

<p>OAKLAND COUNTY MS4 CONSTRUCTION STORMWATER RUNOFF CONTROL PROCEDURE MARCH 2023</p>
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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 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 crossroads)
- 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 "Stormwater Engineering Design Standards – Requirements, Rules and Design Criteria for Stormwater Management" manual (dated 11/22/2021), outlines the following:
 - Section II, Submittal and Review Procedures, Part B: Subdivisions – Sites to be platted under Act 288, Subdivision Construction Plans, Item #5 under "Required Information" states that the construction plans should, at a minimum, include "plans and details of the soil erosion and sedimentation control measures and indicate which measures are temporary or permanent and the party responsible for maintaining the control measures".
 - Section II, Submittal and Review Procedures, Part B: Subdivisions – Sites to be platted under Act 288, 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 III, General Design Criteria, Part H: Drains Under the Jurisdiction of the Water Resources Commissioner, Soil Erosion and Sedimentation Control, states that "Soil erosion and sediment control devices shall be installed as required by the Water Resources Commissioner's "Erosion Control Manual" within municipalities where the Soil Erosion and Sedimentation Control Program is administered by WRC. The following points should be kept in mind when designing an erosion control plan for a site:
 1. Areas within open drain rights-of-way, which have been cleaned, re-shaped or in any manner disturbed, shall be seeded and mulched or otherwise vegetated.

2. The smallest practical area of raw land should be exposed at one time during development.
3. When raw land is exposed during development, the exposure should be kept to the shortest practical period of time.
4. Temporary vegetation and/or mulching should be used to protect critical areas exposed during development.
5. The permanent final vegetation and structures should be installed as soon as practicable in the development.
6. The development plan should be fitted to the topography and soil type so as to create the least erosion potential.
7. Wherever feasible, natural vegetation should be retained and protected.
8. Proposed BMP locations should be protected at all times during construction to prevent sedimentation and compaction of soils that could lead to underperformance or failure of BMPs. This includes but is not limited to stabilizing surfaces adjacent to BMPs and installing temporary erosion and sedimentation control structures at outlets to BMPs.”

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. The “O&M Soil Erosion & Sedimentation Control (SESC) Standards APA Procedure” and WRC’s SESC Standards APA Procedures Manual dated March 22, 2005 is available upon request.

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.