

STANDARD OPERATING PROCEDURE CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

PREPARED FOR:

THE CITY OF DEARBORN



MARCH 2019

SECTION A – PURPOSE

The Michigan Department of Environmental Quality (MDEQ) National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II Stormwater Discharge Permit Application requires a description of current and proposed BMPs to meet the minimum control measure requirements for the construction stormwater runoff control program to the maximum extent practicable. The City of Dearborn does administer a Part 91 program and is a designated municipal enforcement agency. The following standard operating procedure provides a description of the procedures the City employs for construction site runoff control that includes notification procedures and ensuring proper permits are obtained by those disturbing greater than one acre of soil.

SECTION B – APPLICATION PROCEDURE

Prior to any earth disturbance, the City of Dearborn will ensure that construction activity one acre or greater in total earth disturbance with the potential to discharge to the MS4 does obtain a Part 91 Permit and/or a State of Michigan Permit by Rule or is reviewed by an approved Authorized Public Agency through the site plan review process. These requirements are documented in both the City's Site Plan Procedures (Section 32.02 of Zoning Ordinance) and Grading and Soil Erosion Control Ordinances (Section 5-186 – 5-220).

B.1 Sec. 5-188. - Permits required; submission of plans.

Prior to undertaking an earth change in the city involving one or more acres of land, or within 500 feet of the water's edge of a lake or stream, an erosion and sedimentation control permit shall be obtained from the building official. Request for a permit shall be initiated by submitting an application and SESC plan in accordance with rule 1703 promulgated under part 91.

B.2 Sec. 5-191. - Permits and fees

Upon payment of the necessary fees to the city treasurer, the submitted plans shall be reviewed and approved and a permit shall be issued, provided the plans meet the standards and specifications of this division.

SECTION C – INSPECTIONS/COMPLAINTS

As the Part 91 regulating authority, the City will inspect active construction sites that have obtained a Soil Erosion and Sedimentation Control (SESC) Permit from the City.

C.1 Sec. 5-202. - Inspection

- (a) The requirements of this division shall be enforced by the building official. The building official shall inspect the work and may require adequate inspection of compaction by a soil engineer or by a soil testing agency, approved by the building official.
- (b) If the building official finds any existing conditions not as stated in any application, SESC permit or approved plan, he may refuse to approve further work until approval of a revised SESC plan which will conform to the existing conditions.

C.2 Sec. 5-203. - Enforcement

- (a) Notwithstanding the existence or pursuit or any other remedy, the city may maintain an action in its own name in any court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this division.

- (b) The building official may enter at all reasonable times in or upon any private or public property for the purpose of inspection and investigating conditions and practices which may be a violation of this division.

C.3 Sec. 5-204. - Violations

- (a) *Performance.* It shall be unlawful for any person to fail to perform any act required by this division or to perform any act prohibited by this division.
- (b) *Knowledge.* It shall be unlawful for any person having a possessory interest in any land to knowingly permit, acquiesce, assist, aid or encourage any other person to violate the provisions of this division.
- (c) *Continuance of work.* It shall be unlawful for any person to continue any earth change activity after having been served with a stop-work order until such order has been rescinded.

Complaints regarding soil erosion and sedimentation issues made by the public will be forwarded to the City Engineer's office. At that time, the City Engineer will direct a site inspection to document any violations of the soil erosion and sedimentation/grading permit within 2 to 48 hours and pursue enforcement actions as appropriate. See the Enforcement Response Procedure for a summary of the enforcement protocols to ensure compliance with the City's Part 91 program.

SECTION D – MEASUREABLE GOALS

To demonstrate the effectiveness of the City's Part 91 program, the following metrics will be tracked for reporting purposes:

- Number of Part 91 related complaints received.
- Number of Part 91 permits issued by the City.
- Number of enforcement actions taken to achieve compliance with the City's Part 91 program.

These metrics will be tracked over the reporting cycle that is specified in the City's Certificate of Coverage for the MS4 Permit.

SECTION E – REPORTABLE DISCHARGES

The City will not report instances of *de minimis* soil discharges to MDEQ. For instances where the discharge of sediment cannot be immediately contained on site, or if there are other pollutants that include pesticides, petroleum derivatives, construction chemicals, and solid waste associated with the discharge in quantities that are consistent with the spill response plan as defined in Attachment G of the Stormwater Management Plan (SWMP), the City will notify the MDEQ within 24 hours through the Pollution Emergency Alert System (PEAS) at 1-800-292-4706.

SECTION F – STATE OF MICHIGAN PERMIT BY RULE

The City shall advise the landowner or recorded easement holder of the State of Michigan Permit by Rule (Rule 323.2190) for storm water discharge from construction activity if the area of the disturbance is greater than 5 acres. These criteria will be identified during the site plan review process and will be included in correspondence with the landowner as appropriate.

SECTION G – PROCESS FOR REVISION

Any questions on this policy and procedure should be directed to the City Stormwater Manager or the DPW Director. This procedure shall be reviewed once per permit cycle by the Stormwater Manager for any updates to streamline the requirements.