

ENFORCEMENT RESPONSE PLAN

SPDES MS4 GENERAL PERMIT GP-0-24-001

Municipality/MS4 Operator: TOWN OF BRUNSWICK, NEW YORK

County: RENSSELAER, New York

SPDES Permit ID: NY0A015

Effective Date: 10/6/2026

Stormwater Program Coordinator: William L Bradley

Revision: 1.0

1. PURPOSE

The purpose of this Enforcement Response Plan (ERP) is to establish a consistent, documented, and enforceable procedure for identifying, investigating, correcting, and tracking violations of stormwater requirements within the jurisdiction of the Town of Brunswick.

This ERP is intended to achieve compliance with the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-24-001, particularly Part IV.E (Legal Authority), Part IV.F.1 (Enforcement Response Plan), and Part IV.F.2 (Enforcement Tracking).

The ERP establishes progressive enforcement procedures to address initial, repeat, and continuing violations and to minimize the discharge of pollutants to the MS4 and receiving waters.

2. SCOPE AND APPLICABILITY

This ERP applies to stormwater-related violations within the MS4 Operator's jurisdiction and applicable permit coverage area, subject to the operator's legal authority.

The ERP addresses the following categories:

1. **Illicit discharges and illegal connections:** Non-stormwater discharges, unauthorized connections, spills, and other releases of pollutants to the MS4.
2. **Construction-site stormwater runoff control:** Failure to implement applicable erosion and sediment controls, comply with approved stormwater pollution prevention plans (SWPPPs), or meet applicable construction-site requirements.
3. **Post-construction stormwater management:** Failure to install, operate, inspect, maintain, or repair required stormwater management practices (SMPs).

This ERP applies to property owners, developers, construction site operators, contractors, and other responsible parties to the extent authorized by applicable law, local regulations, permit conditions, agreements, and other enforceable mechanisms.

3. LEGAL AUTHORITY

Legal Authority: Legal Authority is vested in Local Law No.5 for the year 2007 a local law establishing regulations regarding erosion, sediment control and stormwater management in the Town of Brunswick and Local Law No.6 for the year 2007 prohibiting illicit discharges, activities and connections to separated stormwater sewer system in the Town of Brunswick.

The MS4 Operator shall maintain documentation demonstrating that its legal authority supports the enforcement measures used under this ERP.

Available enforcement measures may include:

- Verbal warnings and written notices of deficiency.
- Notices of violation and orders to correct.
- Citations and associated fines, where authorized.
- Stop-work orders, where authorized.
- Withholding applicable plan approvals or other authorizations affecting the ability to discharge to the MS4, where authorized.
- Recovery of costs, use of project bonds, or direct billing for corrective work, where authorized.
- Referral to NYSDEC or other appropriate agencies for matters outside the MS4 Operator's authority.

No enforcement action shall exceed the authority granted to the MS4 Operator under applicable law.

4. RESPONSIBILITIES

4.1 STORMWATER PROGRAM COORDINATOR

The Stormwater Program Coordinator shall:

- Administer and maintain this ERP.
- Receive and coordinate responses to stormwater complaints and reports.
- Assign inspections and investigations to qualified personnel.
- Ensure violations are documented and corrective actions are tracked.
- Determine, with appropriate municipal officials and legal counsel, the appropriate enforcement response.
- Maintain the enforcement case register and supporting records.
- Coordinate referrals to NYSDEC and other agencies as appropriate.
- Review enforcement trends and recommend program improvements.

4.2 CODE ENFORCEMENT, ENGINEERING, AND INSPECTION PERSONNEL

Designated personnel shall:

- Conduct inspections within their authority.
- Document observed deficiencies and potential violations.
- Collect photographs, inspection reports, correspondence, and other relevant evidence.
- Communicate findings to the Stormwater Program Coordinator.
- Verify corrective actions and document whether compliance has been restored.

4.3 MUNICIPAL ATTORNEY OR AUTHORIZED LEGAL REPRESENTATIVE

The municipal attorney or authorized legal representative shall, as appropriate:

- Review enforcement actions requiring legal interpretation.
- Confirm the availability and applicability of legal remedies.
- Assist with notices of violation, orders, citations, and referrals.
- Advise on due process, appeal rights, and further action for unresolved violations.

4.4 RESPONSIBLE PARTY

The responsible party shall comply with applicable requirements, correct identified deficiencies within the established compliance schedule, and provide documentation demonstrating completion when requested by the MS4 Operator.

5. IDENTIFICATION AND INVESTIGATION OF VIOLATIONS

Potential violations may be identified through:

- Routine or follow-up inspections.
- Public complaints and reports.
- Construction-site or post-construction SMP inspections.
- Illicit discharge detection and investigation activities.
- Reports from municipal personnel, contractors, or other agencies.
- Review of submitted plans, inspection reports, maintenance records, or other compliance documentation.

Upon identifying a potential violation, the assigned personnel shall document the date, location, responsible party if known, nature and extent of the deficiency, potential pollutant impacts, and available supporting evidence.

The MS4 Operator shall evaluate the seriousness of the violation, the potential for pollutant discharge, the effect on receiving waters, the responsible party's compliance history, and the party's good-faith efforts to achieve compliance.

Where an immediate threat to public health, safety, or water quality exists, the MS4 Operator shall promptly initiate the protective actions and referrals authorized by law. Informal enforcement shall not delay necessary protective measures.

6. ENFORCEMENT RESPONSE PROCEDURES

The MS4 Operator shall select an appropriate enforcement response based on the nature and circumstances of each violation. The following sequence establishes the general escalation framework. It does not require the operator to begin with an informal response when the violation warrants immediate formal enforcement.

LEVEL 1 — VERBAL WARNING OR INFORMAL NOTICE

Typical application: An initial, minor deficiency that does not present an immediate threat to water quality and can be promptly corrected.

Actions may include:

- Informing the responsible party of the observed deficiency.
- Explaining the applicable requirement and necessary corrective action.
- Establishing a documented correction deadline.
- Recording the warning and notifying the responsible party of potential escalation if the deficiency remains unresolved.

A verbal warning shall be documented in the enforcement case file, including the date, personnel involved, deficiency, and agreed corrective action.

LEVEL 2 — WRITTEN NOTICE OF DEFICIENCY OR NONCOMPLIANCE

Typical application: A deficiency requiring formal documentation, a failure to correct a Level 1 deficiency, or a violation requiring a clearly defined corrective schedule.

The written notice shall identify:

- The responsible party and affected property or project.
- The observed violation and applicable requirement.
- Required corrective measures.
- The compliance deadline or schedule.
- The required verification or documentation.
- The consequences of continued or repeated noncompliance.

Delivery and receipt of the notice shall be documented.

LEVEL 3 — FORMAL NOTICE OF VIOLATION OR ORDER TO CORRECT

Typical application: A significant violation, failure to comply with a written notice, repeated deficiencies, or a continuing violation that threatens water quality.

Actions may include:

- Issuing a formal notice of violation or order to correct under applicable legal authority.
- Establishing specific corrective actions and deadlines.
- Requiring additional inspections or supporting documentation.
- Referring the matter to the municipal attorney or authorized enforcement official.
- Initiating additional legally authorized measures if compliance is not achieved.

The enforcement record shall identify the basis for the formal action and the consequences of failure to comply.

LEVEL 4 — CITATIONS, FINES, STOP-WORK ORDERS, OR WITHHOLDING OF AUTHORIZATIONS

Typical application: Serious violations, repeated noncompliance, failure to meet formal corrective deadlines, or continued activities that create a substantial risk of pollutant discharge.

Where authorized by law, the MS4 Operator may:

- Issue citations and assess applicable fines.
- Issue stop-work orders.
- Withhold applicable plan approvals or other authorizations affecting the ability to discharge to the MS4.
- Require additional corrective measures or monitoring.
- Initiate proceedings through the appropriate municipal or administrative process.

The enforcement action shall be proportional to the violation and consistent with applicable procedural requirements.

LEVEL 5 — ADDITIONAL LEGAL REMEDIES AND AGENCY REFERRAL

Typical application: Persistent or severe violations, failure to comply with previous enforcement actions, unauthorized discharges with substantial environmental impacts, or matters requiring authority beyond that of the MS4 Operator.

Actions may include:

- Referral to NYSDEC or another appropriate regulatory agency.
- Referral to the municipal attorney for further legal proceedings.
- Recovery of authorized corrective-action costs.
- Collection against a project bond or direct billing for corrective work, where legally authorized.
- Other remedies available under applicable law.

Referral to another agency does not eliminate the MS4 Operator's responsibility to document the case, track its status, and take any additional action within its own authority.

7. CRITERIA FOR SELECTING AND ESCALATING ENFORCEMENT

The enforcement response shall be based on the following factors, consistent with Part IV.F.1.b of GP-0-24-001:

1. **Type of violation:** The requirement violated and the nature of the deficiency.
2. **Magnitude:** The extent and severity of the violation and the amount or type of pollutants potentially discharged.
3. **Duration:** Whether the violation is isolated, continuing, or unresolved after notification.
4. **Receiving-water impact:** Actual or potential effects on the receiving water, including sensitive or impaired waters where applicable.
5. **Compliance history:** Prior violations, previous notices, and the responsible party's record of corrective action.
6. **Good-faith efforts:** The responsible party's cooperation, responsiveness, and efforts to restore compliance.
7. **Risk and urgency:** Whether immediate action is needed to prevent or stop a discharge or other environmental harm.

Repeat violations and continuing noncompliance shall generally result in progressively stricter enforcement responses. A serious violation may warrant a higher enforcement level at the outset.

The reason for selecting an enforcement response, including any decision not to escalate, shall be documented in the case file.

8. INFORMAL ENFORCEMENT TIME LIMIT

The MS4 Operator shall ensure that efforts to obtain voluntary correction through informal enforcement, including verbal warnings and written notices, do not exceed **60 calendar days from the initial determination of the violation until a return to compliance**, as required by Part IV.F.1.c of GP-0-24-001.

If compliance is not achieved within this period, the MS4 Operator shall escalate the matter to an appropriate formal enforcement response, subject to applicable legal authority.

This 60-day limit is not an automatic allowance to continue a discharge or delay urgent enforcement. Where the circumstances warrant immediate formal action, the MS4 Operator shall act accordingly.

9. CORRECTIVE ACTION AND VERIFICATION

Corrective actions shall be specific to the violation and may include:

- Eliminating an illicit discharge or unauthorized connection.
- Cleaning up a spill and properly managing the resulting waste.
- Installing, repairing, or maintaining erosion and sediment controls.
- Implementing required SWPPP measures.
- Correcting deficiencies in a stormwater management practice.
- Completing required inspections, maintenance, or repairs.
- Providing records or other evidence demonstrating compliance.

The MS4 Operator shall verify corrective actions through follow-up inspections, review of documentation, photographs, or other appropriate means.

A case shall be considered resolved only after the MS4 Operator has documented that the violation has been corrected or otherwise appropriately addressed under applicable legal authority.

Where a violation remains unresolved, the case shall remain open and additional enforcement shall be considered as warranted.

10. ENFORCEMENT TRACKING AND DOCUMENTATION

The MS4 Operator shall maintain an enforcement case register and supporting case files documenting each instance of noncompliance.

At a minimum, the enforcement record shall include all elements required by Part IV.F.2 of GP-0-24-001:

1. Name of the owner or operator of the facility or site, with identifying information redacted from the publicly available SWMP Plan where permitted.
2. Location of the stormwater source, such as a construction project or post-construction SMP.
3. Description of the violation.
4. Schedule for returning to compliance.
5. Description of the enforcement response, including escalation for repeat violations or violations not resolved in a timely manner.
6. Supporting documentation of the enforcement response, such as notices of noncompliance or notices of violation.
7. Referrals to other departments or agencies.
8. Date the violation was resolved.

Supporting records may include inspection reports, photographs, complaint records, correspondence, notices, corrective-action plans, follow-up inspection results, and closure documentation.

The enforcement register shall be updated as the case progresses and shall identify open, overdue, escalated, referred, and resolved cases.

11. RECORD RETENTION AND AVAILABILITY

Enforcement records shall be maintained in accordance with the recordkeeping requirements of GP-0-24-001 and applicable records-retention requirements.

Records required by the permit shall be retained for at least five years after they are generated, unless a longer retention period is required by another applicable requirement.

The current ERP, SWMP Plan, and associated documentation shall be made available to authorized NYSDEC and U.S. Environmental Protection Agency personnel and for public inspection in accordance with applicable permit requirements. Personal, confidential, or otherwise protected information shall be handled in accordance with applicable law.

12. PROGRAM REVIEW AND IMPROVEMENT

The Stormwater Program Coordinator shall periodically review enforcement cases to evaluate:

- The number and types of violations identified.
- The frequency of repeat or continuing violations.
- Timeliness of corrective action and case closure.
- Use and effectiveness of progressive enforcement.
- Compliance with the 60-day informal enforcement limit.
- Trends in illicit discharges, construction-site deficiencies, and post-construction maintenance failures.

- The adequacy of available legal authority and staffing.
- Opportunities to improve inspections, procedures, training, and public reporting.

The ERP shall be revised when necessary to reflect changes in legal authority, permit requirements, enforcement experience, or program responsibilities.

Implementation and applicable updates shall be documented in the SWMP Plan.

13. APPROVAL AND IMPLEMENTATION

This ERP shall be implemented by the MS4 Operator upon approval by the appropriate authorized official. It shall be incorporated into or referenced by the Stormwater Management Program (SWMP) Plan.

The MS4 Operator shall ensure that staff responsible for stormwater inspections, investigations, and enforcement understand their assigned responsibilities and follow the procedures established in this plan.

Prepared by: William L Bradley

Title: Superintendent of Water

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Effective: 10/2026

APPENDIX A — ENFORCEMENT CASE REGISTER

Use one record per enforcement case.

Required field	Entry
Case number	[Unique identifier]
Owner/operator	[Name; restrict or redact public disclosure as applicable]
Stormwater source/location	[Address, parcel, project, or SMP]
Violation category	[Illicit discharge / Construction / Post-construction]
Date initially identified	[Date]
Description of violation	[Facts and applicable requirement]
Potential receiving-water impact	[Description]
Initial enforcement response	[Action and date]
Corrective action required	[Specific measures]
Compliance schedule/deadline	[Dates]
Subsequent enforcement responses	[Actions, dates, escalation rationale]
Supporting documentation	[Inspection reports, notices, photographs, correspondence]
Agency/department referrals	[Agency, date, reference number]
Follow-up inspection(s)	[Dates and findings]
Date compliance was verified	[Date]
Date violation was resolved	[Date or pending]
Case status	[Open / Overdue / Escalated / Referred / Resolved]

APPENDIX B — ENFORCEMENT DECISION RECORD

For each case, document the rationale for the selected response.

- **Violation severity:** [Low / Moderate / High / Critical]
- **Magnitude and duration:** [Description]
- **Receiving-water impact:** [Description]
- **Compliance history:** [First occurrence / Repeat / Continuing]
- **Good-faith corrective efforts:** [Description]
- **Immediate protective action needed:** [Yes / No; explain]
- **Selected enforcement level:** [Level 1–5]
- **Legal authority used:** [Applicable law, ordinance, policy, permit, or agreement]
- **Reason for response selection:** [Explanation]
- **Next action and deadline:** [Action/date]
- **Reviewer:** [Name/title/date]