

City of Loveland

Stormwater Quality Enforcement Policy

March 3, 2004

Revised: September 3, 2008

Inspections

Site inspections are to be performed by the Developer's designated Stormwater Management Plan (SWMP) Administrator hereinafter referred to as the "SWMP Administrator" at a minimum of once every fourteen (14) calendar days on active construction sites; after a significant storm event; and monthly to monitor revegetation. These inspections do not need to be called in for scheduling, as with building inspections.

It is required that the SWMP Administrator also performs routine inspections to effectively address maintenance and repair of Best Management Practices (BMPs). As part of the site inspections the SWMP Administrator will fill out an Erosion and Sediment Control Inspection List (ESCIL) and submit it to the City of Loveland.

To enable effective communication and quick response to any stormwater quality control deficiencies, the City encourages the SWMP Administrator to participate in inspections with the City's Inspector whenever the City inspector performs an inspection of the development site.

Compliance

Any maintenance, repair or installations of BMPs that are noted during the inspections by the SWMP Administrator and/or City Inspector must be completed within seven (7) calendar days from the date of the inspection.

The following outlines typical non-compliance issues and possible enforcement actions. For more detailed information, please refer to [Municipal Code chapter 13.20](#).

Non-Compliance Issues

- Failure to obtain a City of Loveland (COL) Stormwater Quality Permit.
- Failure to obtain a State Stormwater Discharge Permit (SDP) from the Colorado Department of Public Health & Environment (CDPHE) Water Quality Control Division if the project is greater than or equal to one (1) acre (or is part of a larger common plan of development or sale that will disturb at least one (1) acre).
- Failure to obtain a State Fugitive Dust Control Permit if the project is greater than or equal to twenty-five (25) acres or takes more than six (6) months to complete.
- Failure to obtain a State Fugitive Dust Control Permit if required by the State for a project that is less than twenty-five (25) acres, and less than six (6) months in duration but more than one (1) acre in non-attainment areas or more than five (5) acres in attainment areas.

- Failure to obtain a State Army Corps of Engineers (COE) 401/404 Permit if required.
- Failure to obtain a State Construction Dewatering Industrial Wastewater Discharge Permit if required.
- Failure to abide by the conditions of the City of Loveland Stormwater Quality, CDPHE Fugitive Dust, COE 401/404, CDPHE Dewatering or CDPHE Stormwater Discharge Permits.
- Failure to properly install, maintain, and/or replace temporary BMPs within seven (7) calendar days of such items being noted during an inspection.
- Failure to remove temporary BMPs within fourteen (14) calendar days of such items being noted during an inspection.
- Failure to implement the Construction Site Stormwater Management Plan (CSSMP).
- Failure to modify the CSSMP to reflect field changes.
- Direct discharge of pollutant(s) into a waterway, jurisdictional wetland or a storm sewer system.
- Work beyond limit(s) of permit area.

Enforcement Actions

If site conditions are found to be in violation of the Stormwater Quality Permit or any other requirements set fourth in Chapter 13.20 of the Municipal Code during an inspection by the City Inspector, one or all of the following actions may be taken:

- Verbal warning.
- Written Compliance Order.
- Revocation of permit(s).
- Denial of further review or future inspections and/or permits.
- Stop Work Order.
- Hiring a private contractor and/or city crew to perform work - cost of work will be deducted from the Performance Security collected at permit issuance.

Priority Violations

May include: working without a permit; working beyond the limits of the permitted area; the discharge of contaminated water into the storm sewer system; the discharge of contaminated water into a waterway; the washing of a roadway into a storm drain inlet; the washing of concrete trucks in unapproved locations, and; the failure to correct routine violations.

The Failure to meet the compliance deadline issued for Priority Violations will result in: a written notice detailing non-compliant items and a compliance date provided to the Owner; the revocation of permit(s); the denial of further review or future building inspections and/or permits; the issuance of a Stop Work Order, or; the hiring of a private contractor and/or city crew to perform the work.

Routine Violations

May include: the failure to abide by the conditions of the Stormwater Quality Permit; the failure to properly install, maintain and/or replace temporary sediment/erosion control BMP's, and; the failure to remove and properly dispose of temporary sediment/erosion control BMPs when they are no longer needed.

The failure to meet the compliance deadline issued for Routine Violations will result in: a written notice detailing non-compliant items and a compliance date provided to the Owner; the revocation of permits; the denial of further review or future building inspections and/or permits; the issuance of a Stop Work Order, or; the hiring of a private contractor and/or city crew to perform the work.

Right of Entry

The City inspector may, where reasonable cause exists, with or without a warrant issued by a court of competent jurisdiction and where the City has given verbal notice to the landowner(s), or such owner's agent(s) or representative(s) is/are immediately accessible, enter upon any property or site for examination of the same to ascertain whether a violation of the requirements of this chapter exists, and shall be exempt from any legal action or liability on account thereof. The City will verbally communicate a findings summary of such inspection at the conclusion of the inspection to the SWMP Administrator and/or Operator. The City will provide written communication of a findings summary of such inspection within thirty (30) days of such inspection to the legal address of the non-compliant site.

In addition to the above mentioned penalties, the penalties set forth in Section 1.12.010 of the Municipal Code shall apply.

ACKNOWLEDGEMENT CERTIFICATE
OF
RECEIPT OF CITY OF LOVELAND
STORMWATER QUALITY ENFORCEMENT POLICY

This is to certify to the City of Loveland that I have received a copy of the City of Loveland Stormwater Quality Enforcement Policy. I have read and fully understand the information in it and agree to abide by the policies set forth therein. I specifically agree to abide by and accept the right of entry provisions set forth therein which allow City inspectors to enter upon the property subject to the Stormwater Quality Permit, where reasonable cause exists, for examination of the same to ascertain whether a violation of the requirements of the Chapter 13.20 of the Loveland Municipal Code exists. I further agree to hold the City of Loveland and its agents, employees and assigns exempt from any legal action or liability on account thereof. I understand that these policies are continually evaluated and may be amended at any time and at the sole option of the City.

Date

Signature