IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

THE UNITED STATES OF AMERICA and THE STATE OF ILLINOIS Plaintiffs, v. THE CITY OF ROCKFORD, ILLINOIS, Defendant.	)	Civil Action No. 3:15cv50250

CONSENT DECREE
APPENDIX G

THE CITY OF
ROCKFORD
ILLINOIS, USA

EROSION AND SEDIMENT CONTROL GUIDANCE MANUAL FOR CITY OF ROCKFORD PROJECTS

June 2015

1.0 GENERAL

An important component of any stormwater management program is the reduction of pollutants from construction sites that may discharge to the municipal separate storm sewer system or waters of the state. A proactive program to identify and inspect all permitted construction sites can significantly reduce pollutants entering the municipal storm drainage system.

The following program and procedures shall be followed by City of Rockford's Public Works, Engineering Division when managing municipal construction projects. This guidance applies to the Project Managers and stormwater compliance inspectors who oversee the City's construction projects. Project Managers are located in the City's Public Works, Engineering Division and their responsibilities include overseeing City construction projects. The stormwater compliance inspectors are generally the projects consultant or contractor and they conduct the stormwater compliance inspections required by the ILR10 or an individual NPDES permit, where appropriate. The inspectors are responsible for ensuring that the project is in compliance with the ILR10 and the SWPPP, that corrective actions are identified and corrected in a timely manner, and that all BMPs are being properly operated and maintained. In addition, a member of Stormwater & Environmental Team (SWET) from the Public Works, Engineering Division shall conduct compliance oversight inspections as addressed by the City's Standard Operating Procedures for Erosion and Sediment Control Plan Review and Regulatory Inspections. All Project Managers and stormwater compliance inspectors, as well as erosion and sediment control plan reviewers, must be knowledgeable in the principles and practices of erosion and sediment control measures, the requirements of the ILR10, the Illinois Urban Manual and the City's stormwater technical manual, and be trained annually pursuant to the City's Standard Operating Procedure for Stormwater and Environmental Education. Consultants and contractors c. supply documentation of training in lieu of participating in City sponsored training events.

Questions regarding this document or the IEPA General Construction permit should be directed to a member of the Stormwater & Environmental Team (SWET).

2.0 PLAN REVIEWS

Any construction project managed by the City of Rockford, regardless of size, will be required to have erosion and sediment control measures that meet the requirements of Articles 3, 5 and 6 of the City's Code of Ordinances Chapter 109, the standards in the Illinois Urban Manual and the City's stormwater technical manual. These erosion and sediment control plans must be approved by a member of SWET in the Public Works, Engineering Division, specifically by a person knowledgeable in the principles and practices of erosion and sediment control measures and trained annually pursuant to the City's Standard Operating Procedure for Stormwater and Environmental Education. In addition, any construction project managed by the City of Rockford that disturbs more than 1 acre or are part of a larger common unit of development shall comply with the IEPA General Construction Permit (ILR10) which includes developing a Stormwater Pollution Prevention Plan (SWPPP) and erosion and sediment control plans. These plans must also be approved as indicated above, and pursuant to the City's Standard Operating Procedures for Erosion and Sediment Control Plan Review and Regulatory Inspections as part of the plan review process.

3.0 PROJECT MANAGERS/INSPECTORS STORMWATER RESPONSIBILITIES

As the owners on an IEPA permitted construction project the City is responsible to assure the SWPPP and erosion and sediment control plans are implemented and being maintained. The ultimate goal of any SWPPP is to keep pollutants from leaving the site, including infiltration. As the project managers for the City of Rockford you are responsible to ensure the day–to-day activities are followed in a compliant manner and to assure the SWPPP is being implemented and maintained.

NOTE: Most regulatory inspections are initiated by a drive thru or citizen complaint. First impressions for a regulatory inspector are important. If a drive thru shows a site is clean, organized with all BMP's maintained that inspector may decide to drive to the next site. If a site is messy, unorganized with poorly maintained BMP's regulatory inspections will happen often.

4.0 PERMITTING REQUIREMENTS

4.1 CONSTRUCTION PROJECTS LESS THAN ONE ACRE, PARKING LOTS & ROAD PROJECTS

Though IEPA permitting is not required, unless items a & b apply in section 4.2, sites less than one acre shall have erosion and sediment control measures (BMP's) in place as required to reduce and/or eliminate sediment runoff.

Any milling of parking lots or road projects that are larger than one acre shall be considered maintenance and no IEPA construction permit is required. Any parking lot or road projects larger than one acre that are having material removed down to the sub-base material also do not require IEPA construction permitting provided there is less than one acre of disturbance to the subsoil and the adjacent area. These sites shall also have erosion and sediment control measures (BMP's) in place as required in order to reduce and/or eliminate sediment runoff.

The drive thru inspection form (attachment A) shall be used to by technicians, coordinators and managers in the Public Works Engineering Division to ensure BMP's are in place and functional. These positions shall be trained as indicated in the Stormwater & Environmental Education Standard Operating Procedures. This inspection shall be done throughout the project with copies provided to the Stormwater & Environmental team for review.

Contractors not addressing erosion and sediment control concerns shall be reported to the Stormwater and Environmental Team who shall perform a full erosion and sediment control inspection.

4.2 NPDES CONSTRUCTION PERMITS

An IEPA General Construction Permits Notice of Intent (NOI) must be submitted by the project manager or a member of SWET when:

a. There is more than 1 acre of land disturbance (clearing, grading, and excavation of land),
b. When a site less than 1 acre is part of a larger common plan of development,
c. When there is potential for contributing to a violation of water quality standards or significant contribution of pollutants to waters of the state.

ALL NOI's must be submitted on the City of Rockford's IEPA construction login page (http://dataservices.epa.illinois.gov/SWConstructionPermit/bowLogin.aspx). For logi information see a member of SWET. Coverage under the ILR10 requires submittal of t SWPPP in addition to the NOI. An electronic version of the SWPPP must be sent to IEPA by email at the following address: epa.constilr10@illinois.gov. Construction can start 30 days after NOI and SWPPP submittal and following the issuance of the City Grading and Stormwater Discharge Permit or the Building Permit. .

All SWPPP documents, including the inspections and erosion control plan should be kept onsite in one location, preferably a 3-ring binder. The permit and notice of intent should be posted.

The SWPPP is a living document and should be updated as the project progresses (see ` attachment D).

The following is a summary of the requirements of the ILR10 General Construction Permit. City of Rockford project managers, inspectors, technicians, consultants and contactors should be familiar with the contents of the permit as well as this document. Any questions should be directed to a member of the Stormwater and Environmental Team.

5.0 SWPPP CONTENT

The SWPPP is a site specific document and will vary for each project. The following are items that shall be included in the SWPPP, see Section 2.0 for SWPPP and erosion and sediment control plan review requirements which must take place prior to the start of construction. All SWPPP's must b kept current in accordance with ILR10 permit requirements.

5.1 Site Description– Every SWPPP will be site specific but information shall include

- Description of the nature of construction activity or demolition work;
- A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. clearing, grubbing, excavation, grading, on-site or off-site stockpiling of soils, on-site or off-site storage of materials;
- An estimate of the total area of the site and the total area of the site that is expected to be disturbed by clearing, grubbing, excavation, grading, on-site or off-site stockpiling of soils and storage of materials, or other activities;
- An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
- A site map indicating:
  - drainage patterns and approximate slopes anticipated before and after major grading activities,
  - locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking,
  - areas of soil disturbance,
  - the location of major structural and nonstructural controls identified in the plan,
  - the location of areas where stabilization practices are expected to occur,
  - locations of on-site or offsite soil stockpiling or material storage,
  - surface waters (including wetlands),
  - locations where stormwater is discharged from the site and discharged to surface waters.

5.2 **Controls** – A description and installation details of the BMP's being used on the site. The plan should clearly describe each major activity and the type and timing of controls that will be installed during each activity. The Illinois Urban Manual (www.aiswcd.org/IUM), the IDOT Erosion and Sediment Control Field Guide or other similar document shall be used. See common BMP's at the end of this document.

- ***Erosion and Sediment Controls*** – design, install & maintain erosion and sediment controls to minimize the discharge of pollutants. All controls must be maintained and kept in effective operating condition during the entire project. At a minimum controls must:
  - Control stormwater volume & velocity to minimize erosion.
  - Control stormwater discharges, including peak flow rates & total storm volume to minimize erosion at the outlets and to minimize downstream channel and streambank erosion,
  - Minimize the amount of soil exposed during construction activity,
  - Minimize disturbance of steep slopes,
  - Minimize sediment discharge from the site,
  - Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration.
  - Minimize soil compaction and preserve topsoil.

- ***Stabilization Practices*** – include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where practicable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporarily seeding, permanent seeding, mulching, chemicals, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, staged or staggered development, and other appropriate measures.

  - A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated, shall be included in the plan.
  - Stabilization of disturbed areas must be initiated within 1 day of permanent or temporary cessation of earth disturbing activities on all or a portion of a site and shall be completed as soon as possible but not later than 14 days from the initiation of stabilization work in an area. Exceptions to these time frames are specified as in paragraphs (i) and (ii):

    (i) Where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

    (ii) On areas where construction activity has temporarily ceased and will resume after 14 days, a temporary stabilization method can be used. Temporary stabilization techniques and materials shall be described in the SWPPP.

- ***Structural Controls*** – a description of structural practices used to divert flows from exposed soils, store flows or limit runoff and the discharge of pollutants. This may include:
  - Silt Fence,
  - earth dikes,
  - drainage swales,
  - sediment basins & traps,
  - check dams,
  - subsurface or slope drains,
  - level spreaders,
  - inlet protection & outlet protection

- ***Other Controls & Pollution Prevention***
  - Design, install, implement and maintain pollution prevention measures to minimize exposure such as wash waters, building materials, products, construction wastes, landscape material, pesticides, fertilizers , spills and other materials
  - Waste Disposal – no construction materials, including but not limited to concrete waste and paint, shall be dumped on the ground, discharged offsite or in any location that could lead to waters of the state.

- ***Post Construction Stormwater Management***
  - Describe measures that will be installed to control pollutants after construction operations have been completed.
  - Permittee must plan and put forth stormwater BMP's that will retain the greate amount of stormwater runoff practicable given the site and project constraints b installing one or more BMP's as detailed in the Illinois Urban Manual.
  - Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall as necessary to provide non-erosive flows from the structure.
  - Unless otherwise specified in the Illinois Urban Manual the SWPPP shall be designed for a 25 year, 24 hour event.

5.3 Contractor Certifications

The stormwater pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in paragraph 2 below in accordance with Part VI.G {Signatory Requirements) of the ILR10 Permit All certifications must be included in the stormwater pollution prevention plan except for owners that are acting as contractors.

Certification Statement - All contractors and subcontractors identified in a stormwater pollution prevention plan in accordance with paragraph 1 above shall sign a copy of the following certification statement before conducting any professional service at the site identified in the stormwater pollution prevention plan:

> "I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit (ILR10) that authorizes the stormwater discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part VI.G of the ILR10 Permit: the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

5.4 SWPPP Certification - All Notices of Intent, stormwater pollution prevention plans, reports, certifications or information either submitted to the Agency or the operator of a large or medium municipal separate storm sewer system shall be signed by a designated official or officer.

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.0 INSPECTIONS

6.1 Pre-Grading Inspections

All best management practices shall be installed prior to the initial disturbance of soils associated with clearing, grading, and excavation of land.

When a project is adjacent to an environmentally sensitive area a pre-construction review shall be completed by the project consultant, the project manager or a member of SWET to confirm all necessary BMP's are in place prior to the commencement of any land disturbing activity other than those associated with BMP placement. Environmentally sensitive areas are areas such as wetlands, creeks, rivers, drainageways, IEPA designated superfund sites, site with endangered species and areas with steep slopes (6% or greater). Attachment B is a copy of the Pre-Construction Checklist.

6.2 ILR10 Inspection Requirements

Generally, project consultants or contractors perform stormwater compliance inspections as required in the ILR10 permit. When conducting these inspections, it is preferable, though not required, that the same person performs weekly and rain event inspections. This is because of their familiarity with the project area. The inspector should also be knowledgeable in the principles and practices of erosion and sediment control measures as addressed in Section 1.0, and meet the criteria for "Qualified Personnel" as defined in ILR10.

When stormwater compliance inspections are to be conducted by City staff the project manag shall consult with a member of SWET to ensure the inspector meets the qualifications as defined in the ILR10 permit and has received the training as detailed in the Stormwater & Environmental Education Standard Operating Procedures.

Inspections must be done at least once every seven calendar days and within 24 hours of the end of a storm or by the end of the following business or work day that is 0.5 inches or greater. Every inspection report should indicate what type of inspection is being done. Weather data should be included. (Attachment C - sample inspection report)

Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is 0.5" or greater rain event, or a discharge due to snowmelt occurs.

Inspectors should verify previous weeks maintenance items have been addressed. The following items should be inspected:

- All disturbed areas,
- Equipment and material storage areas,
- Onsite BMP's, these should be checked for maintenance, proper installs and that they are functioning properly,
- Discharge locations,
- Locations where vehicles enter and exit.
- ***The entire site must be monitored to assure no potential pollutants enter the City of Rockford's storm system or leaves the site.***

Based on the results of the inspection, the description of potential pollutant sources identified in the SWPPP shall be revised as appropriate as soon as practicable after such inspection to minimize the potential for such discharges. Such modifications shall provide for timely implementation of any changes to the plan and pollution prevention control measures within 7 calendar days following the inspection. The inspection report shall either indicate when maintenance was completed or a maintenance log shall be included.

6.3 Regulatory Inspections

City projects can be inspected anytime by authorized representatives of the Illinois or U.S. EPA. In addition, all City projects requiring an ILR10 permit shall be inspected by SWET in the Public Works Engineering Division at least twice during the construction season (May 1st – November 30) pursuant to the City's Standard Operating Procedures for Erosion and Sediment Control Plan Review and Regulatory Inspections. The inspector shall review the inspection result with the project manager to initiate corrective actions.

7.0 NON-STORMWATER DISCHARGES

Non-Stormwater is discharges not composed entirely of rain. The following non-stormwater discharges are authorized under the ILR10 permit providing they do not contain pollutants:

- Firefighting activities
- Fire hydrant flushing's
- Waters used for dust control
- Water used to wash vehicles where detergents are not used
- Potable water sources including uncontaminated waterline flushing
- Landscape irrigation drainages
- Routine external building wash down which does not use detergents
- Pavement wash waters which does not use detergents and where spills or leaks of toxic or hazardous materials have **not** occurred,
- Uncontaminated air conditioning condensate
- Uncontaminated springs or groundwater
- Foundation footing drains where flows are not contaminated.

All other discharges (i.e. concrete or paint waste) must be managed as part of the SWPPP.

8.0 INCIDENCE OF NON-COMPLIANCE (ION)

Permit Language:

> *The permittee shall notify the appropriate Agency Field Operations Section office by email at: epa.swnoncomp@illinois.gov, telephone or fax within 24 hours of any incidence of noncompliance for any violation of the stormwater pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the stormwater pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. Corrective actions must be undertaken immediately to address the identified noncompliance issue(s).*

If you or your contractor believes there is cause for an incidence of non-compliance submittal contact the Stormwater & Environmental Team (SWET) immediately for guidance. A member of SWET shall notify the local IEPA office within 24 hours after an incident and submit a report within 5 days.

Corrective actions must be initiated immediately.

9.0 PERMIT TERMINATION

- Where a site has completed final stabilization and all stormwater discharges from constructi activities that are authorized by this permit are eliminated, the permittee must submit a completed Notice of Termination.
    - Talk to a member of the Stormwater & Environmental Team regarding terminating a permit.
- All SWPPP records and inspections must continue to be current until permit is terminated.
- Records must be kept for three years after termination.

Attachment A

Drive Thru Inspection Checklist

A Drive Thru inspection is a windshield survey of site conditions at a construction site. A drive thru inspection will be acceptable for sites with no visible corrective actions or with minor maintenance issues provided the site supervisor is contacted and the maintenance items are addressed. A follow-up must be completed to confirm maintenance has been completed. Sites with significant maintenance needs will have a stormwater construction site inspection completed (see Erosion and Sediment Control, Plan Review and Regulatory Inspections Section 6.3 & 6.4).

Construction Site Name: _____ Date: _____

Inspector: _____

Site Conditions:

1. Site is clean and well maintained (trash and debris picked up, streets clean, no spills, etc.)

   Yes _____ No _____

2. All visible BMP's are maintained and there are no corrective actions needed.

   Yes ___ No ___ NA _____

3. Minor BMP maintenance is needed and the Site Manager has been contacted.

   Yes ____ No ____ NA ____

4. Name of Site Contact: _____

5. Phone # _____

6. Date of Follow-up (if necessary): _____

7. All maintenance items addressed: Yes _____ No _____

8. If maintenance items were not addressed or additional maintenance is noted during the follow-up visit a stormwater construction site inspection will be done.

9. Is there evidence of sediment leaving the site? Yes _____ No _____

10. Is a Stormwater Construction Site Inspection Needed? Yes _____ No _____

Comments: _____
_____
_____

Inspector Signature: _____ Date: _____

Provide Copy to Stormwater & Environmental Team

Attachment B

Pre-Grading Checklist

Date: _____

Inspector: _____

1. Are all required certifications signed and included in the SWPPP? Yes_____ No _____
2. Is the SWPPP located onsite? Yes_____ No _____

   Location of the SWPPP _____
3. Has the SWPPP manager and Inspector been identified? Yes _____ No _____
4. Has the primary contractors been identified and the NOI updated (if necessary) Yes ____ No _____
5. Are all required BMP's (inlet protection, perimeter controls, stabilized construction entrance, etc.) installed? Yes_____ No _____

Any question answered "NO" must be corrected prior to the start of grading.

Comments: _____

_____

_____

_____

Inspector Signature: _____ Date: _____

Attachment C

Erosion and Sediment Control Site Inspection Report

General Information			
Project Name			
NPDES Tracking No.		**Location**	
Date of Inspection		**Start/End Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Describe present phase of construction			

Weather Information

Weather at time of this inspection?
☐Clear ☐Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds ❑ Other:
Temperature: _____ Date of last Rain Event (> 0.5")_____

Are there any discharges at the time of inspection? ❑Yes ☐No
If yes, describe:

Inspection Type:
☐ Weekly ☐Rain Event Amount of Rain_____

Site-specific BMPs

- *Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.*
- *Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.*

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes	Corrective Action Completed (7 day follow-up)
1		☐Yes ☐No	☐Yes ☐No		❑Yes ❑No
2		☑Yes ❑No	☐Yes ☐No		❑Yes ❑No
3		☐Yes ❑No	☐Yes ☐No		❑Yes ❑No
4		☐Yes ❑No	☐Yes ☐No		❑Yes ❑No
5		☐Yes ❑No	☐Yes ❑No		❑Yes ❑No
6		❑Yes ☐No	☐Yes ❑No		❑Yes ❑No
7		❑Yes ☐No	☐Yes ❑No		❑Yes ❑No
8		❑Yes ☐No	☐Yes ❑No		❑Yes ❑No
9		❑Yes ☐No	☐Yes ❑No		❑Yes ❑No
		❑Yes ☐No	☐Yes ❑No		❑Yes ❑No

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes	Corrective Action Completed (7 day follow-up)
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
5	Are storm drain inlets properly protected?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
7	Is trash/litter from work areas collected and placed in covered dumpsters?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No
12	(Other)	❑Yes ❑No ❑NA	❑Yes ❑No ❑NA		❑Yes ❑No

General Comments/Follow-Up Observations

Inspector Signature:_____ **Date:**_____

Attachment D