Town of Queensbury

Enforcement Response Plan

The Town of Queensbury is a designated Municipal Separate Storm Sewer System (MS4) operator. And, as such, is required to obtain coverage and maintain compliance with the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permit; GP-0-24-001, herein after MS4 GP24.

The Town of Queensbury is required to develop and implement an Enforcement Response Plan; (ERP) which, generally, outlines enforcement actions and the escalation of such action as necessary due to lack of compliance with the Town of Queensbury Local Laws regarding Stormwater.

In most cases, voluntary compliance is preferred. However, increasing formal enforcement actions can be taken in the cases that may involve prior enforcement actions, informal and formal notification has been ignored, repetitious violations and/or such case(s) may have a reasonable likelihood of adversely impacting human life or the environment.

In all cases, any notifications from the Town of Queensbury will be regarding apparent violations of either the local law to Prohibit Illicit Discharges, Activities, or Connections to the Separate Storm Sewer System or the local law for Stormwater Management and Erosion & Sediment Control from construction activity.

INFORMAL NOTIFICATIONS:

Informal notifications may be given regarding an apparent violation. Informal notifications of apparent violation of the local laws shall have a maximum timeframe of 60 days to return to compliance unless otherwise stated. They may be verbal or written (e.g. official letter on Town letterhead OR email from the published email address of the Stormwater Program Coordinator; (SPC) or such assigned enforcement officials under direction of the SPC.

FORMAL NOTIFICATIONS:

Formal notifications to return to compliance shall contain a definitive timeframe specified by the SPC for same. Each failure to return the site or property to compliance within the specified timeframe of the original notice shall constitute an additional violation. Formal notifications may include NOV, Stop Work Order/SWO, and a Cease & Desist Order.

In addition, at the discretion of the SPC, the Town of Queensbury may also withhold certain other approvals and/or inspections until such time as the responsible party has taken the specified corrective action/s as specified by prior formal Notice(s) of Violation. For example, an active construction site may be denied all other required structural inspections (i.e. Footing, Foundation, Framing/Electrical/Plumbing, Insulation, Final) until such corrective actions have been taken per the notification(s) and the site returns to compliance.

In all cases, the SPC will make the decision as to when or if an escalation in response to achieve compliance is necessary.

APPEALS:

Upon receipt of a violation notice, the named party may appeal pursuant to Chapter 146-15 of the Town of Queensbury Code.