City of Appleton
Construction Site Pollutant Control Program
Section 2.4 WPDES Permit No. WI-S050075-3
Permit Start Date May 1, 2019
February 2020

Since 1998, the City of Appleton has progressively addressed erosion control issues. The City has an Erosion and Sediment Control Ordinance, an established program and a full-time erosion control inspector assigned to administer the program. This document describes the program as required in the Permit from the Wisconsin Department of Natural Resources (WDNR).

Funding for this program is through the City of Appleton Stormwater Utility.

This document will be kept in the Inspections Division of the Department of Public Works (DPW) located on the fifth floor of City Center, 100 N. Appleton Street, Appleton, Wisconsin.

Bold text is permit language.

## 2.4 Construction Site Pollutant Control

**The permittee shall continue to implement and enforce its program to reduce the discharge of sediment and construction materials from construction sites. The permittee shall implement the following measureable goals:**

### 2.4.1 Construction Site Ordinance

**An ordinance or other regulatory mechanism to require erosion and sediment control at construction sites and establish sanctions to ensure compliance. At a minimum, the ordinance or other regulatory mechanism shall establish or include:**

**a. Applicability and jurisdiction, pursuant to the authority provided to the permittee under Wisconsin statutes, the ordinance shall apply to all construction sites with one acre or more of land disturbance, and to sites of less than one acre if they are part of a larger common plan of development or sale.**

**b. Requirements for design and implementation of erosion and sediment control practices consistent with the criteria of those approved by the Department.**

**c. Construction site performance standards equivalent to those in ss. NR 151.11(6m), (7) and (8) and 151.23(4m), (5) and (6) Wis. Adm Code, to achieve the following measurable goals:**

**(1) BMPs for construction sites that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.**

**(2) BMP's for transportation facilities that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from the initial grading to final stabilization.**

**d. Erosion and sediment control plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.46 Wis. Adm. Code.**

**e. Inspection and enforcement authority.**

**f. Requirements for construction site operators to manage waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site to reduce adverse impacts to waters of the state.**

The City of Appleton Erosion and Sediment Control Ordinance was originally effective January 1, 1999 and subsequently updated January 2005, January 2012 and June 2016. Ordinance updates followed the model WDNR ordinance available at the time. The ordinance has always been more stringent than the WDNR model ordinance, requiring permits for disturbed areas of two thousand (2,000) square feet or larger. The 2020 ordinance update includes the new requirements of Section 2.4.1.

The ordinance is Chapter 24 of the Municipal Code. It is available at DPW - Inspections and on the City's website, as periodically updated.

**2.4.2 Erosion and Sediment control plan review.**

**Written procedures for construction site plan review which incorporate consideration of potential water quality impacts. Preconstruction erosion control plan reviews shall be conducted for all construction sites with greater than one acre of land disturbance.**

Erosion and sediment control permits are required for all land disturbing activities exposing 2000 sq. ft. or more of the soil surface, including but not limited to, clearing/grubbing, demolition, excavating, filling and grading activities, with the exception of one and two family construction, where permits are required only when land disturbance is one acre or more. DPW - Inspections addresses one and two family construction for sites disturbing less than one acre per the Uniform Dwelling Code. Permit applications are available at DPW - Inspections, the Community & Economic Development Department – Planning Division, and on the City of Appleton website. The City of Appleton Erosion Control Inspector is responsible for reviewing all plans requiring a permit. Plans are submitted to the Community & Economic Development Department – Planning Division when the project is required to go through the City site plan review process, and directly to DPW - Inspections when no site plan is required.

The City uses a checklist that is consistent with the ordinance to review and prepare plans. The checklist is attached to this document. The checklist was updated per the 2020 ordinance update.

Once a plan is received by DPW - Inspections, the plan review process is as follows:

A. The Erosion Control Inspector reviews the plan for conformance with the erosion and sediment control ordinance within 20 working days of receipt and responds one of the following ways:

   1. Contacts the applicant in writing and requests revisions necessary for approval. Reviews re-submittals within 20 working days of receipt.

   2. Approves the plan, assigns permit number, signs the permit application and enters plan information into the PermiTrack on-line system (generally sites one acre or more) or the AS400 system (generally sites less than one acre) for tracking purposes.

   3. Notifies the Community & Economic Development Department – Planning Division of the erosion & sediment plan approval when the plan is part of the City site plan review process. Notifies the permit applicant of approval when the City site plan is not required.

   4. Returns a copy of the approved permit application to the applicant, which indicates the plan and permit are approved.

   The duration of the permit is for a period of one (1) year, or the length of any corresponding building permit, whichever is longer, from the date of issuance.

B. Plans for DPW - Engineering projects requiring a permit are prepared by the Project Engineer with the assistance of the Erosion Control Inspector in accordance with the erosion and sediment control ordinance and City of Appleton standard construction specifications. For projects designed by a consultant for DPW-Engineering, the consultant prepares the plan and submits it to the Erosion Control Inspector for review. The Erosion Control Inspector issues permits for DPW - Engineering projects and enters the information into the AS400 system for tracking. The Erosion Control Inspector is invited to all preconstruction meetings for DPW projects.

   Appleton standard construction specifications for Erosion Control and Vegetative Restoration are based on the WDNR technical standards and updated every two years. Any necessary changes between official updates of the specifications are included in project Special Provisions.

**2.4.3 Administrative procedures.**

**Written procedures for the administration of the construction site pollutant control program including the process for obtaining local approval, managing and responding to complaints, tracking regulated construction sites, and construction site plan receipt and consideration of information submitted by the public.**

A. Administration of the erosion & sediment control program is by DPW– Inspections under the authority and requirements of Chapter 24 of the City of Appleton Municipal Code (Erosion & Sediment Control Ordinance). All revisions to the ordinance are reviewed and approved by the Utilities Committee and Common Council.

B. The process for obtaining plan approval is documented in Section 2.4.2.

C. Complaints are logged into the AS400 system and routed to the erosion control inspector for a site inspection and any necessary follow up action. Inspection notes and follow up activities are documented in the AS400 system.

D. Regulated construction sites are tracked on either the PermiTrack or the AS400 system. Non-compliance orders are entered into the AS400 system and tracked through weekly code enforcement meetings.

E. Plan received for review are logged into a Word chart under the DPW - Inspections drive on the City's server. This log is available for a limited amount of staff to edit and various staff as "read only".

F. Information submitted by the public regarding this program can be submitted many ways. In general, this information would be reviewed by the Erosion Control Inspector and the Inspections Supervisor. Any changes to the program resulting from this information would be documented and provided to the WDNR.

**2.4.4 Construction site inspections and enforcement.**

**Written procedures for construction site inspection and enforcement of erosion and sediment control measures. By April 1, 2020, at a minimum, the procedures shall establish:**

**a. Municipal departments or staff responsible for construction site inspections and enforcement.**

The DPW - Inspections is responsible for inspection and enforcement of the Erosion and Sediment Control Ordinance. A full time Erosion Control Inspector position has been in place and staffed since 1999.

b. **Construction site inspection frequency. The permittee shall inspect all construction sites, at a minimum, in accordance with the frequency specified in** [the following table:]

| Site | Inspection Frequency |
|---|---|
| **(1) All sites one acre or more in size** | • **New projects shall be inspected within the first two weeks of commencement of land disturbing activity**<br>• **All active sites shall be inspected at least once every 45 days**<br>• **All inactive sites shall be inspected at least once every 60 days** |
| **(2) Follow up inspection** | • **Follow up inspections are required within 7 days of any sediment discharge or inadequate control measure, unless corrections were made and observed by the inspector during the initial inspection or corrections were verified via photographs submitted to the inspector** |
| **(3) Final Inspection** | • **Confirm that all graded areas have reached final stabilization and that all temporary control measures are removed, and permanent stormwater management BMPs are installed as designed.** |

New projects of one acre or more are inspected within the first two weeks of the beginning of construction. Routine inspection of active sites occurs every 45 days, monthly when possible. Inactive sites are inspected every 60 days. Priority is given to sensitive or high risk areas, with the size of the site not necessarily corresponding to the risk. When DPW – Inspections is notified of a discharge or when an inspection identifies deficiencies in on-site erosion control measures, the responsible party is notified of needed corrections and deadlines for making corrections. Follow up inspections are made within 7 days. Inspections continue until final site stabilization occurs and erosion control measures are removed.

Verification that permanent stormwater BMPs are installed as designed is handled by DPW - Engineering under section 2.5 of the permit.

**c. Construction site inspection documentation. Compliance with the inspection requirements in 2.4.4.a and b. above, shall be determined by proper documentation and maintenance of records of an established inspection program designed to inspect all sites.**

Inspections are documented on the PermiTrack or the AS400 system. Inspection information includes the inspection date, address of site, reason for inspection, permit number, whether it passed or failed, and details of any violations or miscellaneous information. Enforcement action is documented in the AS400 system.

Photos are taken of practices not in compliance with the approved plan and stored on the City server.

**d. Enforcement mechanisms that will be used to obtain compliance.**

The stepped enforcement process is as follows:

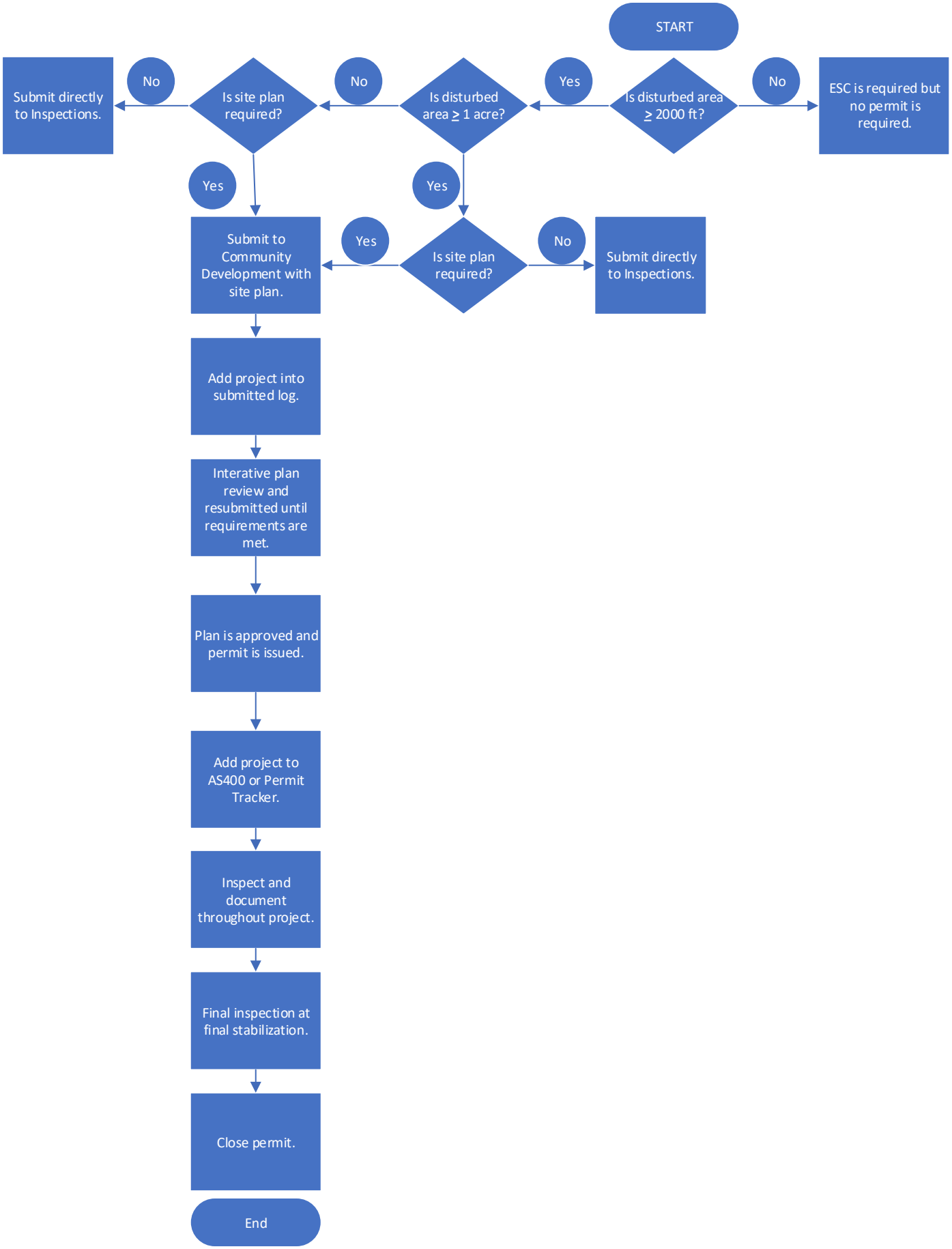
1. Verbal notice is immediately given to the construction manager along with the list of required corrections and the date of compliance. A formal written notice of non-compliance is issued to the owner of the property, with a copy to the construction manager. The compliance date and required corrections are listed on the notice. The compliance time may vary from immediate action to typically 2 or 3 days, depending on the severity of the violation or impending weather.
2. A re-inspection will take place to determine if adequate corrections have been made, and one of the following will occur:

    a. The corrections are made and approved – case will be closed.
    b. If no corrective action has been made, a stop work order will be issued. If corrections still have not been made within 1 week of the Stop Work Order, or a weather event has caused sediment runoff offsite, a citation will be issued. Further citations will be issued until corrective action is taken and approved.
    c. If a significant amount of time has passed and the corrections are still not made, the City of Appleton may make the required corrections and assess the costs to the property owner in order to bring the site into compliance.

ATTACHMENTS

Flow Chart
Checklist
Ordinance

2.4 Construction Site Pollutant Control
DRAFT-January 14, 2020



# 2020 EROSION & SEDIMENT CONTROL PLAN REVIEW CHECKLIST

**Site Name:** **Address:**
**Date:** **Site Plan #** **Reviewed By:**

1. Erosion & Sediment Control Application

| Shown | Shown But Incomplete | Not Shown | N/A | Required Item |
|---|---|---|---|---|
| ☐ | ☐ | ☐ | ☐ | Fee (Less than 1 ac. - $100, 1 to 10 acs. - $150, 10+ acs. - $200) |
| ☐ | ☐ | ☐ | ☐ | Owner name, address, phone #, e-mail and signature |
| ☐ | ☐ | ☐ | ☐ | Applicant name, address, phone, e-mail and signature |
| ☐ | ☐ | ☐ | ☐ | Name & address of consulting professional and firm |
| ☐ | ☐ | ☐ | ☐ | Start and end date for construction |
| ☐ | ☐ | ☐ | ☐ | Description of construction activity |
| ☐ | ☐ | ☐ | ☐ | Total area of site and estimated area of disturbance |
| ☐ | ☐ | ☐ | ☐ | Contractor - Project Manager & Superintendent, phone & e-mail |

2. Erosion & Sediment Control Plan Statement - Written Narrative & Attachments

| Shown | Shown But Incomplete | Not Shown | N/A | Required Item |
|---|---|---|---|---|
| ☐ | ☐ | ☐ | ☐ | Description of the site, project, & development schedule |
| ☐ | ☐ | ☐ | ☐ | List all BMP's to be used, including corresponding DNR Technical Standard (if applicable). |
| ☐ | ☐ | ☐ | ☐ | Intended sequence of major land disturbing activities with anticipated dates including construction & erosion/sediment control activities. Include at a minimum: trackout control, inlet protection, ditch checks (check proper separation distance considering slope, soil type and flow velocity), channel stabilization, clean water diversions, overland flow BMPs, sediment traps/basins, stockpile management, permanent stabilization, waste management, etc. |
| ☐ | ☐ | ☐ | ☐ | Describe temporary and permanent soil stabilization practices. Include anticipated schedule for implementation (e.g., phasing of construction, temporary stabilization (seed, mulch, etc.), stockpile management, final stabilization, erosion matting, etc). |
| ☐ | ☐ | ☐ | ☐ | Phasing of project to limit amount of disturbed soil at any one time |
| ☐ | ☐ | ☐ | ☐ | Description of existing surface/subsurface soil (USDA–NRCS Soil Survey). |
| ☐ | ☐ | ☐ | ☐ | Show limits of land disturbance shown on USGS 7.5 minute series topographic map (for sites 1 or more acre in size). |
| ☐ | ☐ | ☐ | ☐ | Name of immediate receiving water from 7.5 minute series USGS topographic map. |
| ☐ | ☐ | ☐ | ☐ | Depth to nearest seasonal high groundwater elevation/top of bedrock on sites where permanent infiltration is to occur. |
| ☐ | ☐ | ☐ | ☐ | Verification of DNR WRAPP (NOI) permit application for projects where one or more acres will be disturbed. |
| ☐ | ☐ | ☐ | ☐ | DNR Soil Loss Worksheet & DNR required attachments (NOI sites only) |
| ☐ | ☐ | ☐ | ☐ | Submit ALL supporting calculations for structural BMPs to demonstrate that BMP designs meet standards. Include calculated dewatering times for sediment basins, etc. |

| | | | | |
|---|---|---|---|---|
| ☐ | ☐ | ☐ | ☐ | Verify BMP's designed per DNR Technical standards |

3. Erosion & Sediment Control Site Map/Plan View

| Shown | Shown But Incomplete | Not Shown | N/A | Required Item |
|---|---|---|---|---|
| ☐ | ☐ | ☐ | ☐ | Scaled at 100 feet per inch or less and contour interval at 2 feet or less. |
| ☐ | ☐ | ☐ | ☐ | Alphanumeric or equivalent grid overlying site map - sites 1 acre or more |
| ☐ | ☐ | ☐ | ☐ | Existing topography, surface cover, drainage systems, and surface waters on and adjacent to the site (show enough of adjacent properties to show runoff patterns onto, through, and from the site). |
| ☐ | ☐ | ☐ | ☐ | Locations and delineation of on-site and potentially impacted adjacent wetlands. |
| ☐ | ☐ | ☐ | ☐ | Existing and planned buildings, roads, and all utilities. |
| ☐ | ☐ | ☐ | ☐ | Location of soil types (USDA – NRCS Soil Survey). |
| ☐ | ☐ | ☐ | ☐ | Boundary of the project site. |
| ☐ | ☐ | ☐ | ☐ | Boundary of the disturbed area (phasing boundaries shown if applicable). |
| ☐ | ☐ | ☐ | ☐ | Existing and planned locations where storm water is discharged from site (surface and subsurface). |
| ☐ | ☐ | ☐ | ☐ | Trackout control at all egress driveways. |
| ☐ | ☐ | ☐ | ☐ | Concrete truck washout containment location |
| ☐ | ☐ | ☐ | ☐ | Perimeter control measures (silt fencing, earthen berms, etc.). |
| ☐ | ☐ | ☐ | ☐ | Storm drain inlet protection (on-site and off-site if needed). |
| ☐ | ☐ | ☐ | ☐ | Ditch checks. |
| ☐ | ☐ | ☐ | ☐ | Stockpile locations and control measures. |
| ☐ | ☐ | ☐ | ☐ | Clean water diversions. |
| ☐ | ☐ | ☐ | ☐ | Sediment traps or sediment basins. |
| ☐ | ☐ | ☐ | ☐ | Velocity dissipation at outfalls. |
| ☐ | ☐ | ☐ | ☐ | Stabilization of steep slopes (erosion mat needed?). |
| ☐ | ☐ | ☐ | ☐ | Stabilization of drainage ways (erosion mat needed?). |
| ☐ | ☐ | ☐ | ☐ | Detail sheets of all BMP's as applicable (inlet protection, tracking pad, perimeter control, concrete truck washout containment, sediment basins or traps with all design parameters shown, ditch checks, etc.) |
| ☐ | ☐ | ☐ | ☐ | Temporary and permanent soil stabilization practices (seed, mulch, etc.). |
| ☐ | ☐ | ☐ | ☐ | Roof water downspout protection. |
| ☐ | ☐ | ☐ | ☐ | Site dewatering provisions per DNR technical standard. |
| ☐ | ☐ | ☐ | ☐ | Provisions for cleaning up off-site sediment deposits and list how often. |
| ☐ | ☐ | ☐ | ☐ | Provisions to minimize airborne dust leaving site. |
| ☐ | ☐ | ☐ | ☐ | Provisions for disposal of construction and waste materials. |
| ☐ | ☐ | ☐ | ☐ | Planned final site conditions, including landscaping. |

4. Stormwater Management Plan (Post Construction) – As Required in Code Sec. 24-30 (i)

| Identified | Identified but Not Complete | Not Identified | Not Applicable | Required Item |
|---|---|---|---|---|
| ☐ | ☐ | ☐ | ☐ | Long-term Stormwater Management Acknowledgement form signed by the owner of the site. This form simply acknowledges that the owner is aware of the stormwater requirements for the site per Wis. Adm. Code NR 216. *This is required for disturbed sites less than of one (1) acre.* |
| ☐ | ☐ | ☐ | ☐ | Sites of one (1) or more acres are subject to the Stormwater Management Standards and Planning Ordinance requirements in Article VI of Chapter 20 of the City of Appleton Municipal Code. |