

TITLE 6: EROSION

CHAPTER 1 – EROSION, SEDIMENT AND STORM WATER CONTROL REGULATIONS

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SECTION 6-1-1 DEFINITIONS

(For the purposes of these regulations, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise.)

- **Adjacent lands:** At a minimum is an area within fifty (50) feet of the project area, and includes all surrounding land that may either impact a site, or be impacted by potential soil erosion, sediment and/or storm water run-off as a result of land disturbing activities conducted on a site.
- **Areas of concentrated flow or bodies of water:** Any area where water may accumulate or flow, whether continual or as a result of a storm event, including but not limited to lakes, rivers, streams, creeks, ponds, ditches, swales, gullies, ravines, street gutters and other similar features.
- **City:** The City of West Peoria
- **City Council:** The West Peoria City Council
- **Control measure:** Any proposed temporary or permanent measures to be installed to control erosion, sediment and storm water run-off from a project area.
- **County:** The County of Peoria, Illinois.
- **Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.
- **Disturbed area:** From any point where water leaves the site; it is the land over which water flows toward the point.
- **Erosion Control Administrator:** The person appointed by the West Peoria City Council to administer this ordinance.
- **Flood Insurance Rate Maps (FIRM):** Maps prepared by the Federal Emergency Management Agency (FEMA) that depict the special flood hazard areas (SFHA) within a community. These maps include insurance rate zones and flood plains and may or may not depict floodways.
- **Five-year frequency storm event:** The storm event rainfall depth during a 24-hour period which is exceeded, on the average, once every five (5) years.
- **Institutional use:** A religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.
- **Land disturbing activity:** Any change in land, which may result in soil erosion from water or wind and the movement of sediments into State or County waters or on to

lands in the City, or a change in the amount and/or intensity of storm water run-off, including but not limited to, the covering with an impervious surface, stockpiling, clearing, grading, excavating, rehabilitating, transporting, depositing or filling of land.

- **Normal agricultural practices:** Activities associated with the preparation and tilling of land for the purposes of growing crops, or raising livestock.
- **Perimeter control:** Any control measure installed between the down slope side of disturbed area and the property line and/or between the down slope side of the disturbed area and any area of concentrated flow.
- **Pre-project condition:** A condition that impacts erosion, sediment, or storm water run-off characteristics of a site prior to start of construction activity. The pre-project condition shall be based on the predominant land use for the past five (5) years. For example, if a site has been cropland for four (4) of the past five (5) years and in grass just prior to development, the land use would be cropland for the pre-project condition.
- **Project:** Any development involving modification to land which involves a land disturbing activity.
- **Regional storm water management system:** A system which is designed, constructed and maintained to provide storm water control for multiple land owners.
- **Road:** Any right-of-way that has been improved for the purposes of providing a surface for vehicular traffic, including any Federal, State, County, Township, and City controlled facilities.
- **Single family dwelling:** A building designed for or occupied by one family.
- **Site:** The lot or parcel on which the project is to be developed.
- **Site specific plan:** A general erosion and sediment control permit required for projects where slope is greater than ten percent (10%) and/or the site contains areas of concentrated flow or bodies of water. Slope shall be determined by the maximum slope indicated on the site according to the USDA Soil Survey or topographic survey as prepared by an Illinois Registered Surveyor.
- **Standards:** The Illinois Environmental Protection Agency's Illinois Urban Manual, A Technical Manual Designed for Urban Ecosystem Protection and Enhancement published in 1955 and Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control published in 1988 by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts now in effect, or as hereafter amended which is incorporated by reference herein, the City of West Peoria standards for Storm Water Design Analyses, found at Appendix "A" of this article, and the erosion and sediment control criteria and specifications found in Appendix "B" of this section.
- **Standard plan:** A general erosion and sediment control permit for projects where slope is less than ten percent (10%) and there are no areas of concentrated flow or bodies of water on or immediately adjacent to the site. Slope shall be determined by the maximum slope indicated on the site according to the USDA Soil Survey or topographic survey as prepared by an Illinois Registered Surveyor.
- **Substantial completion:** The point at which all exterior work is completed and the site can be used for the use intended.
- **Twenty-five year frequency storm event:** The storm event rainfall depth during a twenty-four hour period which is exceeded, on the average, once every twenty-five (25) years.
- **Two family dwelling:** A building designed for or occupied by two families.
- **Two-year frequency storm event:** The storm event rainfall depth during a 24-hour period which is exceeded, on the average, once every two (2) years.
- **Utility service line:** The means by which utility service is provided to service users, such as electric, telephone, television cable; gas, water and sewer pipes.
- **Working day:** Shall not include Saturday, Sunday or any holiday when the West Peoria City Hall is closed.

SECTION 6-1-2 APPLICABILITY

These regulations shall apply to:

1. All projects within the boundaries and jurisdiction of the City. No land surface shall be disturbed unless an erosion and sediment control permit, or an erosion, sediment and storm water control permit has first been issued for that project, except as follows:
 - a. Land disturbing activities which do not involve the construction of any new single or two-family dwellings and for which the disturbed area is less than 5,000 square feet;
 - b. Normal agricultural practices; or
 - c. Routine maintenance of roads, access ways and utility service lines.

The Erosion Control Administrator reserves the right to require any non-agricultural, construction development activity, regardless of disturbed area or type of activity, to comply with this article if it is determined to be the cause of or a contributor to an existing or potential erosion, sediment, or storm water impact.

2. Any land within the boundaries and jurisdiction of the City on which there is located a permanent storm water control measure, which was installed pursuant to this section.

SECTION 6-1-3 STANDARDS FOR DESIGN AND MAINTENANCE OF CONTROL MEASURES

1. EROSION AND SEDIMENT CONTROL MEASURES

All control measures required under this section shall conform to the design criteria, standards, and specifications provided in the applicable standards now in effect or as hereafter amended. All control measures installed shall be sufficient to prevent sediment from leaving the permit site during a five (5) year frequency storm event. Measures shall be taken to prevent sediment from leaving the site. When sediment does leave the site, the owner, developer or contractor shall remove the sediment and return it to the site within four hours or by no later than the end of the workday. For example, installing a rock construction drive, or cleaning tires could be used to minimize tracking of sediment onto public roads.

2. PERMANENT STORM WATER CONTROL MEASURES

All storm water controls shall be designed so that the peak discharge rate from the permitted area resulting from the three-year and twenty-five year frequency storm events for the post-project condition do not exceed the corresponding storm event peak discharges for the pre-project condition. Evaluation of submitted plans shall be based on the Storm Water Design Analysis Standards in Appendix "A" at the end of this section.

3. REGIONAL STORM WATER CONTROL SYSTEMS

To allow for the beneficial development and maintenance of the regional storm water management systems, where they are available and they are appropriate, an applicant may submit a design dependent on such a system. The applicant shall submit documentation of the approval for the use of the regional storm water management facility from the governmental agency having jurisdiction over it. The applicant shall submit evidence showing that there will be no adverse flooding impact to any receiving stream between the point of discharge and the regional storm water facility. If the applicant is approved to use the regional storm water management system, the applicant may request exemption from the requirements in this section for permanent on site storm water controls from the Erosion Control Administrator. Such exemption shall not apply to any temporary storm water control measures required by this section.

SECTION 6-1-4 MAINTENANCE OF CONTROL MEASURES

1. EROSION, SEDIMENT AND TEMPORARY STORM WATER CONTROL MEASURES

On-site sediment control measures shall be constructed and functional prior to

initiating clearing, grading, stripping, excavating, or fill activities on the site.

Sediment control measures and temporary storm water control measures are to be maintained so they are operating effectively until permanent ground surface protection and permanent storm water control measures are established in a manner specified in the applicable permit issued pursuant to this section.

Fully functioning temporary sediment control measures (including, but not limited to perimeter sediment controls) shall remain in place until the ground is stabilized with permanent ground cover. The intent of this section is to keep the sites protected at all times until the ground is permanently stabilized. In cases where it is not practical to leave the temporary sediment control measures in place prior to establishing ground cover (for example, when control measures need to be removed in order to grade the area or install pavement or sod), an exception will be made only if one of the conditions listed below will be met. In no way does adhering to one of the conditions below relieve the owner of responsibility to clean-up or repair any damages caused from sediment or storm water run-off leaving the site

- a. Permanent ground cover shall be established with pavement, aggregate or sod within three days of the removal of sediment barriers.
- b. Permanent vegetation shall be established by seeding with anchored mulch within three days of removal of sediment barriers during the spring or fall seeding periods. Summer seeding is acceptable on project areas which shall be watered; it is not acceptable in concentrated flow areas.

2. ADDITIONAL CONTROL MEASURES

The Erosion Control Administrator may require additional control measures pursuant to the Standards if determined as necessary after site inspection and prior to issuing the permit.

SECTION 6-1-5 GENERAL EROSION AND SEDIMENT CONTROL PERMITS

Before commencing any project involving construction of any new single or two-family dwelling or commencing any project with an area of 5,000 square feet or greater, the owner of the land, or his representative, shall be required to file an application for a General Erosion Sediment Control Permit, as either a Standard Plan or a Site Specific plan, except as otherwise provided in 2-16(B) and 2-16(F).

1. APPLICATION

The applicant shall file the application with the City on forms provided by the City. The fee for a Standard plan application shall be set by the City Council in its Fee Schedule resolution. There shall be no refund of any fees paid and no application shall be accepted for filing unless the fee has been paid in full.

2. APPLICATION REVIEW

Review of a General Erosion and Sediment Control Permit application shall be limited to verifying that the required information and permit fee have been provided and that it meets the standards. The Erosion Control Administrator shall issue or deny an application by: a) approving the permit for a completed standard plan application; or b) initiate the review process for a completed site-specific plan application and approve the same. If the permit is denied, it shall be returned to the applicant with a written explanation of its denial.

3. DURATION

The general erosion and sediment control permit shall be issued for a period not exceeding two (2) years.

4. CONTENT OF GENERAL EROSION AND SEDIMENT CONTROL PERMIT

The General Erosion and Sediment Control permit shall contain at a minimum the following general conditions.

- a. That written approval be obtained from the Erosion Control Administrator prior to making any modification to the erosion and sediment control plan as set forth in the

- application; and
 - b. That all control measures identified in the application shall be installed unless otherwise directed by the Erosion Control Administrator; and
 - c. That all control measures shall be maintained during construction; and
 - d. Such other conditions as the Erosion Control Administrator deems appropriate to ensure compliance with the specific requirements and intent of this section.
5. PERMANENT GROUND SURFACE COVER

Under all circumstances, temporary control measures shall be maintained in accordance with 2-16(D). Without exception, all disturbed areas must have permanent ground cover within six months of project completion, or within six months of occupancy, whichever comes first.

SECTION 6-1-6 EROSION, SEDIMENT, AND STORM WATER CONTROL PERMITS

Before commencing any commercial, institutional, multi-family or industrial project with an area of more than one-half (1/2) acre; or a project requiring subdivision approval by a unit of local government with an area of more than one-half (1/2) acre, the owner of the land, or his representative, shall be required to file an application for an Erosion, Sediment, and Storm Water Control Permit.

1. APPLICATION

The applicant shall file the application with the City on forms provided by the City. The applicant shall supply the number of copies of application documents as provided in the application. Each application shall be accompanied by the following information:

- A. Existing site conditions map. A map of existing site conditions on a scale, of at least one inch equals one hundred (100) feet, showing the project area and immediately adjacent areas and the locations of the following site information:
 - 1. Site boundaries and adjacent lands which accurately identify site location;
 - 2. Lakes, streams, wetlands, channels, ditches, and other water courses on and immediately adjacent to the site;
 - 3. Floodways and/or Zone A of the Floodplain as determined on the Flood Insurance Rate Map (FIRM), and indicating the map panel number;
 - 4. All off-site drainage onto or through the project site;
 - 5. Location and dimensions of storm water management components on or adjacent to site;
 - 6. Locations and dimensions of structures, roads, highways, easements and paved areas;
 - and
 - 7. Site topography: show contours at vertical intervals as follows:
 - a. Slope of six percent (6%) or less, two-foot interval.
 - b. Slope of over six percent (6%) but less than fifteen percent (15%), five-foot interval.
 - c. Slope of over fifteen percent (15%) ten-or twenty foot intervals.
- B. Plan of final site conditions. A plan of final site conditions drawn to the same scale as the existing site map submitted pursuant to subsection (1)a, and which includes information to accurately depict post-construction appearance of site, e.g., paved areas, building, landscaping, and other changes to the site, along with other predominate site features, e.g., open areas, bodies of water.
- C. Sediment and Erosion control practices. A site construction plan including:
 - 1. Locations and dimensions of all proposed land disturbing activities;
 - 2. Locations and dimensions of all temporary soil and aggregate stockpiles;
 - 3. Location, dimension and construction details of all construction site management control measures necessary to meet the requirements of this article and including proposed re-vegetation of disturbed areas;
 - 4. Statement regarding provisions for maintenance and maintenance requirements of the construction site management control measures during construction.

- D. Storm water management plans and controls. Design calculations and information related to the permanent storm water management system for any project with a net increase of impervious area greater than one-half (1/2) of an acre in the last five years. For example, in year 1, a commercial site increases the parking lot by 20,000 square feet. In year 2, the same commercial site adds a building with an area of 20,000 square feet. In year 1, no permanent storm water control measures (or calculations) are required by this section. In year 2, storm water calculations shall be submitted and shall be based on the total increase of 40,000 square feet of impervious area. The following information shall also be provided by the applicant:
1. A map showing the drainage area boundaries, including of-site drainage areas that drain into or onto the site;
 2. Location and identification of soil types for all drainage areas;
 3. Location and identification of vegetative cover for all drainage areas;
 4. Run-off curve number calculations for both pre-and post- project conditions for each drainage area;
 5. ^ Time of concentration calculations for both pre-and post-project conditions for each drainage area, and include a map showing hydraulic flow lengths used;
 6. Peak flow-rate calculations for 2 year and 25 year storms for both pre-and post-project conditions;
 7. Design calculations for detention basin outlets for both 2 year and 25 year storms, include stage-storage table and discharge rating curve data or out-flow calculations (refer to optional form in Appendix A);
 8. Location, dimensions, and construction details of proposed detention basins and outlets;
 9. Detention volume calculations;
 10. Summary of peak flow-rates for pre-, post- and proposed conditions with detention showing that the requirements of this section are met (refer to optional form in Appendix A); and;
- E. Schedule or sequence of development or installation of the elements of the site management control measures proposed above.
- F. A detailed estimate of quantities and estimated costs, prepared by a registered professional engineer, of all control measures required under this section.
- G. A plan of the continued management and maintenance of such permanent control measures.
- H. Application fee. An application fee shall be submitted at the time of application. The fee shall be set by the City Council in its Fee Schedule resolution.

A fractional acre shall be rounded to the nearest whole acre. There shall be no refund of any fees paid and no application shall be accepted for filing unless the fee has been paid in full.

2. APPLICATION REVIEW

Within five (5) working days of submittal of the application, the Erosion Control Administrator shall respond in writing to the sediment and erosion control practices portion. Within twenty (20) working days of submittal of the application, the Erosion Control Administrator shall respond to the storm water management plans and control portion of the application by either issuing a permit, issuing a request for additional information, or issuing a statement denying the permit with an explanation of cause. The application shall be deemed approved if no response is made within the time frames stipulated above.

3. FINANCIAL SECURITY AGREEMENT

Before any Erosion, Sediment and Storm Water Control Permit is issued, the applicant shall deliver to the Erosion Control Administrator a surety bond, irrevocable letter of credit or executed escrow agreement in the name of the City of West Peoria for one hundred percent (100%) of the applicant's engineer's estimated cost for all control measures required under this section. A signed contractor's bid that meets the specifications of the engineer's estimate for the work can be used to establish the

amount of security required, if such estimate is accepted by the Erosion Control Administrator.

4. DURATION

The Erosion, Sediment and storm Water Control Permit shall be issued for a period not exceeding two years.

5. PERMIT CONDITIONS

The Erosion, Sediment and Storm Water Control Permit shall contain at a minimum the following general conditions:

- a. That written approval shall be obtained from the Erosion Control Administrator prior to making any modification to the approved erosion and sediment control plan as set forth in the permit;
- b. That all control measures required in the permit shall be installed unless otherwise directed by the Erosion Control Administrator;
- c. That all control measures shall be maintained during construction;
- d. Such other conditions as the Erosion Control Administrator deems appropriate.

6. PERMANENT GROUND SURFACE COVER

Without exception, all disturbed areas must have permanent ground cover within six months of completion, or within six months of occupancy, whichever comes first.

7. FINAL INSPECTION; NOTICE OF PERMANENT STORM WATER CONTROL MEASURES

Within fourteen (14) days after completion of construction, the applicant shall notify the Erosion Control Administrator that the permanent storm water control measures are ready for final inspection. If the inspection shows that the control measures and maintenance plan comply with the Standards in Appendix "A" of this section, the Erosion Control Administrator shall issue a Notice of Permanent Storm Water Control Measures. The owner shall record the Notice with the Peoria County Recorder of Deeds within fifteen (15) days after the Notice is issued.

SECTION 6-1-7 MAINTENANCE OF PERMANENT STORM WATER CONTROL MEASURES

Anyone owning property with a permanent storm water control measure existing thereon and installed pursuant to this section shall maintain the control measure so that it functions in compliance with these regulations.

SECTION 6-1-8 ENFORCEMENT AND STOP WORK ORDER FEE

This section shall be administered and enforced by the Erosion Control Administrator, who shall make or cause to be made, periodic inspections of all work authorized by permits issued in accordance with this section to insure that said construction is in compliance with its provisions; he shall make or cause to be made, investigations of violations of this section and shall cause any violations to be corrected.

Any permit issued pursuant to this section shall be revoked by the Erosion Control Administrator when he finds from personal inspection or from competent evidence that the rules, regulations or standards under which said permit was issued are being violated. To defray costs of administering stop work orders posted by field inspectors as a result of a violation of any terms of the ordinance, a fee of one hundred fifty dollars (\$150.00) plus ten dollars (\$10.00) per day that violation exists per stop work order will be charged.

SECTION 6-1-9 PENALTY

The violation of any of the terms of this section shall constitute an offense punishable by a fine not to exceed seven hundred fifty dollars (\$750.00), - with each day the violation remains uncorrected constituting a separate offense. Such fine is in addition to any other remedy provided by law.

SECTION 6-1-10 APPEALS

The City Council shall consider and decide upon appeals any decision, order, or requirement of the Erosion Control Administrator made pursuant to this section.

Any person directly aggrieved by any decision, order, requirement, or determination of the Erosion Control Administrator made pursuant to this section shall have the right to appeal such action to the City Council. Such appeal shall be made within thirty-five (35) days from the date of the action appealed from, shall be filed in writing, and shall include a short, concise statement of why the action is being appealed. The fee for such an appeal shall be set by the City Council in its Fee Schedule resolution and is due with the application. In addition, the person filing the appeal shall pay all required publication costs associated with the appeal.

Upon receipt of a notice of appeal, the City shall set a date for a public hearing before the City Council. Such public hearing shall commence not sooner than fifteen (15) days nor more than thirty (30) days after the date of the receipt of the notice of appeal. At least fifteen (15) days of notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. The City Council shall decide the appeal within twenty-one (21) days after the conclusion of the public hearing. The City Council may affirm, modify or reverse any appealed action.

Appeals from the City Council shall be made in conformity with the provisions of the Illinois Administrative Review Act, 735 ILCS 5/3-101 et.seq. Copies of any orders or proceedings ordered by the appellant shall be furnished to him at his own cost.

SECTION 6-1-11

The attached appendices are fully incorporated herein.