

CHAPTER 152: STORMWATER MANAGEMENT

Section

General Provisions

- 152.01 Statutory authority
- 152.02 Statement of purpose
- 152.03 Definitions

Permits

- 152.15 Land disturbance permits required
- 152.16 Building permit
- 152.17 Exemptions
- 152.18 Waivers
- 152.19 Conditions for waiver
- 152.20 Land disturbance permit not to be issued where waiver requested
- 152.21 Application for a land disturbance permit
- 152.22 Review and approval of application
- 152.23 Performance bond or performance security
- 152.24 Permit duration

Plan Requirements

- 152.35 BMP manual for stormwater pollution prevention plan
- 152.36 Standards and performance criteria for stormwater pollution prevention plans
- 152.37 Erosion and sediment control plan requirements
- 152.38 Stormwater management plan requirements
- 152.39 Landscaping and stabilization requirements
- 152.40 Construction, maintenance, inspection, and reporting responsibility
- 152.41 Records of installation and maintenance activities
- 152.42 Failure to meet or maintain design or maintenance standards
- 152.43 Existing locations and developments
- 152.44 Inspection of existing facilities
- 152.45 Illicit discharges
- 152.46 Prohibition of illicit connections
- 152.47 Elimination of stormwater pollutants by the use of best management practices
- 152.48 Notification of spills

GENERAL PROVISIONS

§ 152.01 STATUTORY AUTHORITY.

(A) This chapter shall be known, and may be cited, as the County Stormwater Management Ordinance.

(B) The County Board adopts this chapter pursuant to its authority to regulate stormwater management and govern the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the county, in accordance with the County Comprehensive Countywide Stormwater Management Plan. The statutory authority for this chapter is contained in 55 ILCS 5/5-1041, 5-1042, 5-1049, 5-1062, 5-1063, 5-1104, 5-12003 and 5-15001 et seq., and 415 ILCS 5/43, and other applicable authority, all as amended from time to time.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.02 STATEMENT OF PURPOSE.

The purpose of this chapter is to protect, maintain, and enhance the environment of the county and the public health, safety, and welfare of the citizens of the county by controlling discharges of pollutants to the county's stormwater system, by maintaining and improving the quality of the receiving waters into which the stormwater outfalls flow, including without limitation lakes, rivers, streams, ponds, wetlands, and groundwater of the county, and to enable the county to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations for stormwater discharges in 40 C.F.R. § 122.26.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.03 DEFINITIONS.

Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of *Webster's Dictionary*. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person designated by the permitting authority to administer and enforce this chapter.

AGRICULTURAL. Related to or used for the production of food and fiber, including but not limited to general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out those activities.

APPLICANT. Any person who submits an application for a permit under this chapter.

AS-BUILT PLANS. Drawings depicting conditions as they were actually constructed.

BEST MANAGEMENT PRACTICES or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. **BMPs** also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CHANNEL. A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

COMMENCEMENT OF CONSTRUCTION. The initial disturbances of soils associated with clearing, grading, or excavating

activities or other construction activities.

COMMUNITY WATER. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the county.

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL. Preventing or reducing soil erosion and sedimentation from land disturbing activity, whether naturally occurring or acting in connection with or promoted by human-made activities or effects.

CONTAMINANT. Any physical, chemical, biological, or radiological substance or matter in water.

DESIGN STORM EVENT. A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design as associated with stormwater runoff.

DISCHARGE. Dispose, deposit, spill, pour, inject, seep, dump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

EASEMENT. An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality, or other legal entity has in the land of another.

EROSION (SOIL EROSION). The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

EROSION AND SEDIMENT CONTROL PLAN. A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

EXCAVATION. 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 resulting conditions.

EXISTING DEVELOPMENT. Buildings and other structures and impervious area existing prior to adoption of this chapter.

FILL. 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 resulting conditions.

FINAL STABILIZATION. The soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

HOT SPOT or PRIORITY AREA. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

ILLICIT CONNECTIONS. Illegal and/or unauthorized connections to the municipal separate stormwater system, whether or not the connections result in discharges into that system.

ILLICIT DISCHARGE. Any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted in § 152.45.

IMPERVIOUS SURFACE. Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways, and parking lots. For purposes of this chapter, all road, driveway, or parking surfaces, including gravel surfaces, shall be considered **IMPERVIOUS**, unless specifically designed to encourage infiltration and approved by the local approval authority.

INCIDENT OF NONCOMPLIANCE or ION. A violation of the stormwater pollution prevention plan observed during an inspection at a construction site.

LAND DISTURBING ACTIVITY. Any land alterations or activities that may result in soil erosion, sedimentation, or change in runoff, including but not limited to removal of ground cover, grading, excavating, and filling of land.

MAINTENANCE. Any activity necessary to keep a stormwater facility in good working order so as to function as designed. **MAINTENANCE** shall include complete reconstruction of a stormwater facility if reconstruction is needed to restore the facility to its original operational design parameters. **MAINTENANCE** shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

MAINTENANCE AGREEMENT. A document recorded in the land records that acts as property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL SEPARATE STORMWATER SYSTEM. The conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, human-made channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT. A permit issued pursuant to 33 U.S.C. § 1342.

NEW DEVELOPMENT. Structural development, including construction of a new building or other structures; expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure; land disturbing activities; or creation or expansion of impervious surface.

NON-STRUCTURAL BMPS. Institutional and pollution prevention type practices through education and source control, recycling, and maintenance that prevent pollutants from entering stormwater runoff or reduce the volume of stormwater requiring management.

NOTICE OF INTENT or NOI. The completed permit form submitted to the State Environmental Protection Agency in accordance with its rules and regulations for the authorization to discharge stormwater from a construction site.

NOTICE OF TERMINATION or NOT. The completed form submitted to the State Environmental Protection Agency in accordance with its rules and regulations where a construction site has been finally stabilized and all stormwater discharges from the construction site authorized under a notice of intent are eliminated.

OFF-SITE FACILITY. A structural BMP located outside the subject property boundary described in the permit application for land development activity.

ON-SITE FACILITY. A structural BMP located within the subject property boundary described in the permit application for land development activity.

PEAK FLOW. The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

PERSON. Any and all persons, natural or artificial, including any individual, firm, or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

PERVIOUS SURFACE. Any land cover that permits rain or melting snow to soak into the ground.

PRIORITY AREA. Hot spot; see definition for Hot spot.

QUALIFIED PERSON or QUALIFIED PERSONNEL. A person or personnel knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of stormwater discharges from the construction activities.

RUNOFF. The portion of the precipitation on a drainage area that is discharged from the area into the county separate stormwater system.

SEDIMENT. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest at a different site.

SEDIMENTATION. The deposition of eroded soils at a site different from the one where the erosion occurred.

SITE. The bounded area described in an erosion control plan or stormwater management plan.

SOILS REPORT. A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The **SOILS REPORT** shall be prepared by a qualified person, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

STABILIZATION. Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

STORM EVENTS. The runoff, rainfall, or flood occurrence having a probability of being equaled or exceeded in any given year (e.g., a two-year event has a 50% probability of being equaled or exceeded in a given year; a ten-year event has a 10% probability; a 100-year event has a probability of 1%, and the like).

STORMWATER. The flow of water which results from, and which occurs during and immediately following, a rainfall, snow-melt, or ice-melt event.

STORMWATER MANAGEMENT. Any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff after land development activities.

STORMWATER MANAGEMENT PLAN. The set of drawings and other documents including the erosion and sediment plan that is part of the stormwater pollution prevention plan (SWPPP) that comprise the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques to be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed.

STORMWATER MANAGEMENT SYSTEM. All publicly or privately owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, county streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER POLLUTION PREVENTION PLAN or SWPPP. A written document which describes the best management practices and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable and assure compliance with NPDES Permit No. ILR 10 and ILR 40.

STORMWATER RUNOFF. The waters derived from rains falling or snow-melt or ice-melt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses, or conduits.

STRUCTURAL BMPS. Practices to divert flows from exposed soils, store flows or otherwise limit runoff, and the discharges of pollutants from exposed areas of a construction site.

SURFACE WATER. Includes waters upon the surface of the earth in bounds created naturally or artificially, including but not limited to streams, other watercourses, lakes, and reservoirs.

TOTAL MAXIMUM DAILY LOAD or TMDL. The sum of the individual waste load allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If a receiving water has only one point source discharger, the **TMDL** is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. **TMDLs** can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

WATERCOURSE. A permanent or intermittent stream or other body of water, either natural or human-made, which gathers or carries surface water.

WATERSHED. All the land area that contributes runoff to a particular point along a waterway.

(Res. O-62-9-06, passed 9-14-2006)

PERMITS

§ 152.15 LAND DISTURBANCE PERMITS REQUIRED.

(A) Every person shall comply with the county stormwater policy for runoff control.

(B) In addition, a land disturbance permit will be required to be obtained from the County Planning and Zoning Department in the following cases:

(1) Land disturbing activity disturbs one or more acres of land;

(2) Land disturbing activity of less than one acre of land, if the activity is part of a larger common plan of development that affects one or more acres of land;

(3) Land disturbing activity of less than one acre of land if, in the discretion of the County Planning and Zoning Department, the activity poses a unique threat to water, or public health or safety because the activity by itself or of a cumulative effect negatively impacts water quality;

(4) The creation and use of borrow pits; and

(5) The creation and use of stockpiles greater than 50 cubic yards in volume.

(Res. O-62-9-06, passed 9-14-2006; Ord. O-88-1-11, passed 1-13-2011)

§ 152.16 BUILDING PERMIT.

No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this chapter.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.17 EXEMPTIONS.

The following activities are exempt from the land disturbance permit requirement:

(A) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

(B) Additions or modifications to existing single-family structures not subject to the minimum standards as set forth in § 152.15;

(C) Existing agricultural use of land involving:

(1) Any activity directly related to the planting, growing, and harvesting of agricultural crops;

(2) Implementation of conservation measures approved by the USDA-NRCS and the County Soil and Water Conservation District; or

(3) The construction of agricultural structures not subject to the minimum standards as set forth in § 152.15.

(D) Industrial activities having separate NPDES stormwater permits that are current and for which they are in compliance.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.18 WAIVERS.

Every applicant shall provide a stormwater pollution prevention plan as required by this chapter, unless a written request is filed to waive this requirement. Requests to waive the stormwater pollution prevention plan requirements shall be submitted to the County Planning and Zoning Department for approval.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.19 CONDITIONS FOR WAIVER.

The minimum requirements for the stormwater pollution prevention plan may be waived in whole or in part upon written request of the applicant, provided at least one of the following conditions applies:

(A) It can be demonstrated the proposed development is not likely to impair attainment of the objectives of this chapter;

(B) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the County Planning and Zoning Department;

(C) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility; or

(D) It is demonstrated to the satisfaction of the County Planning and Zoning Department that the waiver will not lead to any of the following conditions downstream:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Accelerated streambank or streambed erosion or siltation;
- (3) Increased threat of flood damage to public health, life, or property; or
- (4) Degradation of biological functions or habitat.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.20 LAND DISTURBANCE PERMIT NOT TO BE ISSUED WHERE WAIVER REQUESTED.

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater pollution prevention plan.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.21 APPLICATION FOR A LAND DISTURBANCE PERMIT,

(A) Each application shall include the following:

- (1) The name, address, and telephone number of the property owner;
- (2) The address and legal description of the subject property, including the tax parcel number of the subject property;
- (3) Name, address, and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
- (4) A description of the nature, extent, and purpose of the land disturbing activity, including the size of the area for which the permit will be applicable;
- (5) A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading);
- (6) The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);
- (7) Copy of the notice of intent submitted, if required, to the State Environmental Protection Agency; and
- (8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not prohibit the county from imposing additional development requirements and conditions, commensurate with this chapter, on the development of property covered by those permits.

(B) Each application shall be accompanied by:

- (1) A stormwater pollution prevention plan as required by NPDES IL R10 plus the additional information required by the county. The plan shall include:
 - (a) An erosion and sediment control plan as set forth in § 152.37; and
 - (b) A stormwater management plan as set forth in § 152.38, providing for stormwater management during the construction and after the construction has been finished.
- (2) Payment of land disturbance permit and other stormwater management pollution prevention plans fees, which shall be set by separate resolution or ordinance.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.22 REVIEW AND APPROVAL OF APPLICATION.

(A) The County Planning and Zoning Department will review each application for a land disturbance permit to determine its

conformance with the provisions of this chapter. The County Planning and Zoning Department shall provide one of the following responses to the applicant:

(1) Approval of the permit application;

(2) Approval of the permit application, subject to any reasonable conditions as may be necessary to substantially secure the objectives of this chapter, and issue the permit subject to these conditions; or

(3) Denial of the permit application, indicating the reason(s) for the denial.

(B) If the County Planning and Zoning Department has granted conditional approval of the land disturbance permit, the applicant shall submit a revised plan that conforms to the conditions established by the County Planning and Zoning Department. However, the applicant shall be allowed to proceed with his or her land disturbing activity so long as it conforms to conditions established by the County Planning and Zoning Department.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.23 PERFORMANCE BOND OR PERFORMANCE SECURITY.

(A) The county shall, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit to ensure the permit holder conforms to the conditions and requirements of the approved stormwater pollution prevention plan. The amount of the performance security or performance bond shall be the total estimated construction cost of the structural and non-structural BMPs approved under the permit plus 10% of the total estimated costs. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater pollution prevention plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment, or rejection by the County Planning and Zoning Department. Alternatively the County Planning and Zoning Department shall have the right to calculate the cost of construction cost estimates.

(B) The performance security or performance bond shall be submitted and accepted by the County Planning and Zoning Department prior to the issuance of a building permit by the county.

(C) The performance security or performance bond shall be released in full only upon submission of record drawings and written certification by a registered professional engineer licensed to practice in this state that the structural and non-structural BMPs have been installed in accordance with the approved plan and other applicable provisions of this chapter. The County Planning and Zoning Department will make a final inspection of the BMPs to ensure it is in compliance with the approved plan and the provisions of this chapter prior to the release of the performance bond or performance security. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the County Planning and Zoning Department.

(D) Occupation permits will not be granted until all corrections to all BMPs have been made and accepted by the County Planning and Zoning Department.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.24 PERMIT DURATION.

Every land disturbance permit shall expire and become null and void if substantial work authorized by the permit has not commenced within 180 calendar days of issuance, or is not complete within 365 calendar days from the date of the commencement of construction.

(Res. O-62-9-06, passed 9-14-2006)

PLAN REQUIREMENTS

§ 152.35 BMP MANUAL FOR STORMWATER POLLUTION PREVENTION PLANS.

The county adopts as its best management practices (BMP) manual the following publications, which are incorporated by reference

in this chapter as is fully set out herein:

(A) *Illinois Urban Manual*, latest amendment prepared by the United States Department of Agriculture (USDA), Natural Resources Conservation Services (NRCS). This manual includes a list of acceptable BMPs including the specific design criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the county, upon the recommendation of the County Planning and Zoning Department, based on improvements in engineering, science, and monitory and local maintenance experience. Stormwater facilities that are designed, constructed, and maintained in accordance with these BMP criteria will be presumed to comply with requirements of NPDES Permit No. IL R10;

(B) *Illinois Procedures and Standards for Urban Soil Erosion and Sediment Control*, commonly referred to as the "Green Book", latest version, developed through the efforts of the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee, chaired by Mr. James K. Michels, P.E.;

(C) State Department of Transportation Erosion Control/NPDES Guidelines;

(D) The county stormwater policy; and

(E) Other publications pertaining to best management practices and/or erosion and sediment control as may be approved, in writing, by the County Planning and Zoning Department.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.36 STANDARDS AND PERFORMANCE CRITERIA FOR STORMWATER POLLUTION PREVENTION PLANS.

Unless granted a waiver or judged by the County Planning and Zoning Department to be exempt, the following performance criteria shall be addressed for the stormwater pollution prevention plan to permanently reduce or minimize the negative aspects of stormwater runoff after land development activities at all sites.

(A) All site designs shall control the stormwater discharge in compliance with county requirements.

(B) The stormwater pollution prevention plan shall be designed, at a minimum, for a storm event equal to or greater than a 25-year, 24-hour rainfall event.

(C) The management practices, controls, and other provisions contained in the stormwater pollution prevention plan must be at least as protective as the requirement contained in the *Illinois Urban Manual*.

(D) Watercourses shall be protected from degradation through the application of recommended design and construction guidelines in the BMP manual.

(E) Prior to or during the site design process, applicants for land disturbance permits shall consult with the County Planning and Zoning Department to determine if they are subject to additional stormwater pollution prevention plan requirements which may include stormwater discharges:

(1) To waters for which there is a TMDL allocation for sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation);

(2) To waters listed in the Illinois 2004 303(d) list. This includes Lake Decatur and its tributaries, the Sangamon River below the Lake Decatur Dam and Stevens Creek;

(3) To critical areas with sensitive resources (i.e., swimming beaches, recharge areas, water supply reservoirs) that may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater pollution prevention practices;

(4) From "hot spots" that may require the application of specific structural BMPs and pollution prevention practices.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.37 EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

(A) The erosion and sediment control plan shall accurately describe the potential for soil erosion and sedimentation problems

resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length in time and the complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a qualified person.

(B) The plan shall also conform to the requirements found in the BMP manual as referenced in § 152.35, and shall include at least the following:

- (1) Project description. Briefly describe the intended project and proposed land disturbing activity, including number of units and structures to be constructed and infrastructure required;
- (2) A topographic map with contour intervals of five feet or less showing present conditions and proposed contours resulting from land disturbing activity;
- (3) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or floodplains;
- (4) A general description of existing land covers. Individual trees and shrubs do not need to be identified;
- (5) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately;
- (6) Approximate limits of proposed clearing, grading, and filling;
- (7) Approximate flows and location of existing stormwater leaving any portion of the site;
- (8) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics;
- (9) Location, size, and layout of proposed stormwater and sedimentation control improvements;
- (10) Proposed drainage network;
- (11) Proposed drain tile or waterway sizes;
- (12) Approximate flows leaving site after construction and incorporating water runoff mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development. When flows are concentrated, the plan must address the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, and the like, are going to be used to prevent the scouring of waterways and drainage areas off-site, and the like;
- (13) The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural or non-structural BMPs;
- (14) Specific remediation measures to control erosion and sedimentation runoff. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan;
- (15) Specific details for the construction of rock pads, wash-down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the County Planning and Zoning Department. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the County Planning and Zoning Department. Failure to remove the sediment, soil, or debris shall be deemed a violation of this chapter;
- (16) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures, or development on the site; and
- (17) Requirement that qualified personnel shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles or equipment enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is one-half inch or greater or equivalent snowfall.

(Res. O-62-9-06, passed 9-14-2006) Penalty, see § 152.99

§ 152.38 STORMWATER MANAGEMENT PLAN REQUIREMENTS.

(A) The stormwater management plan shall include sufficient information to allow the County Planning and Zoning Department to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site.

(B) To accomplish this goal, the stormwater management plan shall be prepared in accordance with the county storm drainage policy and include the following:

(1) Soils information; when a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be prepared by a qualified person and submitted with the plan. The soils report shall be based upon on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure;

(2) A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility using the North American Vertical Datum of 1988 (NAVD);

(3) A landscaping plan detailing the revegetation of the site after the construction is finished as set forth in § 152.39;

(4) A maintenance plan for all stormwater management facilities to ensure the continued performance of the facilities subject to the approval of the County Planning and Zoning Department. The plan shall:

(a) Identify the parts or components of the facilities that need to be maintained and inspected;

(b) Provide detailed maintenance and repair procedures for the facilities;

(c) Identify necessary training, skills, or certifications that may be required to maintain, operate, or repair any of the facilities;

(d) Provide that the minimum maintenance and repair needs include but are not limited to:

1. The removal of silt, litter, landscape wastes, and other debris which adversely impact the effectiveness of the facilities;

2. The management of landscaped areas integral to the facilities including the cutting of grass, trimming of bushes and trees or the removal of vegetation overgrowth that is not incorporated into the stormwater management plan;

3. The replacement of landscape vegetation and damaged or failed facilities;

4. The cleaning of storm drainage inlets, pipes, and structures; and

5. Revising and implementing revisions or additional maintenance procedures to address inadequacies of the facilities.

(e) Provide for the regular periodic review, inspection, and evaluation of the effectiveness of the maintenance program by qualified personnel for the purpose of documenting maintenance needs. The reviews and inspections shall be conducted at least once every year after the construction is finished;

(f) Provide for established reporting procedures; and

(g) Provide that maintenance needs are addressed in a timely manner.

(5) An executed maintenance agreement as agreed to by the County Planning and Zoning Department that assigns the responsibility for compliance with the maintenance plan required in division (B)(4) of this section to the owner of the property on which the stormwater facilities are located to ensure compliance with the purpose and requirements of this chapter. The agreement shall be a part of the owner's declaration and by appropriate notation referenced on the plat and:

(a) Include as part of the agreement the maintenance plan as approved by the County Planning and Zoning Department;

(b) Provide that the property owner will arrange to have the periodic inspection of the stormwater facilities specified in the maintenance plan conducted by a qualified person who will submit a sealed report of the inspection to the County Planning and Zoning Department;

(c) Grant permission to the County Planning and Zoning Department to enter the property at reasonable times and inspect the stormwater facility to ensure that it is being properly maintained;

(d) Provide that the property owner shall be responsible for additional maintenance needs consistent with the needs and standards outlined in the *Illinois Urban Manual*;

(e) Provide that maintenance needs must be addressed in a timely manner, on a schedule determined by the County Planning and Zoning Department; and

(f) Provide that if the property is not maintained in compliance with the approved schedule, the County Planning and Zoning Department shall have the authority to have the maintenance work performed at the county's expense and bill the same to the property owner, which shall be a lien against the property.

(6) Dedication of easements necessary to ensure access to the site for the purpose of maintenance and inspection of the stormwater management facilities. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded as a commitment against the property; and

(7) The county shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided the facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the county must also meet the county's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.39 LANDSCAPING AND STABILIZATION REQUIREMENTS.

(A) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a plan approved by the County Planning and Zoning Department.

(B) A plan for establishing permanent vegetative cover to stabilize disturbed or exposed areas must be submitted with the stormwater pollution prevention plan. The plan shall describe the vegetative stabilization and management techniques to be used at a site after construction is completed using BMPs. This plan will explain how the site will be stabilized after construction, who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure adequate vegetative cover is preserved.

(C) Where it is required by the BMP, this plan must be prepared by a registered landscape architect in this state.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.40 CONSTRUCTION, MAINTENANCE, INSPECTION, AND REPORTING RESPONSIBILITY.

(A) The permittee must notify the County Planning and Zoning Department in advance of the commencement of construction.

(B) The permittee shall have inspections of the management practices, controls, and other provisions contained in the stormwater pollution prevention plan conducted by qualified personnel acceptable to the County Planning and Zoning Department. The inspections shall be conducted and documented and written reports prepared in accordance with the NPDES Permit No. ILR 10 that contain, at a minimum, the following information:

(1) The date and location of the inspection;

(2) Name of inspector;

(3) Type of inspection. Whether it is a weekly inspection or following a precipitation event in excess of one-half inch;

(4) Name of contractor and, as applicable, subcontractors;

(5) Project name;

(6) NPDES permit number;

(7) Whether all temporary and permanent erosion and sediment controls in the stormwater pollution prevention plan (SWPPP) or as subsequently directed by County Planning and Zoning Department are in place and in compliance with the SWPPP;

(8) Whether all temporary and permanent erosion and sediment controls that have been installed are operating correctly;

- (9) Whether erosion and sediment controls are being properly maintained;
- (10) Whether there is tracking of sediment from locations where vehicles and equipment enter and leave the project site;
- (11) Whether additional controls, adjustments, or maintenance directed as a result of previous inspection have been implemented within seven calendar days; and
- (12) Any incidents of noncompliance and what corrective action has been undertaken and completed.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.41 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.

The permittee shall retain copies of the stormwater pollution plan and all reports and notices required by it, and records of all data used to satisfy the conditions of the stormwater pollution prevention plan for a period of at least three years. The county may extend this period at any time prior to the expiration of the three-year period. These records shall be made available to the County Planning and Zoning Department during inspection of the facility and at other reasonable times upon request.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.42 FAILURE TO MEET OR MAINTAIN DESIGN OR MAINTENANCE STANDARDS.

If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the County Planning and Zoning Department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing the necessary work to place the facility in proper working condition. In the event the stormwater management facility becomes a danger to the environment or the public health, safety, and welfare, the County Planning and Zoning Department shall notify, in writing, the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have seven calendar days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the county shall take necessary corrective action. The cost of any action by the county under this section shall be charged to the responsible party.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.43 EXISTING LOCATIONS AND DEVELOPMENTS.

All locations and developments at which land disturbing activities have occurred prior to the enactment of this chapter and meeting the criteria established in § 152.15 shall comply as follows.

- (A) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the County Planning and Zoning Department.
- (B) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (C) Drainage ways shall be properly covered in vegetation or secured with riprap, channel lining, and the like to prevent erosion.
- (D) Trash, junk, rubbish, and the like shall be cleared from drainage ways.
- (E) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. The control measures may include but are not limited to the following:
 - (1) Ponds:
 - (a) Detention pond;
 - (b) Extended detention pond;
 - (c) Wet pond; and
 - (d) Alternative storage measures.

- (2) Constructed wetlands;
- (3) Infiltration systems:
 - (a) Infiltration/percolation trench;
 - (b) Infiltration basin;
 - (c) Drainage (recharge) well; and
 - (d) Porous pavement.
- (4) Filtering systems:
 - (a) Catch basin inserts/media filter;
 - (b) Sand filter;
 - (c) Filter/absorption bed; and
 - (d) Filter and buffer strips.
- (5) Open channel: swale.

(F) The County Planning and Zoning Department shall in writing notify the owners of existing locations and developments of specific drainage, erosion, or sediment problems affecting the locations and developments, the actions required to correct those problems, and specify a reasonable time for compliance.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.44 INSPECTION OF EXISTING FACILITIES.

The County Planning and Zoning Department may, to the extent authorized by state and federal law, establish inspection programs to verify that stormwater management facilities, including those built before as well as after the adoption of this chapter, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the county's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.45 ILLICIT DISCHARGES.

(A) For all water generated on developed or undeveloped land entering the municipality's separate storm sewer system, no person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater.

(B) The commencement, conduct, or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (1) Uncontaminated discharges from the following sources:
 - (a) Water line and fire hydrant flushing or other potable water sources;
 - (b) Landscape irrigation water or lawn watering with potable water;
 - (c) Rising groundwater;

- (d) Groundwater infiltration;
 - (e) Pumped groundwater;
 - (f) Discharges from potable water sources;
 - (g) Foundation drains;
 - (h) Air conditioning condensate;
 - (i) Irrigation water (except for wastewater irrigation);
 - (j) Springs;
 - (k) Water from crawl space pumps;
 - (l) Footing drains;
 - (m) Storm sewer cleaning water;
 - (n) Water from individual, residential car washing;
 - (o) Routine external building washdown which does not use detergents;
 - (p) Flows from riparian habitats and wetlands;
 - (q) Dechlorinated pH neutral swimming pool discharges;
 - (r) Residual street wash water;
 - (s) Discharges or flows from firefighting activities;
 - (t) Dechlorinated water reservoir discharges;
 - (u) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed); and
 - (v) Any other uncontaminated water source.
- (2) Discharges specified in writing by the County Planning and Zoning Department as being necessary to protect public health and safety; and
- (3) Dye testing is an allowable discharge if the County Planning and Zoning Department has so specified in writing.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.46 PROHIBITION OF ILLICIT CONNECTIONS.

The construction, use, maintenance, or continued existence of illicit connections to the separate municipal storm sewer system is prohibited. This prohibition expressly includes without limitation illicit connections made in the past, regardless of whether the connection was permissible under law, or practices applicable or prevailing at the time of connection.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.47 ELIMINATION OF STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

Any person responsible for a property or premises, which is or may be the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.48 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, [or] the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release. In the event of a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the County Planning and Zoning Department in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the County Planning and Zoning Department within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. The records shall be retained for at least three years.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.49 ENFORCEMENT AUTHORITY.

The County Planning and Zoning Department shall be responsible for enforcing the provisions in this chapter. The County Planning and Zoning Department is also hereby authorized to promulgate any rules and regulations as may be necessary to supplement this chapter for effective enforcement, provided the rules and regulations shall not be valid until they have been filed in the office of the County Clerk for not less than ten days before their respective dates.

(Res. O-62-9-06, passed 9-14-2006)

§ 152.99 PENALTY.

(A) *Penalties.* It shall be unlawful for any person to commit any act declared unlawful under this chapter, to violate any provision of this chapter, to violate the provisions of any permit issued pursuant to this chapter, or to fail or refuse to comply with any lawful communication or notice to abate or take corrective action as required. Any person or entity found to be in violation of the provisions of this chapter of the code shall be fined in an amount not less than \$50 nor more than \$500 for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense.

(B) *Stop work orders.* In addition to the penalties set forth above, the county may issue a stop work order for any person in violation of any provision of this chapter.

(C) *Other remedies.* The provisions or imposition of the penalty aforesaid shall not preclude the institution of appropriate action to prevent, abate or stop acts, activities, work, or maintenance not in compliance with the provisions of this chapter. In addition to any other remedy that may be provided otherwise, the provisions of this chapter may be enforced in any appropriate action, by injunction or otherwise.

(Res. O-62-9-06, passed 9-14-2006; Ord. O-88-1-11, passed 1-13-2011)