

Department Note: As MS4 Permittees demonstrate compliance differently and MS4 Permittees may have different MS4 permit conditions, the following written program procedure is intended to provide ideas on various formats. Therefore, please note the provided example may not be appropriate, as is, for your community. Additionally, the following is a written program procedure that has been submitted to the Department by a MS4 Permittee. However, the MS4 Permittee name have been removed to keep them anonymous.

VILLAGE OF ABC'S CONSTRUCTION SITE POLLUTANT CONTROL WRITTEN PROGRAM PROCEDURES

Engineering Division

Department of Public Works

100 STORM WATER STREET, VILLAGE OF ABC, WISCONSIN

1. EROSION CONTROL PERMIT REVIEW AND ISSUANCE

PURPOSE:

The purpose of this SOP is to ensure consistency in the process of issuing municipal erosion control permits.

Roles:

Applicant - Any person or entity holding fee title to the property or their representative. The applicant shall be the "landowner" as herein defined. The applicant shall sign the initial permit application form in accordance with subs. 1 through 5 below, after which the applicant may provide the AUTHORITY written authorization for others to serve as the applicant's representative:

1. In the case of a corporation, by a principal executive officer of at least the level of vice president or by the officer's authorized representative

having overall responsibility for the operation of the site for which a permit is sought.

2. In the case of a limited liability company, by a member or manager.
3. In the case of a partnership, by the general partner.
4. In the case of a sole proprietorship, by the proprietor.
5. For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.

Authority - the Director of Public Works or his/her duly authorized representative.

As of DATE:

CONTACT INFORMATION

Village Stormwater Technician (VST) – Municipal representative responsible for enforcement of Chapter 32.

As of DATE: CONTACT INFORMATION

Engineering Dept Account Clerks - As of DATE: CONTACT INFORMATION

Permit Holder (PH) – any person or entity issued an erosion control permit under this ordinance or their successors in interest with respect to the property to which the permit applies.

Private Development Engineer (PDE) – Municipal Engineer responsible for signing new Storm Water Maintenance Agreements related to permanent stormwater BMPs.

As of DATE: CONTACT INFORMATION

Permit Application Review Process

1. **The Applicant** obtains a municipal EC permit application form from Village Hall or online⁽¹⁾
2. **The Applicant** submits the application to the Department or to the Village Stormwater Technician (VST)
3. **The VST** reviews the following items required from the Applicant:

- a. Signed application – Complete, legible, and signed
- b. Site Plan – Obtain via SPAR permit attachments ⁽²⁾ then verify the following:
 - Project is within Village Limits
 - Project is applicable under Chapter 32.06
 - If the disturbed area is over one acre, verify WPDES Permit ⁽³⁾
- c. Erosion Control Plan – Obtain via SPAR permit ⁽²⁾ then verify the following:
 - Use Diggers Hotline Application ⁽⁴⁾ contours and utility layers to identify areas and assets most likely to be affected by runoff in the event of EC device failure.
 - Identify all proposed EC devices and verify the site and surrounding areas are protected.
 - EC plan and details sheet corresponds to current DNR Technical Standards ⁽⁵⁾
- d. Application Fee – If payment is not submitted with the application or if the amount is incorrect, the VST will notify the applicant via email or by phone and then confirm the fee by email.

4. **The Private Development Engineer (PDE)** reviews the following items required from the Applicant:

- e. Storm Water Management Plan (if applicable)
- f. Maintenance Agreement (if applicable)
- g. Financial Assurance (if applicable)

**Note: Step 3 and 4 may occur concurrently*

5. **The VST and PDE** will report any deficiencies in submittals to the applicant via email within two weeks of the date the submittal was received by the Department.
6. **The Applicant** will amend deficiencies and resubmit corrected items.

**Note: The proceeding steps may occur concurrently with the delay in resubmittal of Step 6*

7. **The VST** will submit the application to the Engineering Department Account Clerk(s) with the assessed fee with a statement of whether payment was included in the submittal.

8. **The Clerks** will enter the application into Central Square/Trakit and apply payment when it is received, then notify the VST when each item is complete.
9. When project info is available in Central Square/Trakit, **the VST** will update the status:
 - “Hold for Additional Info” - if payment or deficiencies are pending
 - “Approved” - when all required items are sufficient

Permit Issuance Process

Permit issuance begins when the Application Review Process is complete and the Trakit status is “Approved” The VST will perform the following actions:

1. Update the status to “Issued” and save the permit
2. Select “Print” on the lower left tab to open a pop-up window
3. Select Document: “Erosion Control Permit”
4. Select Output: “Attach and Display”
5. Save the file in the Shared Eng. Drive, “Erosion Control Permits” folder⁽⁶⁾, by year and

If a preliminary project folder doesn't exist, create one named [Permit Number][Project Identifier].

The folder should contain the following:

- *EC Permit Application*
- *EC Plan submitted for permit approval and any revisions thereafter*
- *EC Permit saved from Step 5 in .pdf format*

Permit No.

6. Email the permit to the Applicant and any relevant parties involved in it's submittal.
7. Schedule the preliminary on site EC inspection to occur within two weeks of permit issuance, then proceed with the inspection and enforcement procedures defined in the Village's SOP⁽⁷⁾.

References

1. [VILLAGE OF ABC's Stormwater and Erosion Control Permit Application](#)
2. [SPAR Permits](#)
3. **Active WPDES Permits** – via WDNR

<https://dnr.wi.gov/topic/stormwater/data/construction/index.asp>

4. **[Village of ABC's Diggers Hotline Application](#)**
5. **Construction Site EC Technical Standards** – Via WDNR
https://dnr.wisconsin.gov/topic/Stormwater/standards/const_standards.html
6. **Engineering Drive, EC Permits Folder** – [Village of ABCs Secured Network](#)
7. **Engineering Drive, EC SOP: Inspections and Enforcement** – [Village of ABC's Secured Network](#)

2. Erosion Control Site Tracking

PURPOSE:

The purpose of this SOP is to ensure sites are inspected consistently and within the parameters of applicable permits. This procedure also describes methods for addressing issues reported by the public or other municipal entities.

Roles:

Engineering Department	As of DATE: CONTACT INFORMATION
Stormwater Technician	As of DATE: CONTACT INFORMATION

EC Tracking Procedure

The Village Stormwater Technician (VST) will perform the following duties unless otherwise noted.

- 1) After issuing the permit and scheduling the initial municipal inspection, enter the location into the Village's erosion control site map.⁽¹⁾
 - a. Select or create a layer representing the current year

- b. Pin the location with the permit number as its title
- c. In the description, enter the primary EC contact and phone number

Note: If a permit covers multiple locations, pin each location and add a letter to the end of the permit number in the title of each pin, e.g. EC22-00034(a) and EC22-00034(b)

- 2) Enter the project data into the Village’s Erosion Control Masterfile.
 - a. Enter the permit number and description into the appropriate row, then in the column corresponding to the current week, enter “ISSUED” when the permit was issued.
 - b. Enter “INITIAL” into the week the initial inspection is scheduled.
 - c. After the initial inspection is performed, mark the **current status*** where “INITIAL” was marked previously.

Note: The **current status may be described as “PRECON” if work has not commenced, “EC IN” if erosion control measures are sufficiently installed, or “ACTIVE” to indicate that the next municipal inspection is scheduled to be performed in one month.*

The purpose of this spreadsheet is to see at a glance the current status and brief history of sites.

- d. Continue to inspect and log upcoming inspections in the Masterfile
- e. OPTIONAL: enter inspections into Outlook Calendar for reminders and personal scheduling.

References:

- 1. [Village of ABC’s Erosion Control Site Map](#)
- 2. [Village of ABC’s – EC Masterfile](#)

3. Erosion Control Inspections and Enforcement

Purpose:

The purpose of this SOP is to define the Village’s role in monitoring and enforcing erosion control on construction sites permitted by the DPW Engineering Division, under municipal code Chapter X.

Roles:

Engineering Department CONTACT INFORMATION

Village Stormwater Technician CONTACT INFORMATION

Permit Holder (PH) – Any person or entity issued an erosion control permit under this ordinance or their successors in interest with respect to the property to which the permit applies.

Erosion Control Inspection Procedure

**Note: Inspections of private and municipal projects are conducted in the same manner. Regular weekly+ inspections are performed by contractors or municipal on-site staff while the verification inspections described in this document are conducted by the Village Stormwater Technician.*

- 1) The Permit Holder (PH) shall provide a qualified professional to conduct EC inspections and maintain an inspection log for the site (*see Chapter XXX*). Construction sites with active erosion control permits issued by the Engineering Department must be inspected by the PH or their agent within 24 hours after each rain event of 0.5 inch or more that results in runoff, and at least once each week.
- 2) The Village Stormwater Technician (VST) shall inspect each permitted site in accordance with the frequency described in WPDES Permit No. WI-S050075-03 2.4.4(b):

Type	Description	Minimum Frequency
INITIAL	Within 2 weeks of commencement of land disturbing activity	14 Days
STANDARD	Sites with regular activity	*45 Days
INACTIVE	Sites with suspended activity (e.g., inactivity through winter)	60 Days
FOLLOW UP	Sites where inadequate control was observed	7 Days
FINAL	Confirm stabilization and removal of temporary EC measures	Upon Request

**The Village aims for a standard inspection frequency of once per month.*

- 3) The VST Shall document inspections to include a minimum of the following (*per NR216.46(9)*):
- Name of inspector
 - Date and time of inspection
 - Location of inspection and related Village EC permit number
 - Description of the current phase of land disturbing construction activity
 - Assessment of erosion control practices
- 4) If insufficient controls are observed, the VST will notify the Primary Erosion Control Contact named in the permit application.

Initial notification shall include:

- A description of the insufficient item(s)
- A deadline for compliance to correct the deficiency.

The deadline will be within 7 days, as determined by the VST based on the severity of potential damage due to the failure and based on the forecast of precipitation.

**Note: Maintenance or repair is required within 24 hours of inspection, or upon notification by the VST, unless the VST approves a different timeline (see Chapter XXXX)*

- Statement that a Notice of Violation will be issued if the items are found to be insufficient on the FIRST Follow-Up Inspection, and that Citations may begin from that date forward. Additionally, that it is the responsibility of the Permit Holder to notify the VST as soon as items have been corrected.
- 5) The VST will perform the FIRST Follow-Up Inspection on or after the deadline for compliance, no later than 7 days after the initial observation.
- a. If the deficiency has been corrected, the repair will be noted in the VST inspection report. The frequency of municipal inspections will return to “Standard” or “Inactive.”
 - b. If the deficiency has not been corrected, the VST will issue a **Notice of Violation** to the Primary Erosion Control Contact and to the Permit Holder.

Notice of Violation shall include:

- A description of the insufficient item(s)
- A deadline for compliance, coinciding with a SECOND Follow-Up Inspection.
- Statement a description of forthcoming enforcement action (e.g. Stop Work Order) if items are found to be insufficient during the SECOND Follow-Up Inspection.

The VST will document this in the inspection report and begin enforcement proceedings, which may use the methods described in the “Enforcement” section of this document (*see Chapter 32.14*). Notices and enforcement proceedings will continue and/or escalate until compliance is achieved.

The frequency of municipal inspections will remain at “Follow Up.”

Enforcement Response Procedure

**Note: Inspections and enforcement of private and municipal projects are conducted in the same manner. The sequence of enforcement described here may be altered by the Stormwater Technician depending on the conditions of the project.*

Sequence of Enforcement

1. Enforcement begins with issuance of a Notice of Violation (NOV), described in Step 5.b of the “EC INSPECTION PROCEDURE” section of this SOP.
2. **Citations** are issued per item and per day beginning on the date of the FIRST Follow-Up Inspection.
3. Citations for each item will end when it is corrected by the PH and confirmed by the VST.

Note: It is the **responsibility of the Permit Holder to notify the VST when items have been corrected.*

The VST will perform a SECOND Follow-Up inspection no later than 7 days of the FIRST Follow-Up inspection.

- a. If the deficiency has been corrected, citations will cease, effective the day the notification of correction was received by the Village (regardless of the date of confirmation by the VST)
 - b. If the deficiency has not been corrected, citations will continue and a new deadline will be determined by the VST. The VST will notify the PH of the new deadline and forthcoming enforcement action, e.g. Stop Work Order issued if items are not corrected by the THIRD Follow-up Inspection.
4. **The VST** will perform a THIRD Follow-Up inspection no later than 7 days of the SECOND Follow-Up inspection.
- a. If the deficiency has been corrected, citations will cease, effective the day the notification of correction was received by the Village (regardless of the date of confirmation by the VST) and the VST will notify the PH of cancellation of the pending Stop Work Order.
 - b. If the deficiency has not been corrected, citations will continue and a Stop Work Order will be issued to the PH until the items have been corrected, the PH has notified the VST, and the VST has confirmed the correction.

Delivery Mechanisms

The Village of ABC is authorized to use the following methods in any combination thereof against any responsible party found to be in violation of any provision of the Stormwater and Erosion Control Ordinance (see Chapter XX.XX)

1. Forfeiture. Any violator shall be subject to a forfeiture of not less than \$100 or more than \$500 plus the cost of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.
2. Stop Work Order. Any violator is subject to an order to stop all work except that which is determined by the Authority as necessary as a corrective action to bring the site into compliance.

3. Permit Revocation. The Authority may revoke a permit issued under this ordinance. Upon loss of the permit, all construction shall cease and the site shall be stabilized, with any costs incurred by the Village to be charged against the financial assurance.
4. Injunction. The Village may enforce the provisions of this ordinance by a temporary restraining order, injunction and other such relief as a court may order.
5. Declared Nuisances. Any land disturbing or land development activity carried out in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se, and the Village may apply to any court of competent jurisdiction to restrain or abate such nuisance.
6. Emergency Action. The Authority may enter upon the property and take any necessary emergency action if the Authority determines that the site in violation is an immediate threat to public health, safety, welfare, the environment or downstream property. Any cost incurred by the Authority as a result of this action shall be billed to the permit holder or other responsible party or subtracted from the financial assurance. The Authority shall provide reasonable notice to the permit holder and other responsible party after exercising this authority. The Authority may also enter upon the property and take any necessary emergency action if the permit holder or other violator refuses to take corrective action pursuant to written order of the Authority and fails to file an appeal of the reasonableness of the order with the Village of ABC Board of Zoning Appeals pursuant to sub. (c) of this section within the time limits set forth in the order.
7. Citation. The Village elects to also use the citation method of enforcement under section 800.02(2), Wis. Stats. as incorporated by Chapter X of this Code, for violations of this ordinance, including those for which a statutory counterpart exists.

*Note: Citations may be issued per item and per day at a cost of \$XXX each