

Item #2:
**Resolution Approving Discharge, Erosion & Sediment
Enforcement Procedures**

**VILLAGE OF LONG GROVE
RESOLUTION NO. 2012-R-__**

**A RESOLUTION APPROVING SOIL EROSION & SEDIMENT CONTROL AND ILLICIT
DISCHARGE ENFORCEMENT PROCEEDURES**

WHEREAS, the Village has previously adopted the National Pollution Discharge Elimination System (NPDES) II; and

WHEREAS, the Village Board desires to formally ratify enforcement procedures re: (1) Soil Erosion and Sediment Control and (2) Illicit Discharge as required under Village Ordinance and various provisions of NPDES II;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE: Soil Erosion & Sediment Control. The Village shall following the enforcement provisions outlined under "Soil Erosion & Sediment Control Enforcement Procedures", which is attached as Exhibit A to this Resolution.

SECTION TWO: Illicit Discharge. The Village shall following the enforcement provisions outlined under "Illicit Discharge Enforcement Procedures", which is attached as Exhibit B to this Resolution.

SECTION THREE: Effective Date. This resolution shall be in full force and effect immediately upon its passage and approval in the manner provided by law.

PASSED THIS 24TH DAY OF JULY, 2012.

AYES: () Trustees
NAYS: ()
ABSENT: (2) Trustees Barry and Wachs.

APPROVED THIS 24TH DAY OF JULY, 2012.

Maria Rodriguez, Village President

ATTEST:

Karen Schultheis, Village Clerk

EXHIBIT A
(Soil Erosion & Sediment Control Enforcement Procedures)

Soil Erosion & Sediment Control
Enforcement Procedures

The following enforcement procedures can be initiated by observation of a violation during a routine inspection, or in response to a notice of noncompliance received from a DECI.

Building and/or Occupancy Permits will not be issued and surety reductions will not be entertained until all violations are resolved.

Standard Village Forms

The **SE/SC Inspection Form** is a summary of site conditions at the time of inspection. Any violations and required remedial measures shall also be indicated on this form. The form is to be completed by the inspector for each site inspection.

A formal **Notice of Violation** letter will be sent to the contractor and developer when the inspector determines that required remedial measures for a previously identified violation have not been substantially completed upon re-inspection.

A **Red Tag / Stop Work Order** may be issued depending on the severity of any outstanding violation(s). Upon issuance of this order, all work on the construction site shall cease except for activities related to correcting violations.

Informal (Initial) Violation Notification

The inspector will complete the **SE/SC Inspection Form** and photographs of the violation(s) will be taken and saved. The violation shall be described to the construction site contact and a copy of the **SE/SC Inspection Form**, which indicates the remedial measures required to be completed within a five (5) working day time frame, will be provided to the contractor and the developer. The Village will perform a follow-up site inspection at the end of the indicated time frame.

Follow-Up Site Inspections

The construction site contact shall be notified of the anticipated inspection time. The site is inspected including all items previously documented on the previous **SE/SC Inspection Form**. Photographs will be taken and saved. The inspector will determine if the remedial measures have all been satisfactorily addressed, substantially completed, or if significant non-compliance remains.

If the remedial measures have been satisfactorily addressed then the **SE/SC Inspection Form** is filled out indicating compliance and provided to the contractor and developer.

If the inspector determines that the remedial measures have been substantially completed, but not entirely resolved, the inspector shall follow the procedures of an informal violation notification.

If the inspector determines that the remedial measures have not been substantially completed, the inspector shall follow the “Formal Violation Notification” procedures in the section below.

Formal Violation Notification

The inspector will complete the **SE/SC Inspection Form** and photographs of the violation(s) will be taken and saved. The violation shall be described to the construction site contact and a copy of the **SE/SC Inspection Form**, which indicates the remedial measures required and maximum time frame for action, will be provided to the contractor and the developer.

A formal **Notice of Violation** letter will be sent to the contractor and developer via fax and Certified Mail. A copy of the Notice of Violation shall also be provided to the Village Commissioner. The letter will include a description of the violations (including ordinance provisions), mandatory remedial measures, and maximum time frame for resolution. The Village will perform a follow-up site inspection at the end of the indicated time frame.

After the first formal violation notification has been issued the inspector may, depending on the severity of any outstanding violations, issue a **Red Tag / Stop Work Order** upon completion of the follow-up inspection. The Stop Work Order allows for the resolution of the violation but no other on-site improvements.

These “Formal Violation Notification” procedures will be repeated and follow-up site inspections will continue to occur until all violations have been resolved.

Additional Punitive Actions

The Village may, upon issuance of the third and all subsequent formal **Notice of Violation** letters, consider taking additional punitive actions against the developer and/or contractor. These actions may include, but are not limited to: issuing fines at a rate of \$500 per day per violation since the date of the first formal **Notice of Violation** letter; drawing from surety to enable the Village to have the remedial measures enacted; seeking Village counsel and pursuing injunctive or other legal relief.

In such cases where the Village seeks to implement additional punitive actions, the formal **Notice of Violation** letter shall be amended to include which additional penalties or measures will be imposed if the violation(s) persist and to request a meeting between Village staff and the contractor/developer.



SMC Field Observation Report

Long Grove Permit #	Permit #	USACE Reference #	Army Corps reference number
Date/Time of Inspection	Date/Time of Inspection	Observer:	Name of Inspector
Project Name	Project Name		
Field Contact Information	Field contact name and phone/Email	Contact Phone/Email	Phone # or Email
DECI Information	Name and phone/Email of Designated Erosion Control Inspector		
Address/Location	Address or Location of job site		
In Attendance	Who attended inspection		
Weather Conditions:	Current weather conditions	Stage of Construction	-- Stage (Drop-Down)
Disturbed Area	0 acres	Site Area	Estimated size of site
Floodplain Impacted	<input type="checkbox"/> Yes <input type="checkbox"/> No	Floodway Impacted	<input type="checkbox"/> Yes <input type="checkbox"/> No
Wetland Impacted	<input type="checkbox"/> Yes <input type="checkbox"/> No	Violation Observed	<input type="checkbox"/> Yes <input type="checkbox"/> No
Violation Correction Time	<input type="checkbox"/> 1 day <input type="checkbox"/> 5 day <input type="checkbox"/> 10 day	Violation Rating	-- Rating (Drop-Down)
Water Sample Taken	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Photos Taken	<input type="checkbox"/> Yes <input type="checkbox"/> No
Next Site Visit	Days until next inspection		
Follow up Needed			
Compliant <input type="checkbox"/>	Non-Compliant <input type="checkbox"/>	2-year Maintenance <input type="checkbox"/>	Permanently Stabilized (close file) <input type="checkbox"/>
Copy to File <input type="checkbox"/>	Copy to:		
Construction Entrance/Pavement	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Detention/Sediment Basin Condition	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input checked="" type="checkbox"/> N/A
Dewatering Facility	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Ditch Checks/Silt Dikes	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Dust Control	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Inlet Protection	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Native Vegetation	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Overland Flow/Offsite Drainage Paths	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Perforated Riser	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Perimeter SE/SC Controls	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Restrictor Plate/Structure	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Silt Fence	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Soil Stockpile Stabilized/Protected	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Stabilization Measures	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Stormwater System	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Wetlands/Waters Protection Measures	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Inspector Comments / Photos			



VILLAGE OF
LONG GROVE
3110 RFD Long Grove, Illinois 60047-9635
Phone (847) 634-9440
Fax (847) 634-9408

July 3, 2012

1st NOTICE OF VIOLATION

Applicant Name
Company
Address
City, State ZIP

Subject: Project Name
Watershed Development Permit No. XXX-XX-XXX
1st Notice of Violation

Dear Permittee:

You are hereby notified of the following violation(s) to your Watershed Development Permit:

- Failure to notify the Village prior to construction.
- Failure to display Permit placard visible from street.
- Failure to install/maintain a non-erosive outlet from the structure to the watercourse (Art. IV, Sec. B.1.j.1.b).
Location(s) _____
- Failure to install/maintain soil erosion and sediment control features prior to the hydrologically disturbing upstream areas (Art. IV, Sec. B.1.j.1.c).
Location(s) _____
- Failure to install/maintain temporary or permanent seeding (Art. IV, Sec. B.1.j.1.d).
Location(s) _____
- Failure to install/maintain sod (Art. IV, Sec. B.1.j.1.d).
Location(s) _____
- Failure to install/maintain erosion control blanket (Art. IV, Sec. B.1.j.1.d).
Location(s) _____
- Failure to install/maintain silt fence, meeting AASHTO Std. Spec 288-00 (Art. IV, Sec. B.1.j.1.f.i).
Location(s) _____
- Failure to install/maintain sediment traps (Art. IV, Sec. B.1.j.1.f.ii).
Location(s) _____
- Failure to install/maintain sediment basins with perforated filtered riser pipe (Art. IV, Sec. B.1.j.1.f.iii).
Location(s) _____
- Failure to install/maintain storm inlet protection (Art. IV, Sec. B.1.j.1.g).
Location(s) _____
- Failure to route dewatering services through an effective sediment control measure (Art. IV, Sec. B.1.j.1.h).
Location(s) _____

- Failure to install/maintain stabilized construction entrance. Failure to clean right of way/pavement. (Art. IV, Sec. B.1.j.1.j).
Location(s) _____
- Failure to install/maintain runoff diversion controls (Art. IV, Sec. B.1.j.1.m).
Location(s) _____
- Failure to prevent erosion from stockpile, or the placement of stockpile in a flood-prone area, buffer, WOUS or IWLC (Art. IV, Sec. B.1.j.1.n).
Location(s) _____
- Failure to maintain dust control (Art. IV, Sec. B.2.b.8.e.).
Location(s) _____
- Failure to follow permitted construction sequencing (Art. IV, Sec. B.2.b.8.j).
Location(s) _____

You must take immediate action and cure all deficiencies identified above within five (5) working days, or the ~~insert MS4 type~~ may issue a Stop Work Order or invoke Article VII -Penalties and Legal Actions of the WDO that provides for up to a \$500 fine for each offense each day the violation continues. Once all deficiencies have been cured, please call our office to schedule a re-inspection. If you have any questions please contact ~~mc~~ at (630) 420-1700 ext.2104.

Sincerely,

~~Brian Witkowski P.E.~~
Enforcement Officer

C:

Summary of Violation Notification Procedure
<p>1st Notice: Village will furnish a Violation Notification to applicant and/or representative via fax and Certified Mail outlining necessary corrective measures to be completed and re-inspected within 5 working days of said notification. After which time, if violations are still not corrected, a Red Tag will be issued for the site (i.e. all work to stop except for activities related to correcting violations).</p>
<p>2nd Notice: Village issues a Red Tag for the site along with a Conditional Stop Work Order (allowing only remediation activities) via fax and Certified Mail granting an additional 5 working day deadline to complete remedial work to cure said WDO violation(s). Fines continue to accrue.</p>
<p>3rd and Final Notice: If corrective measures have not been completed within the period allowed by 2nd Notice, the Village shall meet with the applicant/developer to discuss the Village's additional punitive actions and the plan and schedule within which the necessary remedial measures will be completed. Fines continue to accrue and the Conditional Stop Work Order remains in effect.</p>
<p>NOTE: Building and/or Occupancy Permits and surety reduction requests will be withheld until all violations are resolved and levied fines are paid.</p>

ESI
ESI CONSULTANTS, LTD
Excellence, Service, Integrity
NAPERVILLE • CHARLESTON
CHICAGO • STOCKTON

██████████
Mr./Ms. First Name Last Name
Address
Town, IL ZIP
(XXX) XXX-XXXX

RE: Project Name at Address – STOP WORK ORDER
PIN: - - -
ESI Project: 04-026-018-01 BG # ██████████
Tracking #: ██████████

Dear Mr./Ms. Last Name,

ESI Consultants, Ltd. (ESI) visited the above mentioned project site on ██████████ and observed significant non-compliance with the required actions specified in Violation Notice # ██████████, dated ██████████.

Therefore, all on-site activities, except those which are necessary to execute the required actions described herein, are ordered to cease immediately until the erosion control measures are brought into compliance with the Village of Long Grove Watershed Development Ordinance.

The following actions are required:

- ██████████

Please see the attached pictures for further evidence of the violations. We will be inspecting this site for compliance with the above mentioned measures again on ██████████. Note that fines of up to \$500 per violation per day will continue to accrue. Please call (630) 420-1700 ext. 2104 if you have any questions regarding these comments.

Sincerely,
ESI Consultants, Ltd.



Brian Witkowski, P.E.
Enforcement Officer

C: David Lothspeich – Village of Long Grove
Joseph Chiczewski- Village Engineer/President ESI

EXHIBIT B
(Illicit Discharge Enforcement Procedures)

Illicit Discharge
Enforcement Procedures

The following enforcement procedures can be initiated by observation of an illicit discharge during a routine inspection, or in response to a citizen report.

Standard Village Forms

The **Illicit Discharge Incident Tracking Form** is a summary of site conditions at the time of inspection. Any violations and required remedial measures shall also be indicated on this form. The form is to be completed by the inspector for each site inspection.

A formal **Notice of Violation** letter will be sent to the owner when the inspector determines that required remedial measures for a previously identified violation have not been substantially completed upon re-inspection.

A **Red Tag / Stop Work Order** may be issued depending on the severity of any outstanding violation(s). Upon issuance of this order, all activities associated with the source of illicit discharge site shall cease except for those related to correcting violations.

Informal (Initial) Violation Notification

Upon determining the source of an illicit discharge, the inspector will complete the **Illicit Discharge Incident Tracking Form** and photographs of the violation(s) will be taken and saved. The violation shall be described to the property owner/occupant and a copy of the **Illicit Discharge Incident Tracking Form**, which indicates the remedial measures required to be completed within a five (5) working day time frame, will be provided to the property owner/occupant. The Village will perform a follow-up site inspection at the end of the indicated time frame.

Follow-Up Site Inspections

The property owner/occupant contact shall be notified of the anticipated inspection time. The site is inspected including all items previously documented on the previous **Illicit Discharge Incident Tracking Form**. Photographs will be taken and saved. The inspector will determine if the remedial measures have all been satisfactorily addressed, substantially completed, or if significant non-compliance remains.

If the remedial measures have been satisfactorily addressed then the **Illicit Discharge Incident Tracking Form** is filled out indicating compliance and provided to the property owner/occupant.

If the inspector determines that the remedial measures have been substantially completed, but not entirely resolved, the inspector shall follow the “Informal (Initial) Violation Notification” procedures in the section above.

If the inspector determines that the remedial measures have not been substantially completed, the inspector shall follow the “Formal Violation Notification” procedures in the section below.

Formal Violation Notification

The inspector will complete the **Illicit Discharge Incident Tracking Form** and photographs of the violation(s) will be taken and saved. The violation shall be described to the property owner/occupant and a copy of the **Illicit Discharge Incident Tracking Form**, which indicates the remedial measures required and maximum time frame for action, will be provided to the property owner/occupant.

A formal **Notice of Violation** letter will be sent to the property owner/occupant via fax and Certified Mail. A copy of the Notice of Violation shall also be provided to the Village Commissioner. The letter will include a description of the violations (including ordinance provisions), mandatory remedial measures, and maximum time frame for resolution. The Village will perform a follow-up site inspection at the end of the indicated time frame.

After the first formal violation notification has been issued the inspector may, depending on the severity of any outstanding violations, issue a **Red Tag / Stop Work Order** upon completion of the follow-up inspection. The Stop Work Order allows for the resolution of the violation but no other on-site activities related to the source of the illicit discharge.

These "Formal Violation Notification" procedures will be repeated and follow-up site inspections will continue to occur until all violations have been resolved.

Additional Punitive Actions

The Village may, upon issuance of the third and all subsequent formal **Notice of Violation** letters, consider taking additional punitive actions against the property owner/occupant. These actions may include, but are not limited to: issuing fines at a rate of \$500 per day per violation since the date of the first formal **Notice of Violation** letter; seeking Village counsel and pursuing injunctive or other legal relief.

In such cases where the Village seeks to implement additional punitive actions, the formal **Notice of Violation** letter shall be amended to include which additional penalties or measures will be imposed if the violation(s) persist and to request a meeting between Village staff and the property owner/developer.

Illicit Discharge Incident Tracking Form



**VILLAGE OF
LONG GROVE**
3110 RFD Long Grove, Illinois 60047-9635
Phone (847) 634-9440
Fax (847) 634-9408

Incident ID:			
Responder Information			
Call taken by:		Call date:	
Call time:		Precipitation (inches) in past 24-48 hrs:	
Reporter Information			
Incident time:		Incident date:	
Caller contact information (<i>optional</i>):			
Incident Location (<i>complete one or more below</i>)			
Latitude and longitude:			
Stream address or outfall #:			
Closest street address:			
Nearby landmark:			
Primary Location Description		Secondary Location Description:	
<input type="checkbox"/> Stream corridor (<i>In or adjacent to stream</i>)		<input type="checkbox"/> Outfall	<input type="checkbox"/> In-stream flow
<input type="checkbox"/> Upland area (<i>Land not adjacent to stream</i>)		<input type="checkbox"/> Near storm drain	<input type="checkbox"/> Along banks
		<input type="checkbox"/> Near other water source (storm water pond, wetland, etc.):	
Narrative description of location:			
Upland Problem Indicator Description			
<input type="checkbox"/> Dumping		<input type="checkbox"/> Oil/solvents/chemicals	<input type="checkbox"/> Sewage
<input type="checkbox"/> Wash water, suds, etc.		<input type="checkbox"/> Other: _____	
Stream Corridor Problem Indicator Description			
Odor	<input type="checkbox"/> None	<input type="checkbox"/> Sewage	<input type="checkbox"/> Rancid/Sour
	<input type="checkbox"/> Sulfide (rotten eggs); natural gas	<input type="checkbox"/> Other: Describe in "Narrative" section	
Appearance	<input type="checkbox"/> "Normal"	<input type="checkbox"/> Oil sheen	<input type="checkbox"/> Cloudy
	<input type="checkbox"/> Other: Describe in "Narrative" section		
Floatables	<input type="checkbox"/> None:	<input type="checkbox"/> Sewage (toilet paper, etc)	<input type="checkbox"/> Algae
	<input type="checkbox"/> Other: Describe in "Narrative" section		
Narrative description of problem indicators:			
Suspected Violator (name, personal or vehicle description, license plate #, etc.):			

Investigation Notes

Initial investigation date:	Investigators:
<input type="checkbox"/> No investigation made	Reason:
<input type="checkbox"/> Referred to different department/agency:	Department/Agency:
<input type="checkbox"/> Investigated: No action necessary	
<input type="checkbox"/> Investigated: Requires action	Description of actions:
Hours between call and investigation:	Hours to close incident:
Date case closed:	

Notes:

ESI

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CHICAGO • STOCKTON

██████████
Mr./Ms. First Name Last Name

Address

Town, IL ZIP

(XXX) XXX-XXXX

RE: Address – ILLICIT DISCHARGE VIOLATION NOTICE # ██████████

PIN: - - -

ESI Project: 04-026-018-01 BG # ██████████

Tracking #: ██████████

Dear Mr./Ms. Last Name,

ESI Consultants, Ltd. (ESI) visited the above mentioned site on ██████████ and found the sediment and erosion control measures to be in need of maintenance. From the date of this letter you have five (5) days to bring the property into compliance with the Village of Long Grove Watershed Development ordinance before fines will be pursued. The following actions are required:

- ██████████

Please see the attached pictures for further evidence of the violations. We will be inspecting this site for compliance with the above mentioned measures again on ██████████. Please call (630) 420-1700 ext. 2104 if you have any questions regarding these comments.

Sincerely,
ESI Consultants, Ltd.



Brian Witkowski, P.E.

Enforcement Officer

C: David Lothspeich – Village of Long Grove
Joseph Chiczewski – Village Engineer/President ESI

ESI
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CHICAGO • STOCKTON

██████████
Mr./Ms. First Name Last Name
Address
Town, IL ZIP
(XXX) XXX-XXXX

RE: Address – STOP WORK ORDER
PIN: - - -
ESI Project: 04-026-018-01 BG # ██████████
Tracking #:

Dear Mr./Ms. Last Name,

ESI Consultants, Ltd. (ESI) visited the above mentioned project site on ██████████ and observed significant non-compliance with the required actions specified in Violation Notice # ██████████, dated ██████████.

Therefore, all on-site activities related to the source of the illicit discharge, except those which are necessary to execute the required actions described herein, are ordered to cease immediately until the erosion control measures are brought into compliance with the Village of Long Grove Watershed Development Ordinance.

The following actions are required:

- ██████████

Please see the attached pictures for further evidence of the violations. We will be inspecting this site for compliance with the above mentioned measures again on ██████████. Note that fines of up to \$500 per violation per day will continue to accrue. Please call (630) 420-1700 ext. 2104 if you have any questions regarding these comments.

Sincerely,
ESI Consultants, Ltd.



Brian Witkowski, P.E.
Enforcement Officer