

## 12.0 ENFORCEMENT

- 12.1 Inspection.** Under state statutory law, the District is authorized to enter lands within the District to inspect compliance with District rules and permits. By engaging in land disturbance under a District permit, a property owner recognizes that the District may enter for inspection purposes.
- 12.2 Administrative Order.** The District may issue a compliance order when it finds that land disturbance subject to but lacking a District permit, or disturbance pursuant to a permit, presents a serious threat of flooding, soil erosion, sedimentation, or adverse effect on water quality or otherwise violates any Rule of the District or condition of a District permit. The compliance order may direct that work cease, direct that actions be taken to prevent or remedy a violation, and otherwise contain terms to correct a violation and prevent future violations. An order will be issued by the Board of Managers only after due notice and hearing, but the Board may delegate to staff the authority to issue temporary compliance orders necessary to prevent or limit water resource impacts until the matter can be heard by the Board.
- 12.3 Violation of Rules a Misdemeanor.** By statute, a violation of these Rules, a stipulation agreement made, an enforcement order, or a permit issued by the Board of Managers pursuant to these Rules is a misdemeanor and a violator is subject to a fine, imprisonment or both.
- 12.4 District Court Action.** The Board of Managers may exercise all powers conferred upon it by Minnesota Statutes Chapter 103D in enforcing these Rules, including criminal prosecution, injunction, action to compel performance, restoration, abatement, and other appropriate action.
- 12.5 Enforcement of Erosion and Sediment Control.**
- (a) If sediment has moved to the perimeter of the site or of a surface water or wetland on site, the District may direct the permittee to immediately develop a cleanup and restoration plan and implement the plan within forty-eight (48) hours of District approval. When restoration to wetlands or other resources is required, the applicant shall work with the appropriate agencies to ensure that the work is done properly. If the permittee has not presented an acceptable plan within the time specified or the District finds that the permit holder has not effectively implemented the plan, the District may enter to perform work reasonably directed to prevent and correct the movement of sediment off site or into surface waters or wetlands.
  - (b) If erosion or sedimentation is discharging or directly threatening a discharge to surface waters or wetlands, the District may enter the site and require or take action as necessary to address the immediate harm.
  - (c) If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

- (d) In addition to the authorities provided in this subsection 12.5, the District may pursue any other enforcement remedy that Minnesota Statutes chapter 103D and section 12.0 provide.
- (e) In implementing subsection 12.4, the District will transmit communications to the permittee or the permittee's official representative as soon as reasonably possible. However, communication with and notice to the individual identified in the permit or on site as having site responsibility for erosion and sediment control will be considered notice to the permittee sufficient to meet the notice requirements of this subsection. If no such individual is present on site, the District may exercise authority under paragraph 12.4(b) before notice to the permittee.