

Appendix G
Enforcement Procedures Guidance

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At a minimum, the enforcement strategy must contain the standard procedures listed in Sections 2.2.6 and 3.2.3 of this Illicit Connection/Illicit Discharge Elimination model program. The strategy should be adapted to each Permittee's normal enforcement procedures, and should contain guidance for the appropriate use of different levels of enforcement steps. While legal authority for Permittees varies, most enforcement processes follow a common sequence. The following example is the strategy adopted by Los Angeles County, which illustrates this approach:

1. Verbal Warning. Minor violations that may immediately be terminated.
2. Information Notice of Violation. First level of enforcement action for a minor violation not causing ongoing harm. Given 30 days to achieve compliance.
3. Notice of Noncompliance. Used where there is failure to abide by some specific directive, permit, ordinance section or regulation. May be given up to 30 days to achieve compliance.
4. Notice of Violation and Order to Comply. Generally in the form of an immediate cease and desist order. May be used at any time where continued discharge would cause a threat to the public health and safety, pollution, nuisance or damage to public or private property. Additional requirements may be imposed to provide a work plan for permanent correction of violation, cleanup, repair damage, etc.
5. Final Letter Notice. A letter notice sent in addition to any field issued Order to comply and may also be sent following lesser field actions if compliance is not achieved within the time constraints.
6. Where violation of multiple statutes is suspected, the agency staff should immediately report the incident to the Los Angeles County District Attorney's Environmental Crimes Strike Force. Where appropriate, the Strike Force will coordinate joint investigations with appropriate agencies. Investigations of criminal activity are treated as confidential. Cases accepted by the District Attorney are not to be reported under Proposition 65 while under active investigation.
7. If a specific act in violation of a city ordinance or county statute has occurred, the agency staff may formally request the District Attorney to file a complaint. The District Attorney may also unilaterally take such action on the basis of its own investigation.