

**NATIONAL POLLUTION  
DISCHARGE ELIMINATION SYSTEM  
(NPDES)  
ORDINANCE**

**VILLAGE OF FORSYTH**

**ORDINANCE NO. 763**

December 2008

## NPDES ORDINANCE

1. **STATEMENT OF PURPOSE.** The purpose of this Chapter is to protect, maintain and enhance the environment of the Village of Forsyth and the public health, safety and welfare of the citizens of the Village of Forsyth by controlling discharges of pollutants to the Village of Forsyth's storm water system, by maintaining and improving the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands and groundwater of the Village of Forsyth and to enable the Village of Forsyth to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations for storm water discharges in 40 CFR sect. 122.26.
2. **DEFINITIONS.** For the purpose of this chapter, the following definitions shall apply: 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.
  - (a) *"Agricultural"* means 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 such activities.
  - (b) *"As built plans"* means drawings depicting conditions as they were actually constructed.
  - (c) *"Best management practices"* or *"BMPs"* means 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.

- (d) “*Channel*” means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- (e) “*Commencement of construction*” means the initial disturbances of soils associated with clearing, grading, or excavating activities or other construction activities.
- (f) “*Community water*” means 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 Village of Forsyth.
- (g) “*Construction site erosion control*” means 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.
- (h) “*Contaminant*” means any physical, chemical, biological, or radiological substance or matter in water.
- (i) “*Design storm event*” means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design in the analysis and design of a storm water facility.
- (j) “*Discharge*” means 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.
- (k) “*Easement*” means 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.
- (l) “*Erosion*” (*soil erosion*) means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- (m) “*Erosion and sediment control plan*” means 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.

- (n) *“Excavation”* means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.
- (o) *“Existing development”* means buildings and other structures and impervious area existing prior to ordinance adoption.
- (p) *“Fill”* means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.
- (q) *“Final stabilization”* means that soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of, at least, 70 percent 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.
- (r) *“Hot spot”* or *“priority area”* means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.
- (s) *“Illicit connections”* means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system.
- (t) *“Illicit discharge”* means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water and not specifically exempted in Section 27 of this Chapter.
- (u) *“Impervious surface”* means 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.
- (v) *“Incident of Noncompliance”* or *“ION”* means any violation of the Storm Water Pollution Prevention Plan observed during an inspection at a construction site.

- (w) *“Land disturbing activity”* means 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.
- (x) *“Maintenance”* means any activity necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water 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 storm water facility.
- (y) *“Maintenance agreement”* means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
- (z) *“Municipal separate storm sewer system (MS4)”* (*“Municipal separate storm water system”*) means the conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
- (aa) *“National Pollutant Discharge Elimination System permit”* or *“NPDES permit”* means a permit issued pursuant to 33 U.S.C. 1342.
- (bb) *“New development”* means 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.
- (cc) *“Non-structural BMPs”* means institutional and pollution prevention type practices through education and source control, recycling, and maintenance that prevent pollutants from entering storm water runoff or reduce the volume of storm water requiring management.
- (dd) *“Notice of Intent”* or *“NOI”* means submitting the required documentation to the Illinois Environmental Protection Agency for the authorization to discharge storm water from a construction site.

- (ee) “*Notice of Termination*” or “*NOT*” means submitting the required documentation to the Illinois Environmental Protection Agency where a construction site has been finally stabilized and all storm water discharges from the construction site authorized under a Notice of Intent are eliminated.
- (ff) “*Off-site facility*” means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
- (gg) “*On-site facility*” means a structural BMP located within the subject property boundary described in the permit application for land development activity.
- (hh) “*Peak flow*” means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (ii) “*Person*” means 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.
- (jj) “*Pervious surface*” means any land cover that permits rain or melting snow to soak into the ground.
- (kk) “*Priority area*” means “hot spot”, see definition for “hot spot”.
- (ll) “*Qualified person*” or “*qualified personnel*” means 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 storm water quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of storm water discharges from the construction activities.
- (mm) “*Runoff*” means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.
- (nn) “*Sediment*” means 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.
- (oo) “*Sedimentation*” means the deposition of eroded soils at a site different from the one where the erosion occurred.

- (pp) “*Site*” means the bounded area described in an erosion control plan or storm water management plan.
- (qq) “*Soils Report*” means 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.
- (rr) “*Stabilization*” means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
- (ss) “*Storm Events*” means 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 percent probability of being equaled or exceeded in a given year; a 10-year event has a 10 percent probability; a 100-year event has a probability of 1 percent; etc.).
- (tt) “*Storm water*” means the flow of water which results from, and which occurs during and immediately following, a rainfall, snow – or ice-melt event.
- (uu) “*Storm water management*” means any measures taken to permanently reduce or minimize the negative impacts of storm water runoff after land development activities.
- (vv) “*Storm water management plan*” means the set of drawings and other documents including the EROSION and SEDIMENT PLAN and the STORM WATER POLLUTION PREVENTION PLAN (SWPPP) that comprise all 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 storm water discharges that will occur after construction operations have been completed.
- (ww) “*Storm water management system*” means all publicly or privately owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal 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.

- (xx) “*Storm water pollution prevention plan*” or “*SWPPP*” means 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 storm water, storm water conveyance systems, and / or receiving waters to the maximum extent practicable and assure compliance with NPDES Permit No. ILR10 and ILR40.
- (yy) “*Storm water runoff*” means 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.
- (zz) “*Structural BMPs*” means 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.
- (aaa) “*Surface water*” includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- (bbb) “*Total maximum daily load*” or “*TMDL*” means 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.
- (ccc) “*Watercourse*” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (ddd) “*Watershed*” means all the land area that contributes runoff to a particular point along a waterway.

**3. LAND DISTURBANCE PERMITS REQUIRED.** Every person shall comply with the Village of Forsyth storm water policy. In addition, a land disturbance permit will be required to be obtained from the Village in the following cases:

- (a) Land disturbing activity disturbs one (1) or more acres of land;
  - (b) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
  - (c) Land disturbing activity of less than one (1) acre of land, if in the discretion of the Village such 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;
  - (d) The creation and use of borrow pits.
4. **BUILDING PERMIT.** No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.
5. **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 Section 3 of this Chapter.
  - (c) Existing agricultural use of land involving:
    - (1) Any activity directly related to the planting, growing and harvesting of agricultural crops; or
    - (2) Implementation of conservation measures approved by the USDA – NRCS and the Macon County Soil and Water Conservation District; or
    - (3) The construction of agricultural structures not subject to the minimum standards as set forth in Section 3 of this Chapter.
  - (d) Industrial activities which have separate NPDES Storm Water permits currently issued to it and for which they are in compliance.
6. **WAIVERS.** Every applicant shall provide a storm water pollution prevention plan as required by this Ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water pollution prevention plan requirement shall be submitted to the Village Engineer for approval.

7. **CONDITIONS FOR WAIVER.** The minimum requirements for the storm water 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 objective of this Ordinance.
- (b) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the Village Engineer.
- (c) Provisions are made to manage storm water by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water 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.
- (d) It is demonstrated to the satisfaction of the Village Engineer 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 stream bank or streambed erosion or siltation;
  - (3) Increased threat of flood damage to public health, life or property;
  - (4) Degradation of biological functions or habitat.

8. **LAND DISTURBANCE PERMIT NOT TO BE ISSUED WHERE WAIVER IS REQUIRED.** 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 storm water pollution prevention plan.

9. **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 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 Illinois Environmental Protection Agency.
  - (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 Village of Forsyth from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
- (b) Each application shall be accompanied by:
- (1) A storm water prevention plan as required by NPDES IL R10 plus the additional information required by the Village of Forsyth. Said plan shall include:
    - i. An erosion and sediment control plan as set forth in Section 15 of this Ordinance.
    - ii. A storm water management plan as set forth in Section 16 of this Chapter, providing for storm water management during the construction and after the construction has been finished.
  - (2) Payment of land disturbance permit and other storm water management pollution prevention plan fees, which shall be set by separate resolution or ordinance.

## **10. REVIEW AND APPROVAL OF APPLICATION**

- (a) The Village will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. The Village shall provide one of the following responses to the applicant:
  - (1) Approval of the permit application;
  - (2) Approval of the permit application, subject to such reasonable conditions as may be necessary to substantially secure the objectives of this ordinance, 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 Village has granted conditional approval of the land disturbance permit, the applicant shall submit a revised plan that conforms to the conditions established by the Village. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the Village.

**11. PERFORMANCE BOND OR PERFORMANCE SECURITY.**

- (a) The Village of Forsyth 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 storm water 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 percent of the total estimated costs.

The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water 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 Village. Alternatively the Village 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 Village prior to the issuance of a building permit by the Village of Forsyth.
- (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 the State of Illinois that the structural and non-structural BMPs have been installed in accordance with the approved plan and other applicable provisions of this Ordinance. The Village will make a final inspection of the BMPs to ensure it is in compliance with the approved plan and the provisions of this Ordinance prior to the release of the performance bond or performance security. Provisions for a partial pro-rate release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the Village.

- (d) Occupation permits will not be granted until all corrections to all BMPs have been made and accepted by the Village.

**12. PERMIT DURATION.** Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

**13. BMP MANUAL FOR STORM WATER POLLUTION PREVENTION PLANS.**

- (a) Illinois Urban Manual, latest amendment prepared by the United States Department of Agriculture, National Resources Conservation Services. This manual includes a list of acceptable BMPs including the specific design criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the village, based on improvements in engineering science, monitoring and local maintenance experience. Storm water facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presented to comply with requirements of NPDES Permit No. ILR10.
- (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) Illinois Department of Transportation Erosion Control/NPDES Guidelines.

- (d) Village of Forsyth Storm Water Policy.
- (e) Other publications pertaining to best management practices and/or erosion and sediment control as may be approved, in writing, by the Village.

**14. STANDARDS AND PERFORMANCE CRITERIA FOR STORM WATER POLLUTION PREVENTION PLANS.**

- (a) All site design shall control the storm water discharge in compliance with Village of Forsyth requirements.
- (b) The storm water 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 practice controls and other provisions contained in the storm water 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 Village to determine if they are subject to additional storm water pollution prevention plan requirements which may include storm water 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 storm water pollution prevention practices;
  - (4) From “hot spots” that may require the application of specific structural BMPs and pollution prevention practices.

**15. EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.** 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 and 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. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

- (a) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (b) A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- (c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (d) A general description of existing land covers. Individual trees and shrubs do not need to be identified.
- (e) 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.
- (f) Approximate limits of proposed clearing, grading and filling.
- (g) Approximate flows of existing storm water leaving any portion of the site.
- (h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (i) Location, size and layout of proposed storm water and sedimentation control improvements.

- (j) Proposed drainage network.
- (k) Proposed drain tile or waterway sizes.
- (l) Approximate flows leaving site after construction and incorporating water run-off 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 water is concentrated, the capacity of waterways, if any, accepting storm water off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- (m) 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.
- (n) Specific remediation measures to control erosion and sedimentation run-off. 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.
- (o) 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 Village. 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 Village. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.
- (p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- (q) 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 0.5 inches or greater or equivalent snowfall.

**16. STORM WATER MANAGEMENT PLAN REQUIREMENTS.** The storm water management plan shall include sufficient information to allow the Village 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 storm water generated at the project site. To accomplish this goal the storm water management plan shall be prepared in accordance with the Village of Forsyth\_Storm Drainage Policy and include the following:

- (a) Soils information when a storm water 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.
- (b) An erosion and sediment control plan must be prepared for all construction activities as set forth in Section 17 of this Chapter.
- (c) A landscaping plan detailing the revegetation of the site after the construction is finished as set forth in Section 18 of this chapter.
- (d) A maintenance and repair plan for all storm water management facilities to ensure the continued performance of the facilities. The plan shall:
  - (1) Identify the parts or components of said facilities that need to be maintained and inspected.
  - (2) Provide detailed maintenance and repair procedures for the said facilities;
  - (3) Identify necessary training, skills, or certification that may be required to maintain, operate or repair any of the said facilities;
  - (4) Provide that the minimum maintenance and repair needs include, but are not limited to:

- (i) The removal of silt, litter, landscape waste and other debris which adversely impacts the effectiveness of the said facilities;
  - (ii) The management of landscaped areas integral to the said facilities including the cutting of grass, trimming of bushes and trees or the removal of vegetation, overgrowth that is not incorporated into the storm water management plan;
  - (iii) The replacement of landscape vegetation and damaged or failed facilities.
  - (iv) The cleaning of storm drainage inlets, pipes and structures;
  - (v) Revising and implementing revisions or additional maintenance procedures to address inadequacies of the facilities.
- (5) Provide for the regular periodic review, inspection and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures. Such reviews and inspections shall be conducted at least once every year after the construction is finished.
- (6) Provide for established reporting procedures;
- (7) Provide that maintenance needs are addressed in a timely manner.
- (e) An executed maintenance agreement as agreed to by the Village that assigns the responsibility for compliance with the maintenance plan required in paragraph (d) of this Section to the owner of the property on which the storm water facilities are located to ensure compliance with the purpose and requirements of this Ordinance. Said agreement shall be a part of the owner's declaration and by appropriate notation referenced on the plat and:
  - (1) Include as part of said agreement the maintenance plan as approved by the Village.
  - (2) Provides that the property owner will arrange to have the periodic inspection of the storm water facilities specified in the maintenance plan conducted by a qualified person who will submit a sealed report of the inspection to the Village.

- (3) Grant permission to the Village to enter the property at reasonable times and inspect the storm water facility to ensure that it is being properly maintained;
- (4) Provide that the property owner shall be responsible for additional maintenance needs consistent with the needs and standards outlined in the Illinois Urban Manual;
- (5) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the Village.
- (6) Provide that if the property is not maintained or repaired within the prescribed schedule, the Village shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the Village of Forsyth cost of performing the maintenance shall be a lien against the property.
- (f) Dedication of easements necessary to ensure access to the site for the purpose of maintenance and inspection of the storm water management facilities. These easements must be binding for the current property owner and all subsequent owners of the property and must be properly recorded as a commitment against the property;
- (g) The Village shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this Ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and repair maintenance. Any storm water facility accepted by the Village must also meet the Village's construction standards and any other standards and specifications that apply to the particular storm water facility in question.

**18. 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 Village.
- (b) A plan for establishing permanent vegetative cover to stabilize disturbed or exposed areas must be submitted with the STORM WATER MANAGEMENT

PLAN. The plan shall describe the vegetative stabilization and management techniques to be used at a site after construction are completed using BMPs. This plan will explain how the site will be stabilized after construction, which 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 the State of Illinois.

**18. CONSTRUCTION MAINTENANCE, INSPECTION AND REPORTING RESPONSIBILITY.**

- (a) The applicant must notify the Village in advance of the commencement of construction.
- (b) The applicant shall have inspections of the management practices, controls and other provisions contained in the storm water pollution prevention plan conducted by qualified personnel acceptable to the Village. Said inspections shall be conducted and documented and written reports prepared in accordance with the NPDES Permit No. ILR10 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 0.5 inches;
  - (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 storm water pollution prevention plan (SWPPP) or as subsequently directed by the Village 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 project site;
- (11) Whether additional controls, adjustments or maintenance directed as a result of previous inspection have been implemented within seven calendar days;
- (12) Any incidents of non-compliance and what corrective action has been undertaken and completed.

**19. RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.** Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation of the storm water facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the Village during inspection of the facility and at other reasonable times upon request.

**20. 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 storm water facilities under this ordinance, the Village, 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 storm water management facility becomes a danger to public safety or public health, the Village shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have seven (7) calendar days to affect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the Village of Forsyth shall take necessary corrective action. The cost of any action by the Village of Forsyth under this section shall be charged to the responsible party.

**21. EXISTING LOCATIONS AND DEVELOPMENTS.** The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

- (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 Village.

- (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 rip-rap, channel lining, etc., to prevent erosion.
- (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- (e) Storm water runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:
  - (1) Ponds
    - (a) Detention pond
    - (b) Extended detention pond
    - (c) Wet pond
    - (d) Alternative storage measures
  - (2) Constructed wetlands
  - (3) Infiltration systems
    - (a) Infiltration/percolation trench
    - (b) Infiltration basin
    - (c) Drainage (recharge) well
    - (d) Porous pavement
  - (4) Filtering systems
    - (a) Catch basin inserts/media filter
    - (b) Sand filter
    - (c) Filter/absorption bed
    - (d) Filter and buffer strips
  - (5) Open channel
    - (a) Swale
- (f) The Village shall in writing notify the owner of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments, the action required to correct those problems, and specify a reasonable time for compliance.

**22. INSPECTION OF EXISTING FACILITIES.** The Village may, to the extent authorized by state and federal law, establish inspection programs to verify that storm water management facilities, including those built before as well as after the adoption of this ordinance, 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 municipality's NPDES storm water 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.

**23. ILLICIT DISCHARGES.** 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 storm water. The commencement, conduct or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
  - (1) Water line and fire hydrant flushing or other potable water sources,
  - (2) Landscape irrigation water or lawn watering with potable water,
  - (3) Rising ground water,
  - (4) Ground water infiltration,
  - (5) Pumped groundwater,
  - (6) Discharges from potable water sources,
  - (7) Foundation drains,
  - (8) Air conditioning condensate,
  - (9) Irrigation water, (except for wastewater irrigation),

- (10) Springs,
  - (11) Water from crawl space pumps,
  - (12) Footing drains,
  - (13) Storm sewer cleaning water,
  - (14) Water from individual residential car washing,
  - (15) Routine external building wash down which does not use detergents,
  - (16) Flows from riparian habitats and wetlands,
  - (17) Dechlorinated pH neutral swimming pool discharges,
  - (18) Residual street wash water,
  - (19) Discharges or flows from fire fighting activities,
  - (20) Dechlorinated water reservoir discharges,
  - (21) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed), and;
  - (22) Any other uncontaminated water source.
- (b) Discharges specified in writing by the Village as being necessary to protect public health and safety.
  - (c) Dye testing is an allowable discharge if the Village has so specified in writing.

**24. PROHIBITION OF ILLICIT CONNECTIONS.**

- (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
- (b) 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.

**25. ELIMINATION OF STORM WATER 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 storm water associated with

industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

- 26. 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 storm water, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such 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 Village 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 Village within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a **commercial or industrial establishment**, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.
- 27. ENFORCEMENT AUTHORITY.** The Village shall be responsible for enforcing the provisions in this Chapter. The Village is also hereby authorized to promulgate such rules and regulations as may be necessary to supplement this Chapter for effective enforcement, provided such rules and regulations shall not be valid until they have been filed in the office of the City Clerk for not less than ten (10) days before their respective dates.
- 28. PENALTY.** It shall be unlawful for any person to commit any act declared unlawful under this ordinance, to violate any provision of this ordinance, to violate the provisions of any permit issued pursuant to this ordinance 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 fifty dollars (\$50) or more than Five Hundred Dollars (\$500) for each offense.

**29. 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.

SECTION TWO: This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage and approval according to law.

Passed by the Board of Trustees of the Village of Forsyth, Illinois, this 15<sup>th</sup> day of December 2008.

AYES: 6—VAN LYSSEL, RASHO, JOHNSON, ALLSUP, HORVE, REED.  
ABSTAIN: 0—NONE.  
NAYES: 0—NONE.  
ABSENT: 0—NONE.

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Mayor, Village of Forsyth

ATTEST:

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Village Clerk