

TROUTMAN  
SANDERS

# STORMWATER ENFORCEMENT

Harvey Rosenzweig  
Troutman Sanders LLP  
Atlanta, Georgia  
404-885-3252  
[harvey.rosenzweig@troutmansanders.com](mailto:harvey.rosenzweig@troutmansanders.com)

**GEORGIA ENVIRONMENTAL CONFERENCE**  
**August 26-28, 2009**



# ENFORCEMENT IS CHANGING

- New EPA Administrator Lisa Jackson is committed to increased enforcement by EPA and States.
- Like most states Georgia is in a budget shortfall. Environmental penalties are paid into the General Fund.
- Local governments have their own budget shortfalls.



# EPD FINAL ENFORCEMENT ORDERS FOR VIOLATIONS OF THE CONSTRUCTION STORMWATER GENERAL PERMIT JANUARY – JULY 2009

<u>PENALTY</u>	<u>NO. OF ORDERS</u>
\$150,000	1
60,000	1
25,000-30,000	2
20,000-25,000	3
15,000-20,000	2
10,000-15,000	3
5,000-10,000	10
1,000-5,000	10
0	<u>5</u>
	37



# ANATOMY OF AN ENFORCEMENT ACTION

- Complaint/Record Review
- Inspection
- Follow Up Letter
- Notice of Violation
- Draft Consent Order
- Negotiation
- Final Consent Order



# KEY ISSUES IN AN ENFORCEMENT ACTION

- Paperwork Issues
- BMP Violations
- Violations of Discharge Limits
- Accuracy of Sampling/Analysis
- Penalty Calculation/Penalty Policy
- Alternatives to Penalty-Projects
- Legal Obligations in Order

