

ATTACHMENT B - ENFORCEMENT MATRIX,

This enforcement matrix will be utilized to fairly and transparently address non-compliance issues. Full implementation is expected **After September 1, 2007**. Except in cases where damage to the environment or drainage has already occurred, Permittees will receive at least one and up to three warning letters before being subject to punitive enforcement actions such as Tickets, Notices to Comply or Stop Work Orders. This enforcement matrix is stepwise, with a Permittee moving up and down the enforcement scale in accordance with their response to previous enforcement action. This enforcement matrix would only allow for Legal proceedings when the Township has no other means to correct physical damage to the environment or drainage caused by a Permittee. This enforcement matrix is a guideline only.

Legend:

Probability of damage to Environment or Drainage : Low Medium High
 Value of fine specified in MTI Bylaw (\$xxx)

Not recommended for this offence:	
Not available under MTI Bylaw:	NOT AVAILABLE
Action in response to drainage or environmental damage	

ACTION OFFENCE	Warning Letter Level 1	Warning Letter Level 2	Warning Letter Level 3	MTI Tickets (max available = 1 / day)	Notice To Comply	Security Draw	Stop Work Order	Summary Conviction / Legal Proceedings
Exceedance of 25 NTU	1 st offence	2 nd offence	3 rd offence	4 th -N th offence (\$1000)	Where continues after Ticket	NOT AVAILABLE	Can be issued immediately upon inspection at any time where, in the opinion of the inspector it is not possible to continue working without causing significant environmental or drainage system impact due to weather or other mitigating circumstances. Stop work order would be removed as soon as work can safely continue.	
Exceedance of 100 NTU	1 st offence	2 nd offence	3 rd offence	4 th - N th offence (\$1000)	Where continues after Ticket			
Failure to maintain inspection logbook	1 st offence	2 nd offence	3 rd offence	4 th -N th offence (\$250)	Where continues after Ticket			
Failure to sample or test where required	1 st offence	2 nd offence	3 rd offence	NOT AVAILABLE	Where continues after warning (1 day minimum)		Where continues after Notice to Comply - 3 days minimum stop work order	
Failure to report NTU Exceedance		1 st offence	2 nd offence		Where continues after warning (1 day minimum)		Where continues after Notice to Comply - 3 days minimum stop work order	
Failure to maintain security			1 st offence		Where continues after warning		If does not heed notice to comply	
Working after Permit Expires			1 st offence		Where continues after warning		Where continues after Notice to Comply	
Sediment release	Trace	Visible accumulation downstream	Reduction in flow capacity	Minor habitat detriment likely occurred (\$1000)	Ongoing accumulations in habitat	Continuing deposition after Notice to Comply		
Failure to install works		1 st offence	2 nd offence	NOT AVAILABLE	IF developer has disregarded previous warnings and works deemed necessary by ToL to prevent future sediment release	IF ToL installs works where developer has not in anticipation of precipitation	IF permittee fails to address "Notice To Comply" issues. Stays in place until issues are addressed, either by Permittee or through ToL use of security. ToL may concurrently consider pursuing legal action.	
Failure to maintain ESC Facilities		1 st offence	2 nd offence		4 th or further offences which do not cause other noted, adverse effects (\$500)	If maintenance is deemed necessary by ToL to prevent future sediment release		IF ToL undertakes maintenance where developer has not in anticipation of precipitation
Failure to retain Qualified ESC Monitor			1 st offence	NOT AVAILABLE	Where continues after warning	NOT AVAILABLE		If does not heed notice to comply
Working without a Permit			1 st offence		Where continues after warning (\$500)		Where continues after ticket(s)	Where continues after Notice to Comply
Sediment release causing environmental or infrastructure damage; or otherwise requiring TOL remedial work				1 st offence	Where continues after Notice to Comply (\$1000)	Remediation required after notice to comply	If permittee fails to address "Notice To Comply" issues. Stays in place until issues are addressed, either by Permittee or through ToL use of security. ToL may concurrently consider pursuing legal action.	Failure to adhere to Stop Work Order. At the discretion of the General Manager only.