

## **CONSTRUCTION STORM WATER RUNOFF CONTROL**

### **Part I.A.9 Construction Storm Water Runoff Control**

The Michigan Department of Environmental Quality has determined that Part 91 of the Michigan Act and Michigan's Permit-by-Rule (Rule 323.2190) are qualifying local programs for the control of wet weather discharges from construction activities that result in land disturbance of greater than or equal to one (1) acre, or disturb less than one (1) acre that is part of a larger common plan of development or sale. A qualifying local program provides control for soil erosion, off-site sedimentation, and other construction-related wastes, consistent with the Federal Phase 2 storm water control requirements for MS4 permittees.

**Sanilac County Construction**, located at 60 W. **Sanilac, Courthouse Annex 210**, is the **County Enforcing Agency**, and is responsible for issuing soil erosion and sediment control permits and regulating erosion and sedimentation problems on all Village of Lexington construction projects within the Village limits. Through this Storm Water Management Plan, the Village will assist the County with the Soil Erosion and Sedimentation Control Program and ensure that all permit-related requirements are met.

The MDEQ Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4) Jurisdictional General Permit (MIS049000) specifies three required procedures for construction storm water runoff control. The details for each of these procedures are specified below.

#### **Procedure A – Notifying enforcing agency of pollutant discharges**

The Village is not a municipal enforcing agency for Part 91 of PA 451. Therefore, the Village will have to coordinate with the County Enforcing Agency mentioned above in order to effectively enforce Soil Erosion and Sedimentation Control requirements. Only the County and MDEQ will be able to enforce the responsibility for Soil Erosion and Sedimentation Control.

The Village staff should inspect construction sites within village limits and report any erosion or sediment problems to the County agency for enforcement or assessment. The construction site developer, contractor, or recorded easement holder shall be subject to SESC control requirements under Part 91 of the Michigan Act (PA 451 of 1994). When pollutants (sediment, debris, fluids, petroleum products) are discharged from construction activity in violation of Part 91 and the pollutants enter the MS4, streams, or drainage ditches the Village of Lexington shall notify the County Enforcing Agency and the MDEQ. They shall also notify the MDEQ when other wastes are discharged. The Village will notify the County Enforcing Agency anytime they contact the MDEQ.

The Village shall notify the County and/ or MDEQ within 24 hours of becoming aware of any discharges to or from the MS4 that the Village suspects may endanger public health or the environment. The notification should include all known information including the name of the responsible party for the discharge, the location of the discharge, the nature

of the discharge and the pollutants, and clean-up and recovery measures taken or planned. If possible, obtain photographs also.

### **Procedure B – Site plan review**

Prior to construction and before a building permit is issued, construction site plans will be reviewed to ensure that the site plan adequately allows space for future soil erosion and sedimentation controls. There shall be sufficient space allotted for soil erosion and sedimentation controls during construction as well as permanent storm water controls.

The Planning Commission or committee will have the developer or owner obtain a Part 91 Soil Erosion Sediment Control (SESC) permit and provide a copy of the permit to the Village Planning Commission before a project obtains a building permit to proceed. The site's requiring a Soil Erosion Sediment Control Permit are over 1 acre of disturbed area and within 500 feet of waters of the state. If in doubt the planning commission will have the developer/owner contact the **CEA Inspector** listed below to determine if a SESC Permit is needed for the site.

### **Procedure C – Receipt and Consideration of complaints**

The village will develop a complaint response system or provide a telephone number to receive and investigate calls from citizens with complaints of storm water runoff from construction activities.

The system will include a telephone complaint system and a documentation tracking system. Each complaint will be investigated by the Village staff and appropriate actions will be taken. The appropriate action may require the Village to contact the County or the MDEQ for follow-up and any required enforcement. The Village will adopt a written procedure for response.

#### **Enforcing Agency Contact Information:**

Sanilac County  
Joe Allen – CEA Inspector  
60 W. Sanilac, Courthouse Annex 210  
Sandusky, MI 48471  
810-648-4664

MDEQ – 24-Hour Pollution Emergency Alerting System  
1-800-292-4706