

Allegan County Road Commission
MS4 NPDES Application

Enforcement Response Procedure

As indicated in the responses contained in the following sections of this application, the Allegan County Road Commission (ACRC) has no authority to pass or enforce ordinances. Allegan County has existing regulatory mechanisms containing provisions that require compliance with MS4 Program goals and requirements, including:

- Allegan County Soil Erosion Ordinance to achieve MS4 Program requirements for the Construction Stormwater Runoff Control Program;
- Storm sewer discharge prohibitions in ordinance to achieve MS4 Program requirements for the Illicit Discharge Elimination Program; and
- Allegan County Site Development Rules to achieve MS4 Program requirements for Post-Construction Stormwater Runoff Program.

The ACRC, in the absence of ordinances, does have operating procedures, standard specifications and administrative rules that provide guidance and enforcement of violations related to the MS4 program.

Construction Stormwater Runoff Control [Soil Erosion and Sediment Control (SESC)]

- The ACRC is an Authorized Public Agency (APA) under Part 91. Their Certified Stormwater Operators on staff are responsible for inspecting and documenting soil erosion controls as required to maintain the APA status and initiating changes or maintenance if required at ACRC project sites. Violations or problems with SESC measures are reported immediately and documented in an inspection report. Repairs to temporary SESC measures will be completed immediately. Repairs to permanent SESC controls will be corrected within five (5) days of detection. Language is included in contracts to ensure contractor compliance with ACRC SESC operating procedures. Full SESC Operating Procedures are detailed in Attachment 2A.
- For projects outside of ACRC involvement, the Allegan County Health Department is the County Enforcing Agency in charge of issuing SESC permits, performing inspections and compelling compliance with applicable Allegan County regulations.

Illicit Connections

- Upon becoming aware of an illicit connection to their MS4 the issue is reported to the Allegan County Health Department (ACHD) for investigation and enforcement.
- The ACHD will send written notification the property owner/responsible party requiring that the illicit discharge/connection be eliminated within five (5) days of receiving the letter.
- If the discharge/connection cannot be removed within five (5) days the ACHD will work with the responsible party to determine a reasonable schedule for elimination. However, any discharges or connection that jeopardize public health or water quality will be eliminated within five (5) days.
- If the discharge/connection is not removed within five (5) days or a time agreed upon between the ACHD and the responsible party, then the violation will be referred to the ACDC or other

ATTACHMENT 2

MS4 owner, as applicable, who will take the actions allowable under applicable rules to eliminate the discharge/connection.

- ACDC action includes elimination of the illicit discharge/connection by ACDC staff or a hired contractor, will all expenses billed to the responsible party. This course of action is outlined in the initial ACHD notice.
- If the responsible party does not comply with ACDC action, up to an including payment of invoices, then the Allegan County Sheriff's Office will be involved to compel compliance.
- If the violation is related to a sanitary sewer, then the issue will be referred to the application Board of Public Works agency for enforcement.
- If the violation is related to a septic system, the ACHD Policy #611.4.1 outlining sewage complaint investigations will be followed (Attachment 2B).
 - All complaints will be recorded in writing on the appropriate complaint form.
 - Complaints received are entered into and tracked in the SWORD Solutions Software System.
 - The complaint will be investigated by an ACHD Sanitarian within five (5) business days of receiving the complaint.
 - If an illicit discharge of sewage is discovered, a certified letter will be issued to the property owner requiring that the system be corrected in a period not to exceed 30 days.
 - If further enforcement action is needed, the case is referred to the Allegan County Prosecuting Attorney's Office.

Illegal Dumping and Spills

- Upon becoming aware of dumping or a spill into the ACRC's MS4, the issue is referred to the ACHD staff and they will perform a site investigation within twenty-four (24) hours or the next business day.
- An Environmental Health Committee that includes DEQ, County and local government representatives will be notified.
- Once the perpetrator of the spill is identified, the above enforcement procedures for illicit connections and discharges are followed to eliminate the dump site or spill.
- If the responsible party cannot be immediately identified, the ACDC office will clean up the dump site of spill within five (5) days and invoice the responsible party for the expenses once identified.
- If necessary, the Allegan County Sherriff's Office will be involved to compel compliance.

Post Construction Runoff Control Program

- The Post Construction Runoff Control program is enforced by the local municipality or the ACDC's office.
- The ACRC will receive and document citizen complaints and forward the information to the appropriate local municipality or ACDC's office for enforcement.
- The ACRC will follow Allegan County post construction runoff control program standards and rules on all of its own construction projects, as applicable.
- If complaints are received or violations discovered on ACRC projects, ACRC staff will work with the appropriate enforcing entity to bring the ACRC project back into compliance within the required timeframe.

ATTACHMENT 2

The Allegan County Health Department has taken the lead in Allegan County relative to compliance and enforcement of violations. Typically, a file is retained while the enforcement action is pursued to resolution and ultimate compliance. In order to better track instances of non-compliance, the Allegan County Health Department uses an electronic document to track:

- Violation type;
- Location of violation;
- Date violation occurred;
- Responsible party (property owner or other);
- Enforcement action taken by the County, including dates of official correspondence issued; and
- Date compliance was achieved.

Violations that occur on ACRC construction projects will be handled by a representative of the Road Commission. Reported violations that are not on an ACRC project will be immediately reported to the Allegan County Health Department for investigation and enforcement. The ACRC keeps a spreadsheet at their office at 1308 Lincoln Rd Allegan MI 49010 for violations occurring on project sites and for violations off project sites that were forwarded to the Allegan County Health Department.

SOIL EROSION AND SEDIMENTATION CONTROL
OPERATING PROCEDURES
FOR THE
ALLEGAN COUNTY ROAD COMMISSION

September 2, 2003

INTRODUCTION

All requirements of Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the administrative rules promulgated under the authority of Part 91 are included in this procedure by reference.

This procedure is adopted as a working document; its contents are intended to serve as guidance for all activities of the Allegan County Road Commission (hereafter referred to as the Agency), falling under the jurisdiction of Part 91. A copy of this procedure is provided to all Agency and contracted personnel engaged in any aspect of SESC. Those personnel are expected to understand and implement the contents of this procedure. Standards and specifications referenced in this procedure are available to all Agency and contracted personnel.

The goal of the Agency is an effective and economical SESC program to protect the soil, water, and other natural resources of Allegan County. Controlling erosion and off-site sedimentation is a high priority for all maintenance and new construction projects undertaken by, or performed under contract for, this Agency.

The Agency will anticipate and plan for potential SESC problems associated with all phases of a project, including clearing, rough grading, construction, final grading, restoration, and continuing site maintenance. All earthwork for construction or heavy maintenance projects is performed in accordance with a comprehensive SESC plan that meets the requirements of Rule 1703 of Part 91. Routine maintenance projects will be done in accordance with a comprehensive SESC plan or with established maintenance guidelines referenced in this procedure.

The SESC procedures of the Agency are subject to review by Agency staff and the Michigan Department of Environment Quality (MDEQ). Procedures will be revised as standards and techniques for SESC evolve. Any revisions to the procedures must be reviewed and approved by the MDEQ prior to formal adoption.

All Agency personnel who make decisions regarding the design, inspection, or implementation of SESC measures must complete the MDEQ's SESC training and pass the final exam. This includes personnel in the following positions:

Managing Director, Engineers, Maintenance Superintendents, and Associate Engineers.

STANDARDS AND SPECIFICATIONS

The most recent versions of the documents listed below are available at the Agency, are routinely consulted by all staff, and guide the implementation of SESC measures:

1. Standards and Specifications of the Allegan County Conservation District. (Available at www.nrcs.usda.gov/technical/efotg)
2. The MDEQ's *Guidebook of Best Management Practices for Michigan Watersheds*.
3. Michigan Department of Transportation Specifications for SESC, including:
 - a. The most recent edition of *Standard Specifications for Construction*.
 - b. Soil Erosion and Sedimentation Control Measures, *Standard Plan R-96-E* or subsequent revisions.
 - c. *Soil Erosion and Sedimentation Control Manual*.
4. The manufacturer's standards and specifications for SESC products.

THE SOIL EROSION AND SEDIMENTATION PROCESS

Soil erosion is classified as either natural or accelerated. Natural erosion is a geological process facilitated by time, climate, and other environmental site conditions, which proceeds relatively independent of human activity. Accelerated soil erosion is a result of human activity. After soil has been exposed and topography altered, wind or moving water can rapidly move sediments into waterbodies or onto adjacent property. Accelerated erosion and off-site sedimentation must be prevented during and after construction and maintenance activities.

Base erosion potential is the amount of erosion expected from a site after vegetation has been removed. Whenever and wherever possible, avoid construction or soil disturbance in locations with a high base erosion potential or a preexisting natural erosion condition. Such sites logically possess high-accelerated erosion potential; seek viable sites with lower erosion potential as alternatives.

The Agency will utilize slope and soil information to estimate the base erosion potential of the site. Information will be obtained from the county soil survey, topographic maps, and on-site analysis. The Revised Universal Soil Loss Equation or other commonly accepted methods will be used in determining the project route and prescribing SESC measures.

The scheduling of a project, with respect to the growing season and accepted seeding dates, will be considered when selecting SESC measures for a project. Liberal use of erosion control blankets, securely anchored mulch, or other erosion resistant materials will be used when a project extends beyond the growing season.

PRINCIPLES OF SEDIMENTATION CONTROL

The Agency recognizes seven basic principles of the SESC:

Design and construct terrain features, such as slopes and drainage ways, to minimize the erosion potential of the exposed site. Consider soil type, time of year, proximity to waterways, duration of exposure, length and steepness of the slope, and the anticipated volume and intensity of runoff.

1. Minimize the area of unstabilized soils left unprotected from runoff and wind.
2. Minimize the amount of time areas of unstabilized soils are exposed to erosive forces.
3. As soon as it is practical after earth disturbance, protect exposed soils with temporary or permanent vegetation, mulch, or other approved erosion resistant materials.
4. Avoid concentrating runoff. If concentrated runoff is unavoidable, implement measures to reduce runoff to a nonerosive velocity.
5. Trap eroded sediments on-site with temporary and permanent barriers, basins, or other sediment retention measures and allow for the controlled discharge of runoff at a nonerosive velocity.
6. Implement a continuous inspection and maintenance procedure, which includes written documentation of the SESC actions.

The foregoing principles guide the SESC decisions of the Agency during planning, design, and installation for both construction and maintenance sites and during the performance of routine maintenance tasks.

PLANNING AND DESIGN

Effective SESC begins with planning, including locating projects to best meet each project objective while minimizing the potential for erosion.

Minimize the number of stream crossings to reduce disturbance to streams and protect water quality. When a stream crossing is necessary, locate it at a stable reach of the stream and either at a right angle to the direction of flow or so the culvert or waterway opening is aligned to accommodate the natural course of the stream. If possible, avoid project locations that encroach on lakes, streams, floodplains, or wetlands. Structures placed below the ordinary high water mark, encroachments into floodplains, potential impediments to navigation or riparian rights, or changes to channel characteristics must have approval of local, state, or federal authorities as appropriate.

Develop a comprehensive SESC plan in accordance with Rule 03 for incorporation into the design plans for all phases of all projects. Clearly show the scope, location, and installation details for all SESC measures on the plans, in the specifications, and in the special guidelines for in-house or contracted construction and maintenance projects. Provide a section in the plans to list miscellaneous quantities of SESC materials to address unanticipated control requirements. In addition, include a construction sequence that specifically schedules the installation and maintenance requirements of each temporary and permanent SESC measure included in the design.

Emphasize the placement and maintenance of both temporary and permanent SESC measures on plans and guidelines and handle as bid items in contracts when feasible. Contracts will specify that temporary SESC measures shall be installed prior to, or upon commencement of, earth change activity and shall be removed only after permanent SESC measures are in place and the site is stabilized. Permanent SESC measures shall be in accordance with the manufacturer's specifications and the guidelines set forth in the standards and specifications adopted by the Agency.

Install permanent SESC measures for all slopes, channels, ditches, or any disturbed landarea within five (5) calendar days after final grading or completion of the final earth change. If permanent stabilization of a disturbed area is not possible upon completion of an earth change, maintain temporary SESC measures until the site is stabilized.

Select horizontal and vertical alignments of right-of-way to avoid critically erodible sites along the proposed route and minimum disturbance to surface and groundwater flows. Alignments will be consistent with safety criteria and, to the extent possible, fit into the natural landscape to reduce the number and size of cuts and fills.

Control the concentration of water on slopes with infiltration areas, intercepting ditches, diversion berms, or drop structures with stable outlets. Reduce the concentration and velocity of runoff by use of horizontal surface roughening, reduction of effective slope length, and the prompt installation of mulch, geotextile, or other appropriate surface covering.

Design ditches and channels with the flattest side slopes permitted by the right-of-way (preferably 3H:1V or flatter) and broad, flat or rounded bottoms. Channels shall be vegetated or armored with geotextile, riprap, or other suitable material as necessary to prevent erosion at anticipated flows.

Place check dams, sediment traps, or both, in combination to reduce runoff velocity and trap sediments in unstabilized ditches or channels. These devices may be either temporary or permanent, depending on the conditions at the site. Plans must include a routine inspection and maintenance schedule. Structures designed to trap sediments shall be cleaned out to full capacity when found to be 50 percent full and the sediments removed to an approved upland disposal site. Maintain check dam integrity and contours to ensure runoff does not create erosion by undermining or travelling around the ends of the structures.

Culverts and other structures placed in channels often constrict flood flows, increase water velocity, and increase the potential for erosion. In situations with such potential, protect the culvert or structure embankment slopes and the downstream channel and banks with riprap or other erosion resistant material. Design road crossings to locate culverts, bridges, or other in-stream structures to minimize changes to channel cross section and orientation.

CONSTRUCTION

All phases of construction and in-house maintenance, including the installation and maintenance of SESC measures, will follow the schedule prescribed in the plan or maintenance guidelines. The first step in the construction sequence is the placement of SESC measures around the perimeter of the proposed earth change to effectively prevent sediment from entering any lake, stream, wetland, or adjacent property. The construction sequence is completed by the conversion of temporary SESC measures to permanent controls and full stabilization of soils on the site.

Schedule and perform clearing operations to permit the timely and sequential installation of SESC measures. The maximum area of erodible soils exposed at any time will be based on site characteristics and stated in the phasing, staging, and sequencing section of plans or guidelines.

If embankment slopes terminate near a lake or stream, maintain or establish a protective buffer of vegetation between the water body and the disturbed area whenever feasible. Place silt fence or an equivalent SESC treatment at the toe of the disturbed portion of the embankment; additional courses of silt fence may be required along intermediate contours of long or steep slopes.

Perform all maintenance and new construction operations in the dry by placing cofferdams or similar structures around work done below the ordinary high water mark or legally established level of a lake.

When a temporary diversion channel is used, slopes of the channel must be stabilized with vegetation or erosion resistant materials before water is released to the channel. Install sediment traps, check dams, or filters in the channel to remove sediments from runoff that may leave the site or discharge to a waterbody.

Locate all stockpiles, waste material, and spoils in upland areas where they can be properly contained and will not erode into waterbodies or on to adjacent properties.

Conduct site restoration and stabilization in a manner that ensures adequate temporary or permanent SESC measures are in place and functioning at the end of each work day.

INSPECTIONS

Agency personnel who have successfully completed the SESC training required by Section 9123 or Part 91 and passed the final exam are responsible for inspecting and documenting the condition of the SESC measures on a daily basis and initiating changes or maintenance if required.

Violations or problems with SESC measures are corrected immediately and both the problem and the corrective action are documented in an inspection report. General oversight and ultimate responsibility for inspections and compliance of all Agency operations resides with the Agency manager.

MAINTENANCE

Routine maintenance includes implementing necessary repairs or corrections to existing temporary permanent SESC measures. Repairs to temporary SESC measures shall be conducted immediately; permanent measures in need of repair shall be corrected within five (5) days of detection of the problem, unless the scope of the work or the season prevents such action. Implement temporary measures immediately to contain sediments from failed permanent measures and maintain temporary measures until the permanent measures are repaired.

Apply seed and mulch or plant other ground stabilizing vegetation immediately following final grading on all disturbed sites where the slopes are gentle enough to allow their effective use. Vegetative treatments shall follow guidelines published in the documents referenced elsewhere in this procedure. Use staked sod, geotextiles, riprap, or other suitable erosion control materials, as necessary, on steep slopes or other areas unsuitable for standard vegetative treatments. Length of slope, soil characteristics, and access for maintenance will influence the maximum slope suitable for standard vegetative treatments. Any slope steeper than 2H:1V should have structural treatments to reinforce or replace vegetation. Slopes steeper than 3H:1V may require structural treatments depending on site conditions. Use all products in accordance with the manufacturer's specifications.

MATNTENANCE CONSTRUCTION (HEAVY MAINTENANCE)

Plans are developed and SESC measures are implemented for maintenance construction and heavy maintenance in the same manner as for new construction. Plans shall meet the requirements set forth in Rule 1703. Inspect and document site conditions and maintain SESC measures on maintenance construction and heavy maintenance projects in the same manner as for new construction.

ROUTINE MAINTENANCE

Routine maintenance is subject to the same general SESC considerations as new construction or heavy maintenance. Typical routine maintenance tasks include, but are not limited to the following:

- Road and shoulder grading.
- Roadside ditch clean-out.
- Cross drainage culvert, underdrain, bridge approach, and embankment repair or replacement.
- Slope protection and washout repair.

In lieu of developing optimal SESC plans, use the following guidelines for project types identified above:

ROAD AND SHOULDER GRADING

- a) For roads with ditches, grade to allow runoff to enter the ditch at points no closer than 100 feet from a lake or stream; this may require removal of berms formed between the road and the ditch.
- b) For roads without ditches, construct outlets to natural depressions or excavated sumps that allow runoff to leave the road at points no closer than 100 feet from a lake or stream.
- c) Conduct road grading operations adjacent to or crossing any watercourse in a manner that does not allow graded materials to enter directly or be carried by runoff into the watercourse. Direct road drainage to areas that allow runoff to filter through a vegetative buffer prior to entering any watercourse.

ROADSIDE DITCH CLEAN-OUT

- a) Conduct ditching operations in the dry or in periods of low water flow.
- b) Leave at least 50 feet of natural vegetation between the terminus of ditching and any lake or stream.
- c) If existing vegetation is inadequate to filter sediments from runoff, install temporary or permanent check dams, sediment traps or both.
- d) If it is necessary to remove the vegetated filter described in (a), do so only after the remainder of the ditch is revegetated and stabilized.
- e) Protect ditches with long slopes by leaving 20 foot long natural vegetation filters or constructing check dams at intervals not exceeding 2 feet of vertical drop or at lesser intervals if conditions dictate.
- f) Where possible, salvage topsoil and replace immediately upon completion of the ditching project or within five (5) days of earth disturbance on any portion of the project, whichever is less. Seed and mulch ditches within five (5) days of final grade.

CROSS-DRAINAGE CULVERT, UNDERDRAIN, BRIDGE APPROACH, AND EMBANKMENT REPAIR OR REPLACEMENT

- a) Isolate all work from flowing water.
- b) Stabilize culvert ends and area below annual high water levels with riprap over geotextile or other suitable erosion resistant materials.
- c) Stabilize all disturbed areas above the annual high watermark with sod, seed, mulch, or other suitable erosion resistant material within five (5) days of final grade.

- d) Acquire all applicable permits from the MDEQ under the provisions of the NREPA.

SLOPE PROTECTION AND WASH OUT REPAIR

- a) Isolate all work from flowing water.
- b) Immediately stabilize all disturbed areas with sod, seed, mulch, or other erosion resistant materials.
- c) Divert water flow away from the top of the slope or convey water downslope with a properly designed down drain with a stable outlet until the area is stabilized.
- d) Additional SESC measures may be required for work on steep slopes or slopes located near lakes or streams.

COMPLIANCE AND ENFORCEMENT

The Agency is ultimately responsible for SESC practices undertaken by contractors working under the authorized public agency designation. Therefore, all contractors shall comply with this operating procedure. The Agency shall ensure that contracts include clear language describing the responsibility of contractors to comply with the operating procedure, the authority of the Agency to enforce compliance with the operating procedure, and the consequences for noncompliance.

Contractor compliance can be assured with contract language including, but not limited to, the following:

- Include separate line item values for the construction, installation, maintenance, and removal of temporary and permanent SESC measures. Failure to implement SESC per the contract will result in withholding payment, stopping work, or using the line item value to pay another company to implement SESC.
- The acquisition of a bond or letter of credit and implementation of actions comparable to those authorized by Section 9119 or Part 91.
- The ability of the Agency to impose fines and assess the cost of actual damage if the contractor does not comply with the SESC requirements of the contract or Part 91.

**ALLEGAN COUNTY HEALTH DEPARTMENT
ADMINISTRATION POLICIES AND PROCEDURES**



SUBJECT: SEWAGE COMPLAINT INVESTIGATIONS
POLICY NUMBER: 611.4.1
REFERENCE NUMBER:

EFFECTIVE DATE: 10/89 PREPARED BY: Environmental Health Committee
REVISED DATE: 03/10, 08/15, 08/16
REVIEWED DATE: 03/10, 08/15, 08/16

PURPOSE: To establish procedures that the Environmental Health Department will follow in response to complaints regarding private and commercial septic systems and to provide mechanisms for the storage and retrieval of complaints.

POLICY: *Allegan County Water and Sewage Regulations*, Michigan Department of Environmental Quality (MDEQ) Guidance Manual and all wells regulated by the *Michigan Public Health Code*, Act 368, of P.A. of 1978, shall be used as the basis in response to complaints regarding private and commercial septic systems

PROCEDURE: 1. All complaints involving alleged violations of applicable statutory and regulatory requirements are to be investigated by the area Sanitarian. The following steps are to be followed when receiving and investigating these types of complaints:

- a. EH Secretary receiving sewage related complaints shall provide the complainant with Allegan County's Complaint Form (611.4.1a). A copy of the complaint shall be given to the Environmental Health Services Manager and the original shall be given to the area Sanitarian for investigation.
- b. Complaints are to be investigated by the area Sanitarian in a timely manner, not to exceed 5 business days. The investigation may require a site visit. Department phones can be used to document evidence of the complaint.
- c. The area Sanitarian will be responsible for the investigation and resolving the issue.
- d. The area Sanitarian will determine the property owner via the Allegan website:
<https://is.bsasoftware.com/bsa.is/AssessingServices/ServiceAssessingSearch.aspx?i=1&appid=0&unit=380> .
- e. The area Sanitarian will contact the complainant, within 5 business days, to determine the nature of the complaint and to determine if a site visit is necessary. In addition the area Sanitarian shall review the facility

- file if one is available for well construction documentation and permitting history.
- f. If either the office file review and/or the site visit reveal any violations contributing to potential or actual public health hazards the Sanitarian shall require, in writing, via certified letter of any corrections which need to be made. This letter is to include the specific rule violation of the Allegan County Water and Sewage Regulations and the violations must be corrected and a time line for completion not to exceed 30 days.
 - g. It may be necessary that an immediate correction be issued to alleviate any potential health risk, such as the use of lime or pumping the septic tanks.
 - h. If the investigation reveals the complaint to be unsubstantiated the results are to be recorded on the complaint form. The Sanitarian shall notify the complainant of the results and the investigation is closed.
 - i. It is the responsibility of the area Sanitarian to see the complaint through to its resolution.

REFERENCES:

Allegan County Water and Sewage Regulations, located in this manual, saved at T:\Health\Shared\Manuals\EH\2018\611_612 Field Manual\2010 612 Policies and at <http://cms.allegancounty.org/sites/Office/health/EH/SitePages/Home.aspx>

Michigan Department of Environmental Quality (MDEQ) Guidance Manual saved at T:\Health\Shared\Manuals\EH\2018\611_612 Field Manual\2010 612 Policies and at <http://www.bing.com/search?q=mdeq+private+and+Type+III+Guidance+Document&src=IE->

Michigan Public Health Code, Act 368, of P.A. of 1978, located in this manual, saved at T:\Health\Shared\Manuals\EH\2018\611_612 Field Manual\2010 612 Policies and at <http://www.bing.com/search?q=MDEQ+act+368&src=IE->