



GUIDELINES FOR VIOLATION RESOLUTION

Cass County Conservation District Soil Erosion & Sedimentation Control Program



CASS COUNTY
CONSERVATION
DISTRICT



- Guidelines for Violation Resolution -

Warnings & notices for non compliance with Part 91 will be addressed by the Cass County Conservation District (CCCD) following these guidelines which are enforceable under the authority of Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

1. When a permitted site is found to be in non-compliance of Part 91, the following actions will be taken:
 - a. Minor violations such as permit not posted or SESC plan not available. A notice of violation will be left at the site and within one (1) day of the finding the inspector will contact the property owner/contractor via text or email to notify them of the non-compliance, request immediate corrective actions be taken and photo documentation of corrections be provided to the inspector via text or email for the site/permit file within five (5) days.
 - i. If corrective actions are not completed after five (5) days then the CCCD will take necessary steps to get the site into compliance and charge the landowner a non-compliance administrative fee of \$100. All associated costs incurred by the CCCD to bring the site into compliance shall also be reimbursed by the owner of the land.
 - b. Minor violations such as SESC measures not properly installed or maintained. A notice of violation will be left at the site and within one (1) day of the finding inspector will contact the property owner/contractor via text or email to notify them of the non-compliance, request immediate corrective actions be taken and photo documentation of corrections be provided to the inspector via text or email for the site/permit file within five (5) days. A non-compliance administrative fee of \$100 will be charged and a re-inspection may occur to confirm corrections.
 - i. If corrective actions are not completed within five (5) days of notification, then actions as defined in section 3 will be taken.
 - c. If the CCCD determines that soil erosion or sedimentation of adjacent properties or the waters of the state has or will reasonably occur or that egregious acts or a knowingly continued violation of Part 91 occurs then a non-compliance administrative fee of \$100 will be charged and a cease-and-desist will be issued at the site and actions defined in section 3 will be taken.
2. When an un-permitted site is found then actions as defined in section 3 will be taken.
3. The CCCD SESC Administrator will seek to enforce a violation of Part 91 by notifying the person who owns the land, by mail, with return receipt requested, of its determination (**Notice of Determination**). The notice shall contain a description of the violation and what must be done to remedy the violation and shall provide a deadline for compliance with Part 91 and the rules promulgated under Part 91 or an applicable local ordinance.
 - a. In the event that corrective actions are not completed by the deadline and not less than five (5) days after notice, the CCCD SESC Program, under Part 91, reserves the right to install and maintain any erosion control that was noted and approved on the site plan that was not installed or maintained properly or for un-permitted project sites the CCCD will install SESC measures necessary to protect adjacent properties and/or waters of the State. The CCCD reserves the right, under Part 91, to charge up to \$10,000 for the installation of the required erosion controls.
4. If violations were not remedied after steps 1-3 a civil infraction ticket will be issued by the jurisdictional law enforcement agency in conjunction with the Cass County Enforcing Agent (CCCD SESC program) in accordance with:
 - a. *A person who violates this part is responsible for either of the following: the person is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$2,500.00.*
 - b. *A person who knowingly violates this part or knowingly makes a false statement in an application for a permit or in a soil erosion and sedimentation control plan is responsible for the payment of a civil fine of not more than \$10,000.00 for each day of violation.*
 - c. *A person who knowingly violates this part after receiving a notice of determination under section 9112 or 9117 is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation.*
5. If the site continues to be in noncompliance following actions taken in 1-4 above then in accordance with Part 91 the CCCD may pursue an action in court for an injunction or other process against a person to restrain or prevent violations of Part 91. The reports pertaining to the permit and violation(s) will be turned over to the County Prosecutor for review and adjudication.