

**RESOLUTION 24-16**

**A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF WHITE HOUSE, TENNESSEE, TO ESTABLISH A STORMWATER ENFORCEMENT RESPONSE PLAN.**

**WHEREAS**, the Board of Mayor and Aldermen passed Ordinance 14-28 that established Stormwater Management in the Municipal Code Title 18, Chapter 4 Stormwater Management; and

**WHEREAS**, the City maintains a consistent set of adopted rules and procedures for the administration and enforcement of stormwater related matters; and

**WHEREAS**, the City Administrator is charged with the duty to review the adopted policies and procedures that govern the City's stormwater system and make recommendations of updates and improvements to the procedures; and

**WHEREAS**, the City has engaged the services of a professionally trained Public Services Director to advise on stormwater related matters, including infrastructure management and enforcement; and

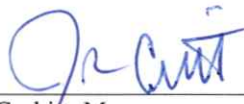
**WHEREAS**, this professional has made a number of recommendations to revise the enforcement rules and procedures which is to be known as the Enforcement Response Plan as referenced in the Municipal Code Title 18, Chapter 4 Stormwater Management; and

**WHEREAS**, the Board of Mayor and Aldermen wish to establish the recommended Enforcement Response Plan;

**NOW, THEREFORE**, the Board of Mayor and Aldermen of the City of White House do hereby resolve that the Enforcement Response Plan is hereby established.

This resolution shall be effective upon passage.

Adopted this 19<sup>th</sup> day of December 2024.

  
\_\_\_\_\_  
John Corbitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Derek Watson, City Recorder



City of White House  
Public Services Department  
725 Industrial Drive · White House, TN 37188  
Phone 615-672-3654 · Fax 615-672-3655

**Enforcement Response Plan  
IDDE Program  
NPDES Municipal Separate Storm Sewer System (MS4)  
TNS088293  
City of White House, TN**

Prepared by: The City of White House Public Services  
725 Industrial Dr., White House, TN 37188

UPDATED: December 10, 2024



City of White House  
Public Services Department  
725 Industrial Drive · White House, TN 37188  
Phone 615-672-3654 · Fax 615-672-3655

## Table of Contents

### I. Background

### II. Purpose

### III. Enforcement Response Plan

- Escalating Enforcement Response
- Violations Falling Under more than one Category
- Recovery of Damages and Costs
- Timeframes for Enforcement Responses
- Requirements for Chronic Violators

### IV. Identifying and Investigating Instances of Non-Compliance

- Routine Permit Inspections
- Complaint Investigation
- Outfall Screening
- Hotspots
- Hotline
- Stream Testing

### V. Description of Enforcement Actions

- Informal Notice
- Verbal Notification
- Written Notification
- Notice of Violation
- Show Cause Hearing
- Stop Work Order
- Civil Penalties

### VI. Appeals

- Written Appeals
- Public Hearing
- Appealing decision to City of White House Stormwater Advisory Board

### VII. Construction

- Noncompliance Permit
- Non-Filers
- Permit Violations

### VIII. Post Construction

- Noncompliance BMP/SCM
- Review/Approval BMP/SCM
- Implementation BMP/SCM
- Maintenance

### IX. Outfall Reconnaissance Inventory



**City of White House**  
**Public Services Department**  
725 Industrial Drive • White House, TN 37188  
Phone 615-672-3654 • Fax 615-672-3655

## **I. Purpose**

The intent of this document is to provide guidance in enforcing the City of White House Municipal Code, Title 18, Chapter 4, Stormwater Ordinance, and to help eliminate illicit discharges to the City's stormwater system. This plan provides consistent enforcement responses for similar violations and circumstances. This document is a guide; any of the enforcement responses may be used at the City's discretion. The City may also choose to pursue an enforcement case by skipping intermediate steps.

## **II. Background**

Pursuant to Section 4.5 of the Small MS4 General NPDES Permit, the City of White House has developed an Enforcement Response Plan (ERP) that outlines the enforcement actions to be taken for noncompliance and addresses repeat violations through progressive enforcement, as needed, to achieve compliance. These incidents include actions to be taken for common violations associated with the Construction Program, the Illicit Discharge Detection and Elimination Program, and the Post-Construction Program; all of which are components of the City of White House Stormwater Management Program.

In addition to meeting the requirements of Section 4.5 of the Small MS4 General NPDES Permit, the ERP serves as a guidance document for City Stormwater staff when addressing the variety of different noncompliance incidents that may be encountered. The City must have the legal ability to employ progressive enforcement actions and to escalate enforcement responses where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm. The ERP should be used only as a guide, while recognizing that each situation is unique. The provisions of this ERP are not mandatory. Actual enforcement procedures should consider any unusual aspects of a violation or condition, as well as special characteristics of an enforcement action in determining the proper response. Guidance will be given for the different enforcement responses available, actions to address general permit non-filers, when and how to refer violators to the state, and how to track enforcement actions.

## **III. Enforcement Response Plan**

The ERP designates several enforcement options for each type (or pattern) of noncompliance. The intent of the ERP is to provide direction for appropriate enforcement response and to ensure consistent enforcement for similar violations and circumstances. Factors that will be evaluated when determining the appropriate response are as follows:

- 1) The harm done to the public health or the environment;
- 2) Whether civil penalty imposed will be substantial economic deterrent to the illegal activity;
- 3) The economic benefit gained by the violator;
- 4) The amount of effort put forth by the violator to remedy this violation;
- 5) Any unusual or extraordinary enforcement costs incurred by the municipality;
- 6) The amount of penalty established by ordinance for specific categories of violations; and
- 7) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.





City of White House  
Public Services Department  
725 Industrial Drive · White House, TN 37188  
Phone 615-672-3654 · Fax 615-672-3655

***Escalating Enforcement Response***

Escalating enforcement response will be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on a project or on multiple projects by the same operator, or any other pattern of noncompliance is shown.

***Violations falling under more than one Category***

Violations that fall under more than one category in the enforcement response plan will be addressed through the more severe enforcement response. All alleged violations will be included in the more severe response.

***Recovery of Damages and Costs***

In addition to assessing and collecting civil penalties, the City may recover:

- All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations, and enforcing compliance, or any other actual damages caused by the violation.
- The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them.

***Timeframes for Enforcement Responses***

- Violations will be identified and documented within 4 days of receiving compliance information.
- Initial enforcement responses (informal or formal) will occur within 7 days of identifying a violation.
- Follow up actions for continuing or recurring violations will be taken within 7 days of the initial enforcement response.
- Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate response such as the issuance of a stop work order.

***Requirements for Chronic Violators***

Chronic violators shall be defined as any person that repeats violations of the Stormwater Ordinance at least three times in a one year period. The violations are tied to the person rather than a project or site, meaning that the violations do not have to occur on the same project. The violations do, however, need to be of a similar nature, such as all violations of construction standards or all violations involving illicit discharges.

Once an operator has been labeled as a chronic violator they will remain as such until they have operated for a one year period with no documented violations of the Stormwater Ordinance. Chronic violators will be treated differently than other operators. The Stormwater Division will inspect all projects on which chronic violators are involved at a higher frequency than other projects. The Stormwater Division will also double the civil penalties issued to chronic violators, as long as it can do so and stay within the maximum penalty allowed by the Ordinance and T.C.A. The Stormwater Division will also escalate enforcement responses for chronic violators. This means that for a given violation that would normally result in just a Notice of Violation, the chronic violator will likely receive a civil penalty or at least be called in for a Show Cause Hearing. A violator that meets the criteria of this section will be notified of such in the Notice of Violation or other enforcement documentation that is sent to the violator for the third and qualifying violation.



City of White House  
Public Services Department  
725 Industrial Drive · White House, TN 37188  
Phone 615-672-3654 · Fax 615-672-3655

#### **IV. Identifying and Investigating Instances of Non-Compliance**

There are many activities associated with the identification and investigation of noncompliance. A brief description of these activities is provided in this ERP. The activities that facilitate the identification and investigation of noncompliance are as follows:

##### ***Routine Permit Inspections***

The City issues land disturbance permits for certain construction activities taking place within the city limits of White House. Once a permit is issued for a project, routine compliance inspections are conducted of the project to assure that the provisions of the permit, the ordinance, and the stormwater pollution prevention plan (SWPPP), if applicable, are being met. Any violations documented during routine inspections will initiate enforcement activities.

##### ***Complaint Investigations:***

The City investigates all stormwater related complaints. Complaints are received in a number of ways. Complaints are received via phone calls, via the City's stormwater web page, and are often called in by other city departments. Violations documented as a result of complaint investigations will initiate appropriate enforcement activities.

##### ***Outfall Screening***

If at the time of inspection of an outfall, the facility/property is found to be in non-compliance with the City of White House Illicit Discharges ordinance (18-409), a verbal warning will be issued with suggested corrective action. The owner of the facility/property will be given a specified timeline to bring the site into compliance. After the time specified in the timeline has expired, a re-inspection will take place. If the owner has not brought the site into compliance, the City will issue a Notice of Violation.

Upon issuance of the Notice of Violation, the owner/operator of the property/facility may be subject to fines and/or remediation costs outlined above and in the Stormwater Ordinance.

In cases where inspection reveals an illicit discharge that poses an immediate threat to public health or the environment, the City will issue a Notice of Violation and call necessary agencies/personnel to assist with correcting the violation. The owner may be subject to repayment to the City for costs involved with the corrective action.

##### ***Hotspots***

If at the time of inspection, the facility/property is not in compliance with the City of White House Stormwater Ordinance, a verbal warning will be issued with suggested corrective action. The owner of the facility/property will be given a specified timeline to bring the site into compliance. After the time specified in the timeline has expired, a re-inspection will take place. If the owner has not brought the site into compliance, the City will issue a Notice of Violation, as outlined above.

Upon issuance of the Notice of Violation, the owner/operator of the property/facility will be subject to fines and/or remediation costs outlined above and in the Stormwater Ordinance.

In cases where inspection reveals an illicit discharge that poses an immediate threat to public health or the environment, the City will issue a Notice of Violation and call necessary agencies/personnel to assist with correcting the violation. The owner may be subject to repayment to the City for costs involved with the corrective action. Documented illicit discharges shall be responded to no more than 7 days from detection, and eliminated as soon as possible.





City of White House  
Public Services Department  
725 Industrial Drive · White House, TN 37188  
Phone 615-672-3654 · Fax 615-672-3655

### ***Hotline***

The Stormwater Hotline is the Public Services main line (615) 672-3654 as well as online at the City's website or email the Stormwater Division under the Contact US links. As reports are received on water resource issues, they are inventoried in the Stormwater Hotline Log. All calls are responded to within 48 hours. If the report is verified by the Engineering Division as an Illicit Discharge, the site is inspected and added to the Hotspot Inventory Map. Procedures will then be performed as outlined above for Hotspots.

### ***Stream Testing***

As the City performs analytical monitoring of impaired streams as required in Section 5.1 of its Small MS4 General NPDES permit, any pollutant loadings that can be traced back to hotspots or outfalls will be addressed as outlined in the above procedures.

## **V. Description of Enforcement Actions**

### ***Informal Notice:***

- Verbal Notification: Verbal notifications by telephone or in person provide an immediate notification of violations. In general, verbal notifications are used for minor isolated violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement or the investigation of suspected violations are documented on an inspection report and placed in the respective project file.
- Written Notification: Written notification may include the copying of an inspection report to a site operator. This could be accomplished by simply leaving a copy of the inspection report at the site in a safe location for the operator to find, handing a copy of the report to the operator or a representative that is present at the site, or forwarding a copy of the report to the operator by e-mail. The inspection report will document any compliance issues that need to be addressed at the site. This written notification may or may not be followed up with a more formal means of notification, such as a Notice of Violation.

### ***Notice of Violation:***

A Notice of Violation (NOV) is a written notice to the noncompliant operator that a stormwater violation has occurred. A NOV includes a statement detailing the legal authority under which the City issued the NOV, a description of the violation(s), and the date(s) the violation(s) occurred. The NOV may require a response from the Operator that details the causes of the violation(s), and the corrective actions taken to correct the violation and to prevent similar violations from occurring. A NOV is used to notify the Operator and document the violation. The NOV may assess civil penalties or a damage assessment and may require specific remedial action of the user.

### ***Show Cause Hearing***

A Show Cause Hearing is a formal meeting requiring the Operator to appear, explain its noncompliance, and show cause as to why more severe enforcement actions against the user should not go forward. The meeting may also serve as a forum to discuss corrective action and compliance schedules. An example of when a Show Cause Hearing will be utilized would be when a requirement is not completed on time and a civil penalty is being considered. The City is not, however, required to hold a Show Cause Hearing prior to assessing a civil penalty.



**City of White House**  
**Public Services Department**  
725 Industrial Drive • White House, TN 37188  
Phone 615-672-3654 • Fax 615-672-3655

### ***Stop Work Order***

A Stop Work Order is an order issued to the Operator by the City requiring that all work at the site cease until such time as the violation is corrected. The stop work order can be posted at the site or can be sent as part of a Notice of Violation. A stop work order will generally be utilized when the nature of the violation is such that it is imperative that the correction of the violation take place prior to any further work being conducted on the site or as an escalation option when an NOV is disregarded or violation(s) have not been corrected.

### ***Civil Penalties***

A civil penalty is a punitive monetary charge assessed by the City rather than a court. The penalty amount must be authorized in the stormwater ordinance. The purpose of the penalty is to recover the economic benefit of noncompliance and to deter future violations. The range of penalties allowed by the White House Stormwater Ordinance and by TCA §68-221-1106 is a minimum of fifty dollars (\$50.00) to a maximum of five thousand dollars (\$5,000) per day of violation. When assessing a civil penalty the following factors are considered:

- I. The harm done to the public health or the environment;
- II. Whether the civil penalty imposed will be substantial economic deterrent to the illegal activity;
- III. The economic benefit gained by the violator;
- IV. The amount of effort put forth by the violator to remedy this violation; Any unusual or extraordinary enforcement costs incurred by the municipality;
- V. The amount of penalty established by ordinance or resolution for specific categories of violations (see appendix A Penalty Sheet); and
- VI. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

## **VI. Appeals**

Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the stormwater advisory board





City of White House  
Public Services Department  
725 Industrial Drive · White House, TN 37188  
Phone 615-672-3654 · Fax 615-672-3655

***Appeals to be in writing***

The appeal shall be in writing and filed with the city recorder within fifteen(15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

***Public hearing***

Upon receipt of an appeal, the city's stormwater advisory board established by the city's governing body shall hold a public hearing within thirty (30) days. Ten (10) days' prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

***Appealing decisions of the city's stormwater advisory board***

Any alleged violator may appeal a decision of the stormwater advisory board pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #14-28, Dec. 2014)

**VII. Construction Noncompliance**

All sites that require a Land Disturbance Permit (LDP), TDEC General Construction (CGP) coverage, or TDEC Aquatic Resource Alteration Permit (ARAP) coverage are subject to the enforcement actions outlined in this section. The City of White House Stormwater Ordinance and Land Disturbance Permit outline the requirements for application, applicability, and coverage under a Land Disturbance Permit. Two noncompliance situations are addressed: permit non-filers and permit violations.

***Permit Non-Filers***

Any site that falls under the requirements of obtaining a LDP, a TDEC CGP Notice of Coverage (NOC), or TDEC ARAP are required to have the approved permit on site. If it is found the site has not obtained proper coverage, a Stop Work Order will be issued immediately. Before any further work is performed with the exception of stabilization, proper permit coverages must be obtained. In the event the violator does not stop work immediately, the violator will be assessed penalties as outlined above and the local TDEC Environmental Field Office (EFO) will be notified. The project location, owner/operator, project size, and records of communication will be provided to the local TDEC EFO in Nashville, TN.



City of White House  
Public Services Department  
725 Industrial Drive · White House, TN 37188  
Phone 615-672-3654 · Fax 615-672-3655

### ***Permit Violations***

Any site covered under a LDP, a TDEC CGP, or a TDEC ARAP will be subject to inspections as outlined in the City of White House Land Disturbance Permit. Inspections will be performed evaluating compliance with the permits listed above. If non-compliance is noted, it will be documented on the Erosion and Sediment Control Inspection Form.

In cases of minor violation(s), a call to the site contact will be made, informing them of the violation and outlining a timeline for correction. After the given timeline has expired, and no corrective action has been taken, a Notice of Violation (NOV) will be issued. Once an NOV is issued, a timeline will be given for compliance. A stop work order (SWO) may be issued and when determined appropriate by the Stormwater Division. If substantial progress is not made toward compliance, Civil Penalties will be assessed, as outlined above.

In cases of major violation(s), a NOV and/or SWO will be issued immediately. Once an NOV or SWO is issued, a timeline will be given for compliance. If substantial progress is not made toward compliance, Civil Penalties will be assessed, as outlined above.

In cases of violations that require immediate action to prevent major damages to Tennessee Waters of the State, and/or if the contractor is unable to take immediate action, the expenditure of public funds for prevention and/or mitigation of damages shall be compensated in such amount as to offset the public funds expended. This will in no way reduce or offset the liability of the owner with respect to damages incurred.

If the City is unable to bring an NPDES permitted discharge into compliance using its enforcement mechanisms and protocol, the local TDEC EFO in Nashville, TN will be notified and provided the project location, owner/operator information, project size, and records of communication, including along with a summary and copies of escalated enforcement actions taken.

### **VIII. Post Construction Non-Compliance**

Pursuant to Section 4.2.5 of the City's Small MS4 General NPDES permit, discharges from new development and redevelopment sites must be managed such that post-development hydrology does not exceed pre-development hydrology. The permanent stormwater management program must require New Development Projects to be designed to remove pollutants to the Maximum Extent Possible (MEP). SCMs that rely on infiltration, evapotranspiration, or capture/reuse of the water quality treatment volume (WQTV), as defined in sub-section 4.2.5.2.2, are practices that approach 100% pollutant removal and constitute MEP where site-specific conditions allow.

Best Management Practices (BMP's) also called Stormwater Control Measures (SCMs) are used to meet this requirement.

#### ***BMP/SCM Review/Approval***

Prior to any new development or redevelopment plan approval, a comprehensive review is performed by all City departments. Procedures for approval are available on the City website under the Current Planning Department page. The Stormwater Division is responsible for making sure the requirements of the City's Small MS4 General NPDES permit are addressed. BMP/SCM design and supporting calculations to meet the Water Quality Treatment Volume (WQTV) as specified in Section 4.2.5.2.2 of the MS4 permit are reviewed by the city Engineering Staff for compliance with the performance standards outlined in the City of White House Stormwater Ordinance and Subdivision Regulations. Prior to approval, these standards must be addressed.





City of White House  
Public Services Department  
725 Industrial Drive • White House, TN 37188  
Phone 615-672-3654 • Fax 615-672-3655

### ***BMP/SCM Implementation***

Once a plan and its BMPs/SCMs are approved, and application for a Land Disturbance Permit has been submitted, the Stormwater Division Staff monitors the construction to ensure proper installation of BMPs/SCMs. Before the plan is approved, a site and/or subdivision surety is posted by the developer to ensure completion of all improvements shown on the approved plan. Prior to release of the surety and/or prior to issuance of a Certificate of Occupancy, all BMPs/SCMs are inspected to ensure they are working as designed. Any modifications to the approved post-construction BMPs/SCMs must be reviewed for compliance with City performance standards, and approved by Engineering Division staff.

### ***BMP/SCM Maintenance***

Prior to approval of any site plan and/or plat that will have any permanent stormwater BMP/SCMs, a *Long Term Maintenance Agreement* is required to be executed and recorded. This agreement outlines the maintenance and inspection responsibilities of the owner and enforcement actions if these requirements are not met.

## **IX. Outfall Reconnaissance Inventory**

Outfall Reconnaissance Inventory (ORI) is designed to fix the geospatial location and direction of stormwater features, record the basic characteristics of individual stormwater outfalls, evaluate suspect outfalls, and assess the severity of illicit discharge problems in a community. Additionally, Identify IDDE areas to focus on for outfall reconnaissance. Further develop system maps to include detailed descriptions and unique identification of outfalls and flow direction. Other screening factors to consider for Illicit Discharge Potential (IDP) include past discharge complaints, close proximity of illicit substances, and aging systems. The results of the ORI are then used to help guide future outfall monitoring and discharge prevention efforts. All IDDE inventory, inspections, comments, and complaints are documented in VUEWorks and spreadsheets.



**City of White House**  
**Public Services Department**  
 725 Industrial Drive · White House, TN 37188  
 Phone 615-672-3654 · Fax 615-672-3655

APPENDIX A: Penalty Sheet

**Itemized Penalty Worksheet / Invoice**

Violation	Comments	Multiplier	Penalty	Total
Grading without a Land Disturbance Permit	yes = 1		\$300.00	\$0.00
	Acres Disturbed		\$100.00	\$0.00
	in 100 yr		\$200.00	\$0.00
Previous Violation Multiplier Calculator	1 Violation = 1			\$0.00
Number of Previous Violations				
Grading Without a Permit				\$0.00
Violation	Comments	Multiplier	Penalty	Total
Failure to Install/ Maintain EPSC	yes = 1	1	\$100.00	\$100.00
	# of separate failure locations	5	\$100.00	\$500.00
	# of acres	10.00	\$50.00	\$500.00
Previous Violation Multiplier Calculator	1 Violation = 1	1		\$1,100.00
Number of Previous Violations				
EPSC				\$1100.00
Violation	Comments	Multiplier	Penalty	Total
Buffer Disturbance	yes = 1		\$200.00	\$0.00
	Stream listed on		\$300.00	\$0.00
	Disturbance >		\$200.00	\$0.00
Previous Violation Multiplier Calculator	1 Violation = 1			\$0.00
Number of Previous Violations				
Water Quality Penalty				\$0.00
Violation	Comments	Multiplier	Penalty	Total
Illicit Discharge	yes = 1	1	\$100.00	\$100.00
	# of separate	2	\$50.00	\$100.00
	impaired stream		\$350.00	\$0.00
	bioloical hazard =		\$200.00	\$0.00
Previous Violation Multiplier Calculator	1 Violation = 1	1		\$200.00
Number of Previous Violations				
Illicit Discharge				\$200.00
Violation	Comments	Multiplier	Penalty	Total
Site not Stabilized within 7 days	yes = 1	1	\$50.00	\$50.00
	#of acres not	10	\$50.00	\$500.00
Previous Violation Multiplier Calculator	1 Violation = 1	1		\$550.00
Number of Previous Violations				
Miscellaneous				\$550.00
Violation	Comments		Penalty	Total
Administrative Penalties	Inspection	1	\$100.00	\$100.00
Administrative Penalties				\$100.00
			Total Due:	\$1,950.00

Authorized Signature		Date	
----------------------	--	------	--