

{Following is the text of the Erosion and Sediment Control Ordinance that was developed by the Winnebago County Association for Clean Water Action (WinACWA) in September, 2004. This was preceded by a number of months of review by the various participating jurisdictions, engineering firms, developers, environmental groups, and the general public. A public hearing concluded the process in September, 2004, and comments were incorporated in the final version.

Whatever details were subject to various viewpoints, the concept of a single set of regulations to be used throughout the County was universally accepted--as opposed to any number of separate rules that could have been generated in response to the National Pollutant Discharge System (NPDES) Phase II requirements.

The Winnebago County Natural Hazard Ordinance (NHO) governs Surface Water Management in the land development process. Erosion and Sediment Control provisions are at home within the NHO and included in proposed amendments, along with FEMA Floodplain updates and a proposed change to a better descriptive name: Surface Water Management Ordinance (SWMO). To preserve the intent of unified requirements, the relocation of specific sections of this Erosion and Sediment Control Ordinance are noted to SWMO sections. In turn, proposed amendments to the SWMO are noted in that document with reference to this as {WinACWA sec.xx}.

EROSION AND SEDIMENT CONTROL ORDINANCE

Sec. 1 General Purpose.

This Ordinance is intended to provide regulations pertaining to the control of erosion and sedimentation on or emanating from construction sites within unincorporated areas of Winnebago County, Illinois, consistent with the requirements of the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System, Phase II.

Sec. 2 Interpretation. *{It is the standard practice of Winnebago County to place the Purpose and Rationale for adoption or amendment of an ordinance in a resolution document which contains these in a series of "Whereas's . . .". The actual text of the ordinance is attached, and that is what is codified. Thus, Sections 1 and 2 do not appear in the draft SWMO.}*

(a)The provisions of this chapter shall be held to be minimum requirements, adopted to lessen the threat to public health, safety, or welfare through protection of soil erosion and sediment control sought by the enactment of this ordinance.

(b)Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways, and the creation of recreational facilities;

(c)The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;

(d)Soil erosion necessitates the costly repairing of gulleys, washed-out fills, and embankments;

(e)Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands, and reservoirs;

(f)Sediment limits the use of water and waterways for most beneficial purposes, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and

(g)Sediment reduces the channel capacity of waterways and the storage capacity of floodplains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

Sec. 3 Purpose.

The County of Winnebago therefore declares that the purpose of this ordinance is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the County of Winnebago. It is the intention of this ordinance that the transport of sediment via wind or rainwater runoff from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its undisturbed state. *{SWMO 50-247(c)}*

The management practices, controls, and other provisions contained in an Erosion and Sediment Control Plan must be at least as protective as the requirements contained in the *Illinois Urban Manual-A Technical Manual for Urban Ecosystem Protection Enhancement, 2002*, prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service. *{SWMO 50-*

259(a)(11)}

Sec. 4 Definitions. {SWMO 50-248(a) Definitions}

For the purposes of this Ordinance certain terms used herein are defined as set forth below:

Authority means any agency with regulatory powers.

Building permit means a permit issued by the permitting authority for the construction, erection, or alteration of a structure or building.

Certify or certification means formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Ordinance.

Clearing means any activity that removes vegetative ground cover.

District means the Winnebago County Soil and Water Conservation District.

Engineer means the **Winnebago County Engineer** and person(s) designated by the County of Winnebago to review, approve, or enforce erosion and sediment control plans or storm water pollution prevention plans.

Excavation means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Existing grade means the vertical location of the existing ground surface prior to excavation or filling.

Fill means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include the conditions resulting therefrom.

Final grade means the vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

Grading means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Hydric soil means a soil having a seasonal high water table at or near the surface of the soil most of the year.

Hydrophyte means a plant growing in water or in soil too saturated with water for most plants to survive.

Inspector means the person designated to review, approve, or enforce erosion and sediment control plans or storm water pollution prevention plans.

Natural drainage means the existing runoff pattern of water on the ground surface prior to construction.

Parcel means all contiguous land held in one ownership.

Permitting authority means the County of Winnebago.

Person shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Removal means cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

Runoff means that portion of precipitation or irrigation on an area which does not infiltrate into the soils, but instead flows off the surface of the land.

Sediment/sedimentation means transported and deposited soil particles or aggregates, usually by wind or water.

Site means a lot or parcel of land, or a contiguous combination thereof, where construction activity is performed.

Storm Water Conveyance and Storage System means any river, stream, creek, brook, branch, flowage, ravine, or natural or artificial drainageway, lake, pond, wetland, roadway drainage, storm sewer, etc. in or into which surface or groundwater flows, either perennially or intermittently.

Stripping means any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

Vacant means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Waste means an unwanted byproduct of the developing/building process including construction-generated litter.

Wetland, according to the U.S. Fish and Wildlife Service, means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.

Sec. 5 General Principles. {SWMO Technical Regulations sec 605}

It is the objective of this ordinance to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the County of Winnebago. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by wind erosion or a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the County of Winnebago and to the preparation of the submissions required under Sections 8 and 9 of this ordinance:

(a)Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and existing contours should be followed as closely as possible.

(b)Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to existing watercourses, lakes, ponds, and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(c)Special precautions should be taken to prevent damages that occur due to any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures must be commensurate with the sensitivity of these areas to erosion and sedimentation.

(d)The smallest practical area of disturbance should be exposed for the shortest practical time during development.

(e)Sediment basins or traps, filter barriers, diversions, and any other appropriated sediment or runoff control measures should be installed prior to site clearing and grading and maintained to control and remove sediment from run-off waters from land undergoing development.

(f)The selection of erosion and sedimentation control measures should be based on site limitations, project duration, and other factors to provide the necessary site protection during the construction development activity.

(g)In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.

(h)Permanent vegetation and runoff control structures shall be installed and functional as soon as practical during development.

(i)All waste generated as a result of site development activity shall be properly disposed of and should be prevented from being carried off the site by either wind, water, or artificial means.

(j)All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

Sec. 6 Applicability. (SWMO 50-255(c))

Except as otherwise provided in this ordinance, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained approval for a complete set of Engineering Drawings, including a detailed erosion and sediment control plan to the County of Winnebago for review by the Engineer.

If the applicant is required to comply with the requirements of a Phase II, NPDES permit, submittal of a copy of the Notice of Intent (NOI), copy of the Illinois Department of Natural Resources Consultation Agency Action Report, and the approved Storm Water Pollution Prevention Plan (SWPPP) to the [inspector], a minimum of 30 calendar days before the planned commencement of construction will be accepted in lieu of an Erosion and Sediment Control Plan. This requirement shall contain the following requested in this Ordinance.

- a) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, offsite borrow areas, or any combination thereof) that will affect an area greater than or equal to one acre;
- b) Any land disturbing activity that may discharge soil and erosion into any storm water conveyance system;
- c) The County of Winnebago reserves the right to require any non-agricultural, construction development activity, regardless of disturbed area or type of activity, to comply with this Ordinance if it is determined to be causing or contributing to existing or potential new erosion of soil or otherwise impacting the performance of an existing storm water conveyance system.

Sec. 7 Exceptions. *(SWMO 50-247(b)(1)a}*

Erosion and sediment control plans shall not be required for submittal for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in Section 5 of this Ordinance:

- (a) Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of one acre for which a building permit has been issued by the County of Winnebago;
- (b) Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Winnebago County Soil and Water Conservation District, and including the construction of agricultural structures;
- (c) Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.

Sec. 8 Erosion and Sediment Control Plan. *(SWMO Technical Regulations sec 608}*

The Owners of the property or his/her authorized designee shall prepare and submit an **Erosion and Sediment Control Plan** (Plan) to the County of Winnebago at the time of [prior to] proposed land disturbing activities. These submissions shall be prepared in accordance with the requirements of this Article and the standards and requirements contained in the NPDES Permit No. ILR10 prepared by the Illinois Environmental Protection Agency and the Illinois Urban Manual prepared by the Natural Resources Conservation Service and adopted by the Boone and Winnebago County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this ordinance by reference. General guidance can be found in the *Illinois Urban Manual* under the section, ***Storm Water Management For Construction Activities, Developing Pollution Prevention Plans and Best Management Practices***. Each plan shall contain the following information:

- (a) The name(s) address(es) and telephone number(s) of the owner or [and] developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principle contact at such firm. The owner must sign a copy of the certification statement. The certification must be included in the plan:

"I certify under penalty of law that this document and all attachments were prepared 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 of knowing violations."

- (b) The name, address and telephone number of the general contractor(s) that have been identified at the time of the submittal. Identify the contractor(s) or subcontractor(s) implementing each measure of the plan. All contractor(s) and subcontractor(s) identified in the plan must sign a copy of the certification statement. All certifications must be included in the plan except for owners acting as contractor(s).

"I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit No. ILR10 and [Chapter 78], Erosion and Sediment Control ordinance that authorizes the storm water discharges associated with the construction activities and site identified as part of this certification."

- (c) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, and a legend and scale;

(d) A development plan of the site showing:

(1) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the conformation and drainage pattern of the area.

(2) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary.

(3) A general description of the predominant soil types on the site, their location, and their limitations for the proposed use.

(4) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation, and filling; finished grades, and street profiles; provisions of storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.

(e) Erosion and sediment controls showing all measures necessary to meet the objectives of this ordinance throughout all phases of construction and permanently after completion of development of the site, including:

(1) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details.

(2) Plans should ensure existing vegetation is preserved where attainable and disturbed portions of the site are stabilized. Stabilization practices may include, but not limited to: temporary seeding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.

- Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.

- Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently snow cover precludes ease, stabilization measures shall be initiated as soon as practicable. [in or out...?]

- Where construction activity will resume on a portion of the site within 21 days from when activity ceased, (i.e. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased.

(3) Location and description of all runoff control measures, including diversions, waterways, and outlets.

(4) Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate.

(5) Description of dust and traffic control measures.

(6) Locations of stockpiles and description of stabilization methods.

(7) Description of off-site fill or borrow volumes, locations, and methods of stabilization.

(8) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.

(f) The proposed phasing of development of the site, including stripping and clearing, rough grading and landscaping. Phasing should identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the

responsibility of the applicant to notify the County of Winnebago of any significant changes that occur in the site development schedule after the initial erosion and sediment control plan has been approved;

(g) A copy of the completed Notice of Intent (NOI) required by the Illinois Environmental Protection Agency.

(h) A copy of the completed Illinois Department of Natural Resources Consultation Agency Action Report.

Sec. 9 Bonds. *{SWMO 50-256(b)(2)b}*

[The applicant is required to file with the County of Winnebago a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the [legal counsel] in an amount deemed sufficient by the County of Winnebago to cover all costs of improvements, permanent yards, maintenance of improvements and landscaping (if applicable), and soil erosion and sediment control measures for such period as specified by the County of Winnebago, and engineering costs to cover the cost of failure of repair of improvements installed on the site.]

Sec. 10 Review and Approval *{SWMO 50-249(d)(2)}*

Each erosion and sediment control plan shall be reviewed and acted upon according to the following procedures:

The [inspector] will review each plan and determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving the plan, the designee shall in writing:

- (a) Approve the erosion and sediment control plan if it is found to be in conformance with the provisions of this ordinance;
- (b) Approve the erosion and sediment control plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance; or
- (c) Disapprove [return for revision] the erosion and sediment control plan, indicating the deficiencies and the procedure for submitting a revised erosion and sediment control plan.

Sec. 11 Conditions for approval. *{SWMO 50-249(d)(2)}*

Approval shall not be issued for an intended development site unless:

- (a) The development, including but not limited to subdivisions and planned unit development, has been approved by the County of Winnebago where applicable, or
- (b) The proposed earth moving is coordinated with any overall development program previously approved by the County of Winnebago for the area in which the site is situated; and
- (c) All relevant federal and state permits (i.e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.

Sec. 12 Appeals. *{Not included in draft SWMO. Current NHO does not provide for an appeals process.}*

The applicant, or any person or agency that received notice of the filing of the Erosion and Sediment Control Plan or the Storm Water Pollution Prevention Plan may appeal the decision of the [inspector] as provided in Sec. 18 to the [reviewing body]. Upon receipt of an appeal, the [reviewing body] [review by 3 department heads?] shall schedule and hold a public hearing, after giving fifteen (15) days notice thereof. The [reviewing body] shall render a decision within fifteen (15) days after the hearing]. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock, which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

Sec. 13 Site design requirements. *{SWMO Technical Regulations sec 613}*

On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavation, or fill activities on the site.

- (a) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

1. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.

2. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.

3. Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(b) Sediment traps or anchored filter barriers meeting accepted design standards and specifications outlined in the Illinois Urban Manual shall protect storm sewer inlets and culverts.

(c) Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(d) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(e) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas a minimum of fifty feet long and 12 feet wide to prevent [minimize] sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(f) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(g) All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

Sec. 14 Inspection. *{SWMO Technical Regulations sec 614}*

The [inspector] shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the erosion and sedimentation control plans as approved. In order to obtain inspections and to ensure compliance with the approved erosion and sediment control plan and this ordinance, the applicant shall notify the [inspector] within two (2) working days of the completion of the construction stages specified below:

(a) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,

(b) After stripping and clearing,

(c) After seeding and landscaping deadlines, and

(d) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the applicant shall give notice and request inspection at the completion of each of the above work states in each phase or area.

The County of Winnebago shall also reserve the right to inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

Sec. 15 Retention of plans.

The applicant shall retain copies of plans and all reports for a period of at least three (3) years from the date the site is finally stabilized. The applicant shall also retain a copy of the plan at the construction site from the date of project initiation to the date of final stabilization. *{SWMO Technical Regulations sec 615}*

The County of Winnebago shall retain plans, specifications, and reports for all site developments in original form. *{SWMO*

50-249(d)(11)}

Sec. 16 Special precautions. *{SWMO Technical Regulations sec 616}*

(a) If at any stage of the grading of any development site the [inspector] determines by inspection that the nature of the site is such that further work authorized by an existing building permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the [inspector] may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(b) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the applicant may be required to install temporary structures of take such other measures to protect adjoining property or the public safety.

(c) Major amendments of the erosion and sediment control plan shall be submitted to the County of Winnebago and shall be processed and approved or disapproved in the same manner as the original plans. The County of Winnebago may authorize field modifications of a minor nature by written authorization to the applicant.

Sec. 17 Enforcement. *{SWMO 50-250}*

(a) Stop-work order; In the event any person holding an approved erosion and sediment control plan pursuant to this ordinance violates the terms of the approval, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the County of Winnebago may suspend or revoke approved construction activity including, but not limited to: any and all building permits, grading activity, road construction, or other construction related activities until such time the approved erosion and sediment control plan is satisfactorily implemented and/or maintained.

(b) Enforcement of violations of an approved plan shall be by a written stop-work order issued by the County of Winnebago and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violation cited, and shall state the conditions under which work may be resumed. Failure to follow an approved erosion and sediment control plan may be just cause to permanently suspend or revoke authorized construction activity or building permit.

Sec. 18 Violations and penalties. *{SWMO 50-251(c)}*

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of the ordinance. Any person violating any of the provisions of this ordinance shall not be awarded a Certificate of Occupancy from the [City] until violations have been corrected and will be fined not more than \$500.00 for each offense and each day during which any violation continues shall constitute an additional offense. [If necessary, the performance bond filed by the applicant may be forfeited to the County of Winnebago to cover the cost of repairs (refer to Section 9)].

Non-compliance may constitute a violation of the Illinois Environmental Protection Act and Clean Water Act and is grounds for enforcement action, at which strict Criminal, Civil, and Administrative penalties may be issued. Penalties are described in the NPDES-Construction Site Activities applications instructions and it is the duty of the petitioner to comply.

Sec. 19 Separability. *{SWMO 50-253}*

The provisions and sections of this ordinance shall be deemed to separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

{SWMO Technical Regulations sec 600.}

County of Winnebago
SUMMARY OF THE NEW EROSION AND SEDIMENT CONTROL ORDINANCE

Purpose of this document:

1. To give contractors, developers, and consultants warning that Winnebago County is implementing a comprehensive erosion and sediment control ordinance

2.This ordinance will prepare developments for the NPDES Phase II requirements, which took effect March 2003.

Main principals of this comprehensive erosion and sediment control ordinance:

- 1.Design developments to fit existing topography and natural drainage patterns
- 2.Protect natural vegetation on site
- 3.Prevent sediment from entering adjacent watercourses
- 4.Reduce the exposure of disturbed soil
- 5.Methods of different erosion control structures and practices
- 6.Continue maintenance of control structures and establish permanent vegetation
- 7.Dispose of waste generated from site development activity
- 8.Reduce storm water runoff velocities
- 9.Prevent sediment on roadways

This comprehensive erosion and sediment control ordinance applies to:

- 1.NPDES Phase II projects after March 2003 (development activity affecting an area greater than or equal to 1 acre)
- 2.Any land disturbing activity that may discharge soil and erosion into any storm water conveyance system
- 3.If development activity is determined to be causing or contributing to existing or potential new erosion of sediment or impacting the storm water conveyance system

All erosion and sediment control plans, contained within the ordinance, will require the following:

- 1.Certification Sec. 8.a signed by owner and engineer. Must include principal contact with address and phone number.
- 2.Certification Sec. 8b signed by contractor for all NPDES permit projects (contractor may sign the approved erosion and sediment control plan if the project is not under a NPDES permit)
- 3.Vicinity map of the project
- 4.A development plan showing:
 - i.Existing topography
 - ii.Location of existing structures, buildings, and waterbodies, etc.
 - iii.Predominant soil types
 - iv.Proposed use of the site
 - v.Appropriate erosion and sediment controls
 - a.Silt fence, sediment basins and traps, earth dikes, drainage swales, check dams, storm drain inlet protection, rock outlet protection, risers, etc.
 - b.Construction entrances
 - c.Stabilization (needs to be implemented within 14 days once construction stops) i.e. temporary seeding, permanent seeding, geotextiles, and sod

Inspection/Enforcement:

- 1.The principle contact must observe construction to assure the project is following the approved erosion and sediment control plan
- 2.The [inspector] shall make regular inspections
- 3.The County of Winnebago may require "special precautions" beyond the approved erosion and sediment control plan
- 4.The County of Winnebago will verbally warn the principal contact that an erosion and sediment control plan is not being followed or a "special precaution" is needed
- 5.If no action is taken after 3 days of the verbal warning, the County of Winnebago will warn in writing the principal contact of the violation or of the "special precaution"
- 6.If no action is taken after 3 days of the written warning, a stop-work order will be issued.

Violations and Penalties:

- 1.A Certificate of Occupancy permit will not be granted
- 2.Fine of not more than \$500.00 for each offense per day