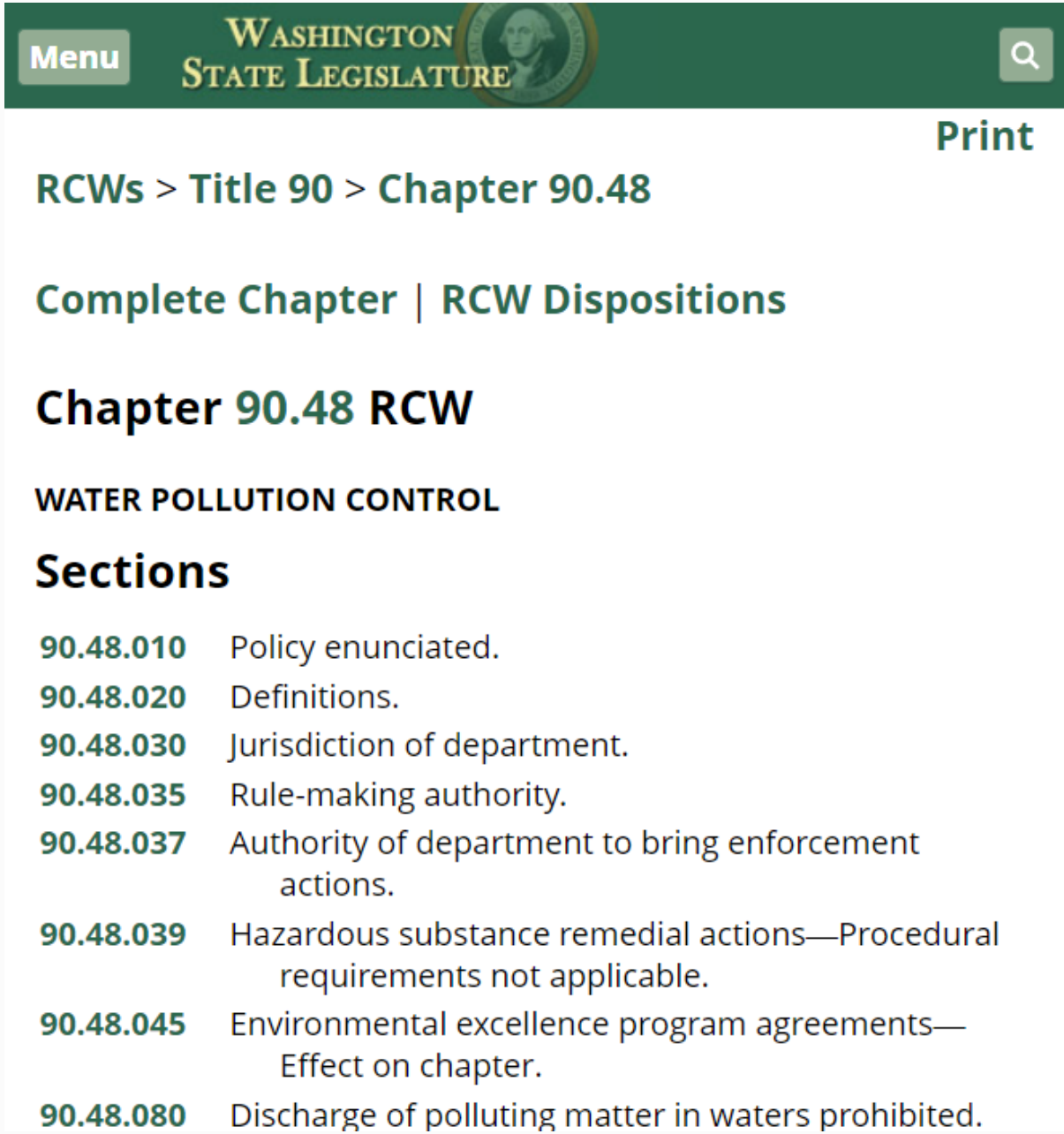
Considering:

- Seriousness of the violation
- History and **responsiveness of the violator**
- Resources available for compliance

Authority to Enforce

Chapter 90.48
Revised Code of Washington

- **Notice of Violation (NOV)** RCW 90.48.120(1)
- **Order** RCW 90.48.120(2) & RCW 90.48.240
- **Penalty** RCW 90.48.144 ($10,000/day/violation)



Menu WASHINGTON STATE LEGISLATURE

Print

RCWs > Title 90 > Chapter 90.48

Complete Chapter | RCW Dispositions

Chapter 90.48 RCW

WATER POLLUTION CONTROL

Sections

90.48.010	Policy enunciated.
90.48.020	Definitions.
90.48.030	Jurisdiction of department.
90.48.035	Rule-making authority.
90.48.037	Authority of department to bring enforcement actions.
90.48.039	Hazardous substance remedial actions—Procedural requirements not applicable.
90.48.045	Environmental excellence program agreements—Effect on chapter.
90.48.080	Discharge of polluting matter in waters prohibited.

Civil “Enforcement” Tools

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Informal Enforcement Actions

1. Technical Assistance
   a. Phone call
   b. Email
   c. Letter
   d. Site visit
2. Warning Letter
3. Compliance Inspection
   a. Inspection Report
   b. Corrections Required form

Formal Enforcement Actions

1. Notice of Violation (NOV)
2. Administrative Order (AO)
   a. Immediate Action Order
   b. Administrative Order
   c. Agreed Order
3. Notice of Penalty (NOP)

Violation Response

Escalating Levels of Enforcement

Considering:

- Seriousness of the violation
- History and **responsiveness of the violator**

What to do if you have received notice of violations (via Inspection Report, Corrections Required form, or Notice of Violation)

- Consider details carefully
  - Inspection report observations and citations, recommended/required next steps
- Ask Ecology inspector questions (early)
  - Get clarification and technical assistance
- Address each violation as quickly as possible
  - Take action and document them (submit Engineering Report for approval first if required)
- Communicate with Ecology (on DMRs, emails, official responses…)
  - Include notes on DMRs, call/email Ecology with questions and updates, respond to all requests for more information and NOV (30 days)

Questions?

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