OAKLAND COUNTY MS4
CONSTRUCTION STORMWATER RUNOFF CONTROL PROCEDURE
MAY 2021

I. POLICY:

This policy describes the procedures in place for construction stormwater runoff control for the Water Resources Commissioner's Office (WRC). The WRC is both a County Enforcing Agency (CEA) and an Authorized Public Agency (APA). The other county departments that are part of the Oakland County MS4 (Oakland County Parks and Recreation Commission and Oakland County Facilities Management) obtain the necessary soil erosion and sedimentation control permits for construction projects on their properties from the WRC or local municipal enforcing agency (MEA), as appropriate.

II. BACKGROUND:

The EGLE NPDES Phase II Stormwater Discharge Permit Application requires a procedure for construction stormwater runoff control that includes notification procedures and ensuring proper permits are obtained by County departments and landowners that are performing any earth change of one or acre or more, or that is within 500 feet of a lake, stream, pond, open drain, river or wetland. The WRC administers the soil erosion permitting program for numerous communities within the county. That information is available here.

III. PROCEDURE:

WRC will track the receipt of complaints submitted by the public or noted by staff during the regular course of business of soil, sediment, or other pollutants such as pesticides, petroleum derivatives, construction chemicals, and solid wastes that are being discharged into the Oakland County MS4. The tracking will include:

- Date
- Time of day
- Name of person providing the complaint
- Location (address or major cross roads)
- Description of complaint
- Complaint priority (emergency or non-emergency)
    - Goal is to have complaint response by the end of the next business day
- Referral to other county department or community
- Description of follow-up actions
- Resolution

WRC ensures that construction activity one acre or greater in total earth disturbance with the potential to discharge to the MS4 obtains a Part 91 Permit and State of Michigan Permit by Rule through the site plan review process. The need to obtain an SESC permit from WRC would be

triggered at the local community level upon application for a building permit within that community. The local community will inform the landowner that an SESC permit or exemption must be obtained from the WRC, or the local MEA, prior to the commencement of any work at a site that is over one acre or greater, or within 500 feet of a lake, stream, pond, open drain, river or wetland. The landowner must provide proof of an active SESC permit, or exemption, before a local building permit will be issued. Soil Erosion Permit applications must be submitted to the WRC for both single-family residential and non-single-family (commercial) projects. Applications are available on WRC's "Permitting & Soil Erosion Application Portal".

The following WRC documentation exists that ensures that Soil Erosion and Sedimentation Controls and permits are part of the site plan review process:

- WRC ensures that the requirement to obtain a soil erosion permit as part of a site development is adhered to in the site plan review process via WRC's Subdivision Review Checklist (DC-497) and Chapter 18 Drain Review Checklist (DC-496), under "General Plan Requirements", one of the checklist items states, "Are there water, sewer or soil erosion involvements? If so, perform those reviews using appropriate checklists."
- The current WRC "Engineering Design Standards for Storm Water Facilities" manual (revised July 8, 2014), outlines the following: (The draft Alternative Standards will include similar language)
    - Section B.1.e. states that construction plans should, at a minimum, include "plans and details of the soil erosion and sedimentation control measures, including which measures are temporary or permanent and the party responsible for maintaining the control measures".
    - Section C, Final Plat, states that "prior to the proprietor submitting the final "mylar" plat for certification, the following is required: A soil erosion and sedimentation control permit under Part 91 of Act 451 of the Public Acts as amended"
    - Section G, Soil Erosion and Sedimentation Control, states that "Soil erosion and sediment control devices shall be installed as required by the Oakland County Water Resources Commissioner's "Erosion Control Manual" within municipalities where the Soil Erosion and Sedimentation Control Program is administered by the Oakland County Water Resources Commissioner."

Soil erosion permit inspection frequencies are based on a classification system. Frequencies vary from every 2 – 5 weeks based on the extent of the project and its proximity to open water.

For commercial permits, a violation re-inspection fee of $175 will be assessed if the violation was not corrected within the five (5)-day period indicated on the violation notice. Similarly, a $75 re-inspection fee will be assessed for residential permits in violation.

WRC, as an APA, has procedures in place to ensure that projects completed by WRC's Operation and Maintenance Division, such as for water taps, water main breaks, hydrant dig up and repair, and gate well dig up and repair, complies with SESC standards. See P-041, "O&M Soil Erosion &

Sedimentation Control (SESC) Standards APA Procedure" and WRC's SESC Standards APA Procedures Manual dated March 22, 2005 (attached).

IV. Reporting to EGLE

WRC will notify the EGLE PEAS Hotline (1-800-292-4706) when soil, sediment, and other pollutants such as pesticides, petroleum derivatives, construction chemicals, and solid wastes are discharged into the Oakland County MS4 in a quantity that could negatively impact surface waters of the state.

V. OTHER

Any questions on this policy and procedure should be directed to the appropriate Oakland County department's Stormwater Manager.

VI. PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed once per permit cycle by the appropriate Oakland County department's Stormwater Manager for any updates to streamline the requirements.

Soil Erosion and Sedimentation Control Standards

Authorized Public Agency Procedures Manual

March 22, 2005

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Reference:

OCDC Erosion and Sedimentation Control Manual: 1-1-90 (under revision)

Part 91, Part 451 Soil Erosion and Sedimentation Control, As Amended: See www.michigan.gov/deq under Land Division

DEFINITIONS

Routine OCDC Operation and Maintenance Activities

Routine operation and maintenance activities include emergency and non-emergency activities that are performed on a consistent basis. Examples of routine activities include, but are not limited to, water taps, water main breaks, hydrant dig up and repair, gate well dig up and repair, water system flushing, water storage facility draining, well testing, etc.

Activities must meet the following criteria to be considered as routine:

A. Disturb less than 1 acre of land
B. Greater than 500 feet from a water's edge of a lake or stream
C. Within 500 feet of a water edge of a lake or stream and less than 225 square feet in area.

Non-Routine OCDC Operation and Maintenance Activities and Construction Projects

Non-routine operation and maintenance activities include non-emergency activities and construction projects under the jurisdiction of this office that are performed on an inconsistent basis.

Activities that meet the following criteria will automatically be considered as non-routine:

A. Disturb more than 1 acre of land
B. Within 500 feet of a water's edge of a lake or stream and greater than 225 square feet in area.

Program Guidelines

INTRODUCTION

The goal of the Oakland County Drain Commissioner (OCDC) is to implement soil erosion and sedimentation control (SESC) measures that are cost effective; effectively minimize erosion and off-site sedimentation; and protect the soil, water, and other natural resources of Oakland County when earth change activities are conducted under OCDC authority. Achieving this goal is fundamental to the efficiency and economical service life of drainage and storm water facilities.

A copy of this manual, which references Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 91), and the associated administrative rules (Rules) promulgated under Part 91 will be made available to OCDC and contracted personnel who are expected to understand and implement the contents of this manual. This SESC Procedures Manual is adopted by the OCDC and details the SESC measures that the OCDC, as an Authorized Public Agency (APA), will utilize during all earth change activities, including maintenance, construction and restoration activities.

Individual Part 91 permits are not required for designated APAs. However, all earth change activities must meet Part 91 and Rule requirements. To maintain this APA status, earth change activities regardless of size or location must be conducted in accordance with these approved SESC procedures unless a variance is requested by the APA and granted by the Michigan Department of Environmental Quality (MDEQ). As standards and/or techniques for SESC evolve, this manual will require modifications that must be approved by the MDEQ prior to formal adoption. **Having the APA designation does not exempt the OCDC from obtaining all other applicable federal**, **state, and local permits for their earth change activities**.

OCDC COMMITMENT

To maintain the APA designation, the OCDC is committed to comply with the SESC Procedures while undertaking all earth change activities. This manual presents procedures for conducting earth change activities and implementing SESC measures that fulfill this commitment through stabilization of disturbed soils and preventing off-site sedimentation (downstream of the project limits or outside of the drain easement). Part 91 defines stabilization as the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement. The following basic principals will be included in the planning, design, specification, construction, and inspection of drain maintenance and improvement projects and operations and maintenance duties that include earth change activities:

1. Prioritizing maintenance activities that emphasize preventive measures and procedures that will minimize soil erosion and the resulting sedimentation, including but not limited to:

    (a) Disturbing the least amount of soil for the shortest period of time.
    (b) Encourage and maintain vegetated buffer strips whenever possible.

(c) Repair blowouts, seeps and slumped areas along a drain as soon as possible.
(d) Evaluate if dredging only specific reaches of a drain would provide effective drainage rather than dredging the entire drain.
(e) Remove obstructions and sediment which are causing scouring and other erosive forces.
(f) Establish stable stream bank slopes that can withstand anticipated flow at non erosive velocities.

2. In non-emergency situations, conduct earth change activities during the time of year and flow conditions that will minimize erosion and the resulting sedimentation.

3. Provide control measures that will effectively control erosion of, and sediment from, the exposed area. Stabilize disturbed areas, except for actively cultivated agricultural fields, either temporarily or permanently, as soon as possible. Seed and apply mulch when necessary, or otherwise stabilize disturbed drain banks. During hydraulic or mechanical dredging, spread spoils to prevent erosion and ditch bank surcharge and seed or otherwise stabilize spread spoils within 5 days unless spoils are being spread in actively cultivated agricultural fields. If spoils will be spread at a later date, either place spoils where surface runoff from the spoil piles will drain away from the drain or seed and apply mulch when necessary. Otherwise stabilize spoil piles within 5 days or provide temporary controls around spoil piles until they are removed.

4. Install and maintain temporary or permanent SESC measures prior to commencing other earth change activities. Temporary SESC measures shall be installed and functioning prior to commencement of earth change activities and shall be removed only after permanent SESC measures are in place, functioning, and the site has been stabilized.

5. Where feasible, design channel and drain bank slopes that will be easily stabilized for the site specific soil types and anticipated flow velocities.

6. Select a route and course for new drains that will achieve project objectives while minimizing soil erosion, taking into consideration areas with unstable soils and wetland complexes. Establish adequate right-of-ways for construction and future maintenance operations.

7. Minimize erosion and control sediment at points of concentrated flow or grade changes utilizing appropriately designed and installed SESC measures.

SESC CERTIFICATE OF TRAINING

Section 324.9110 (4) (b) of Part 91 requires those individuals with decision-making authority who are responsible for administering the OCDC SESC Program have current certificates of training under section 324.9123. Therefore, all OCDC personnel who administer the design, inspection, or implementation of SESC measures must have a valid Certificate of Training. A certificate can be obtained by completing the MDEQ's SESC training class or the SESC internet course and passing the final exam.

ROUTINE OCDC OPERATION AND MAINTENANCE ACTIVITIES

When conducting routine drain / sewer / water operation and maintenance activities, planning will consist of documenting on the daily report or work order and corresponding database as applicable the location and extent of each maintenance activity and the SESC measures that will be implemented, maintained and removed.

NON-ROUTINE OCDC OPERATION AND MAINTENANCE ACTIVITIES AND CONSTRUCTION PROJECTS

EMERGENCY OPERATION AND MAINTENANCE ACTIVITIES

The Planning Phase and Design Phase will be excluded for emergency operation and maintenance activities. During an emergency operation and maintenance activity, a certified soil erosion inspector will be on site to advise and document the soil erosion control measures to be installed.

PLANNING PHASE

Effective erosion and sediment control begins with planning. The design and location of a project must minimize the potential for erosion and avoid sensitive and high erosion potential areas when feasible. The installation and maintenance of properly designed SESC measures and conducting routine maintenance activities will prevent erosion and control sediment. The OCDC Soil Erosion and Sedimentation Control Manual provides procedures for the design, implementation, and maintenance of individual SESC measures and for conducting routine maintenance activities.

A SESC plan will be developed for all earth change activities utilizing the SESC measures identified in the OCDC Soil Erosion and Sedimentation Control Manual. The plan will effectively reduce accelerated soil erosion and sedimentation, and shall identify factors that may contribute to soil erosion or sedimentation or both. For non-routine OCDC construction and maintenance activities, the plan shall include, but not be limited to, the following:

1. A map or maps at an adequate scale to illustrate the:

    (a) Extent of the earth change activities
    (b) Existing and any proposed drain locations
    (c) Proximity of proposed earth change to lakes, streams or drains
    (d) Predominant land features
    (e) Contour intervals or slope descriptions

2. A soils survey and the associated soil types or a written description of the general soil types of the exposed land area contemplated for the earth change.

3. Details for proposed earth changes including all of the following:

   (a) A description and the location of the physical limits of each proposed earth change.
   (b) A description and the location of all existing and proposed on-site drainage and dewatering facilities.
   (c) The timing and sequence of each proposed earth change.
   (d) The location and description for installing and removing all proposed temporary SESC measures.
   (e) A description and the location of all proposed permanent SESC measures.
   (f) A proposal for continued maintenance of all permanent SESC measures.

DESIGN PHASE

It is the responsibility of the OCDC and its agents to ensure that a project is designed correctly and the necessary employees hold a valid SESC Certificate of Training from the MDEQ. A staff engineer, engineering consultant and/or qualified professionals shall be utilized during the design phase when required to provide the details for a specific SESC measure. The project design should minimize adverse impacts to areas with highly erodible soils or areas next to lakes, streams, or wetlands while incorporating project specific permit requirements. Those responsible for recommending SESC control measures need to specify control measures that are practical, reasonable and effective during the construction phase of a project to achieve soil erosion and sedimentation control. The design plans, must clearly indicate the location and installation details for all appropriate SESC measures.

INSPECTION AND WRITTEN DOCUMENTATION

Inspections and written documentation are not required for an earth change activity of a minor nature that is stabilized within 24-hours of the initial earth disturbance. However, inspections and written documentation are required for all other earth change activities.

Inspections and follow-up maintenance provide the APA with the tools necessary to meet their ultimate responsibility to minimize soil erosion and off-site sedimentation. The frequency of routine inspections is based on the site classification as referenced in the OCDC Soil Erosion and Sedimentation manual.

Routine inspections are required until the site is stabilized with permanent SESC measures. Required inspections will be conducted by OCDC personnel or an authorized agent to assure minimization of soil erosion and off-site sedimentation. Inspections will be coordinated with the contractor's work schedule to assure timeliness and to obtain maximum inspection benefits.

All inspections will be conducted and documented by a person with a valid SESC Certificate of Training from the MDEQ.

The OCDC Inspection Form will document at a minimum the following:

1. Date of inspection.

2. Name of inspector

3. Name of engineer, project manager, and contractor or responsible APA personnel.

4. SESC measures installed and/or stabilized per plan and SESC details

5. Effectiveness of SESC measures at controlling erosion and sediment

6. Note deficiencies such as a SESC measure is ineffective, needs maintenance or has failed or a slope stabilization failure has occurred.

7. Other relevant information such as photographs

If no deficiencies are found, a report is still required to be completed and placed on file. If deficiencies are found, the inspector will initiate the following actions to correct the deficiencies.

1. Note the deficiencies, including maintenance requirements and corrective actions on the OCDC Inspection Form being specific about the type and location of the deficiencies.

2. Advise the contractor with a Notice of Determination of Violation or inform the responsible OCDC personnel of the deficiencies and provide sufficient verbal or written instructions to ensure a complete understanding of the deficiencies and the necessary corrective actions. These instructions may include a work order, a revised SESC plan, or reference to specific SESC measures.

3. Deficiencies shall be corrected and completed within 5 working days. Deficiencies which are determined to be of an emergency nature must be corrected within 24 hours. Examples of deficiencies deemed an emergency are sedimentation entering the waters of the state and the erosion of or the presence of sediment on a roadway which could result in a hazard to public safety.

CONTRACT DOCUMENTS

As an APA, the OCDC is ultimately responsible for conducting and documenting SESC inspections and assuring that all earth change activities undertaken by their staff or contractors working under their APA designation meet the requirements of Part 91, the Rules, and this Manual. Therefore, the OCDC shall ensure that all contract documents include a clear description of the contractor's responsibilities including: compliance with this manual, by reference; installation, and ongoing monitoring and maintenance of site specific SESC measures by the contractor until all disturbed areas are stabilized and temporary SESC measures are removed. The contract document must provide the ability to adapt, adjust and add SESC measures necessary to maintain a level of SESC

required to comply with Part 91, the Rules, this manual, and other project specific permit requirements.

Contract documents must clearly state the authority of the OCDC to enforce compliance with Part 91, the Rules, and this manual, and the consequences for noncompliance are as follows:

Enforcement Acknowledgement

1. Failure to comply with Michigan's Soil Erosion and Sedimentation Control Part 91 of Public Act 451 of 1994, as amended ("Part 91") is a civil infraction and will result in one or more of the following actions taken by this office: (1) a fine up to $2,500; (2) installation of soil erosion and sedimentation controls by County enforcing agency with all costs related to the administration, legal costs, permit or renewal fees and implementation of controls to be assessed against the permit holder and/or landowner which may become a lien on the property if not paid; and (3) and any other legal action necessary to ensure compliance with Michigan law.

2. A contactor who knowingly violates Part 91 after 5 days after of the Letter Date of the Notice of Determination of Violation is responsible for a payment of a civil fine of not less than $2,500.00 or more than $25,000.00 for each day of violation. MCL 324.9121(1); 9121(2); and 9121(3).

3. By accepting this contract, the contract holder consents to the following: (1) the authority of the Michigan Department of Environmental Quality, or the county enforcing agency to enter upon the property at all reasonable times for the purpose of inspecting and investigating conditions or practices that may be in violation of Part 91; (2) installation of soil erosion and sedimentation controls by County enforcing agency with all costs related to the administration, legal costs, permit or renewal fees and implementation of controls to be assessed against the contract holder.

4. No earth disruption can occur on a site prior to the approval of OCDC personnel.

OCDC CORRECTIVE ACTIONS

Contracted Projects

If the deficiencies are not corrected, one or all of the following enforcement procedures can be used to bring the site into compliance:

1. Installation of soil erosion and sedimentation controls by OCDC personnel with all costs related to the administration, legal costs, permit or renewal fees and implementation of controls to be assessed against the contractor and deducted from the contract.

2. A payment of a civil fine of not less than $2,500.00 or more than $25,000.00 for each day of violation. MCL 324.9121(1); 9121(2); and 9121(3).

3. Any other legal action necessary to ensure compliance with Michigan law.

OCDC Projects / Maintenance Activities

SESC corrective actions will be implemented immediately.