

City of Oshkosh, WI
Construction Site Pollution Control Program
Municipal Separate Storm Sewer System

Program Overview and Goals

The goals of the City of Oshkosh's Construction Site Pollution Control program are to:

- 1) Reduce storm water pollution to the nearby receiving waters including Lake Butte des Morts, Fox River, Sawyer Creek, Campbell Creek, and Lake Winnebago.
- 2) Prevent sediment and other non-storm water contaminants due to soil erosion from leaving construction sites.
- 3) Support development while maintaining an efficient and structurally sound municipal separate storm sewer system.
- 4) Comply with state and federal regulations as defined in the City's MS4 Permit.

This Construction Site Pollution Control Program document describes the City's program as required by MS4 Permit Section 3.5 to develop a program related to Permit Sections 2.4.2 to 2.4.4 (see Attachment 1).

The City's Construction Site Erosion Control Ordinance is contained in Article III of Chapter 14 – Storm Water Management in the City of Oshkosh Municipal Code.

Components of the City's Construction Site Pollution Control Program

1. Erosion and Sediment Plan Review

Responsible Position: DPW / Engineering Division; Civil Engineer Supervisor
Current Position Staff: Alyssa Deckert;
Phone: (920) 236-5065
Email: adeckert@ci.oshkosh.wi.us

Program Description:

The City's Municipal Code Chapter 14 describes multiple land disturbing construction activities that require compliance with the construction site review and permitting process and could be of any size if the City deems it potentially impactful to receiving waters. At a minimum, construction sites of 4,000 square feet or more (see Municipal Code Chapter 14, Article III, Section 14-9 for Applicability and Jurisdiction details) must apply for a permit which includes submitting a construction site erosion and sediment control plan.

Sites that are required to obtain a permit must adhere to Section 14-12 Performance Standards for Permitted Sites, Section 14-13 Permitting Requirements, Procedures, and Fees of the City's Ordinance, and Section 14-14 Erosion and Sediment Control Plan and Amendments.

Sites that do not need to prepare a plan and obtain a permit (see 14-9(A)(2)) are still required to adhere to Section 14-11 Performance Standards for Non-Permitted Sites of the City's Ordinance.

One- and two-family residential dwellings disturbing under 1 acre and not a part of a larger development are regulated by the Wisconsin Department of Safety and Professional Services under s. SPS 321.125 Wis. Adm. Code.

The erosion and sediment plan review program is managed through the City of Oshkosh Online Permitting and Planning Services (Evolve System): <https://www.ci.oshkosh.wi.us/EvolvePublic/> : Multiple City staff and a contracted qualified professional may get involved with the review and approval of erosion control submittals.

The procedure for construction site plan review and approval is as follows:

- 1) Applicant submittal:
 - a. The applicant uploads application materials into the Evolve System.
 - b. Alternatively, materials are provided to City of Oshkosh Permitting and Planning Services Staff, who in turn upload into the Evolve System.
 - c. This process may occur multiple times for a single project. If initial submittals are determined to be insufficient (see #2 below), resubmittal is required.
- 2) Review of submittal:
 - a. The Engineering Division / Civil Engineer Supervisor is notified of a submittal. The submittal is assigned to a qualified individual for review of storm water components, including construction site erosion control elements. Review may be conducted by Engineering Division staff or a contracted qualified professional (Consultant).
 - b. The submittal materials are reviewed for compliance with Article III of Municipal Code Chapter 14. Review of construction site erosion control and post-construction storm water management is conducted simultaneously.
 - c. The submittal is discussed at the next weekly Site Plan Review Meeting following the submittal. Meetings are typically held Mondays at 1:00 p.m. Site Plan Review Meeting attendees may include:
 - i. Engineering Division Manager / City Engineer,
 - ii. Civil Engineer Supervisor,
 - iii. Engineering Division Staff (including those responsible review of general Civil submittal components),
 - iv. Contracted qualified professional,
 - v. Planning Division staff,
 - d. Discussion at the weekly Site Plan Review Meeting allows collaborative input from multiple reviewers and discussion of site with Engineering Department leaders.
 - e. Following the Site Plan Review Meeting, the review of the submittal is finalized. The outcome of review is one of the following:
 - i. Not Approved: Site is deemed to not meet the requirements of Municipal Code Chapter 14. Review comments are provided to the applicant.
 - ii. Conditional: Site is deemed to meet the requirements of Municipal Code Chapter 14. An approval letter is provided to the applicant. Minor comments may remain, most typically they are associated with items to be completed by the end of construction. Frequent conditional approval comments include:
 1. Requirement for a final site inspection and preparation of as-built drawings / certification.
 2. Requirement for execution of an operation and maintenance agreement.
 - iii. Approved: Site is deemed to meet the requirements of Municipal Code Chapter 14. An approval letter is provided to the applicant.

- iv. Hold: Outstanding items are identified. The review is placed on hold and the applicant is contacted (via email) to request additional materials to be submitted that are missing from the submittal. Following submittal of additional material, the review is completed, and the review is finalized with one of the outcomes listed above.
 - f. This process is repeated as required for subsequent submittals of a project until a Conditional or Approved status is reached.
- 3) Approval of submittal:

As noted in the prior section, there are two levels of approval; Conditional and Approved. Once a project has achieved one of these two statuses, they may proceed with the requested development.

2. Administrative Procedures

Responsible Position: DPW / Engineering Division; Civil Engineer Supervisor
Current Position Staff: Alyssa Deckert;
Phone: (920) 236-5065
Email: adeckert@ci.oshkosh.wi.us

Program Description:

Administrative procedures for receiving and approving construction site erosion control plans, managing and responding to complaints and considering information from the public, and tracking regulated construction sites are as follows:

- 1) The process for submitting and obtaining local approval for construction site erosion control is as follows:
 - a. All projects requiring a City of Oshkosh permit/approval are administered through the City of Oshkosh Online Permitting and Planning Services (Evolve System):
<https://www.ci.oshkosh.wi.us/EvolvePublic/>
 - b. The plan submittal and approval process is conducted through the Evolve System (as described in Item 1. Erosion and Sediment Review above).
- 2) The City manages and responds to construction site erosion control complaints and citizen input as follows:
 - a. Complaints and citizen input are received regarding construction site erosion control through multiple paths.
 - i. The City's Connect Oshkosh system is used by citizens to report non-emergency neighborhood issues.
 - b. Complaints are received by phone calls from resident or other City Staff to the Engineering Division. When an erosion control complaint is received it is directed to a qualified erosion control inspector within the Engineering Division for response and follow-up.
 - c. Response to an erosion control complaint may vary based on the nature of the complaint. Response procedures may include one or more of the following:
 - i. Phone call to contractor or site owner.
 - ii. Site drive-by (not full site inspection).
 - iii. Site inspection.

- iv. Enforcement action, if warranted after, may be taken after other response(s) to complaint.
 - d. Complaints and follow-up responses are tracked through Connect Oshkosh and the City's MS4 PermiTrack software. Any erosion control inspections completed are documented and tracked in the City's erosion control inspection geodatabase.
 - e. Authority to inspect the site and enforce a response:
 - i. The City has the authority to conduct inspections of land disturbing activities under Section 14-16 of the City's Ordinance.
 - ii. The City's ability to enforce compliance with construction site erosion control (and other) activities is detailed in Article VI Enforcement, Penalties, Appeals, and Severability of the City's Ordinance.
- 3) The City tracks regulated construction sites as follows:
- a. Applications are tracked through the City Evolve program and process as discussed previously.
 - b. Active sites and erosion control inspections are tracked through the City's erosion control inspection geodatabase through site closure.

3. Construction Site Inspections and Enforcement

Responsible Position: DPW / Engineering Division; Civil Engineer Supervisor

Current Position Staff: Alyssa Deckert;

Phone: (920) 236-5043

Email: adeckert@ci.oshkosh.wi.us

Program Description:

The City inspects sites with erosion control permits, documents the inspections, and maintains inspection records. Enforcement mechanisms are implemented to obtain compliance as needed. These program elements are as follows:

- 1) As noted previously, the City of Oshkosh has the responsibility and authority to conduct inspections of land disturbing activities under Section 14-16 of the City's Ordinance and the ability to enforce compliance with construction site erosion control (and other) activities is detailed in Article VI Enforcement, Penalties, Appeals, and Severability of the City's Ordinance.

The following City departments and staff are responsible for construction site inspection and enforcement:

- a. Engineering Division
 - b. Inspections Services (1 & 2 family homes)
- 2) The City inspects construction sites based on the construction site conditions and frequency as noted in the following schedule. Inspection frequency varies based on the type of construction site.
 - a. City Project: City, or consultant, completes construction site inspections in accordance with Municipal Code Chapter 14-13 (C) (7) and WPDES Permit No. WI-S067831-5. Inspections are conducted at least once per week and within 24-hours after a precipitation event of 0.5-inches or greater.

- b. Private Project (Major): A major project is defined as being a site that has one-acre or more of disturbed area. Inspections are conducted at the following frequency:
 - i. Initial Inspection: Within the first two weeks of commencement of land disturbing activity.
 - ii. On-Going Inspections: Once every 45 days.
 - iii. Inactive Site Inspections: Once every 60 days.
 - iv. Follow-up Inspections: Within 7 days (for sites with sediment discharge or inadequate erosion control measures unless correction made and observed/documentated by inspector during initial site inspection or corrections were verified via photographs submitted to the inspector)
 - v. Final Inspection: Following completion of construction. If applicable, occurs in conjunction with Post-Construction Storm Water Management final inspections.
 - c. Private Project (Minor): A minor project is defined as any private project permitted by the City of Oshkosh Municipal Code Chapter 14 that is has less than one-acre of disturbed area.
 - i. On-Going Inspections: City typically will conduct a first time visit for new projects to ensure all initial erosion/sediment control BMP's are properly installed. Following that, the City typically will only perform inspections if there are complaints or based on engineering judgement.
 - ii. Final Inspection: Following completion of construction. If applicable, occurs in conjunction with Post-Construction Storm Water Management final inspections.
- 3) Construction site inspections for all project types are documented as follows:
- a. A mobile data collection tools and forms to complete site inspections. Following completion of inspections, the data is uploaded into a Geodatabase. EC inspections are stored within the server and ArcGIS Online due to the use of Survey123 for reports. Typically, the reports are only downloaded from ArcGIS Online when they are required to be sent to contractor/owner/consultant.
 - b. Inspection reports are generated (PDF format) and stored in the City's MS4 PermiTrack software.
- 4) The City's ability to enforce compliance with construction site erosion control (and other) activities is detailed in Article VI Enforcement, Penalties, Appeals, and Severability of the City's Ordinance. The City has the right to revoke a permit for noncompliance by posting written notice on site which stops further work at the site except as a condition precedent to the re-issuance of the permit. Specifically, the City has developed the following process of enforcement:
- a. Warnings
 - b. Notices of non-compliance
 - c. Stop Work
 - d. Re-start work
 - e. Other

**PROGRAM: Construction Site Pollution Control
 MS4 Permit Language:**

3.5 Construction Site Pollutant Control

The permittee shall submit to the Department the construction site pollutant control program developed for the term of this permit as required under sections 2.4.2 to 2.4.4 of this permit by March 31, 2022.

2.4.2 Erosion and sediment control plan review. Written procedures for construction site plan review which incorporate consideration of potential water quality impacts. Preconstruction erosion control plan reviews shall be conducted for all construction sites with greater than one acre of land disturbance.

2.4.3 Administrative procedures. Written procedures for the administration of the construction site pollutant control program including the process for obtaining local approval, managing and responding to complaints, tracking regulated construction sites, and construction site plan receipt and consideration of information submitted by the public.

2.4.4 Construction site inspections and enforcement. Written procedures for construction site inspection and enforcement of erosion and sediment control measures. By April 1, 2022, at a minimum, the procedures shall establish:

- a. Municipal departments or staff responsible for construction site inspections and enforcement.
- b. Construction site inspection frequency. The permittee shall inspect all construction sites, at a minimum, in accordance with the frequency specified in Table 3 below.

Table 3: Construction Site Inspection Frequency

Site	Inspection Frequency
1) All sites one acre or more in size	<ul style="list-style-type: none"> • New projects shall be inspected within the first two weeks of commencement of land disturbing activity • All active sites shall be inspected at least once every 45 days • All inactive sites shall be inspected at least once every 60 days
(2) Follow up inspection	<ul style="list-style-type: none"> • Follow up inspections are required within 7 days of any sediment discharge or inadequate control measure, unless corrections were made and observed by the inspector during initial inspection or corrections were verified via photographs submitted to the inspector
(3) Final inspection	<ul style="list-style-type: none"> • Confirm that all graded areas have reached final stabilization and that all temporary control measures are removed, and permanent storm water management BMPs are installed as designed

- c. Construction site inspection documentation. Compliance with the inspection requirements in 2.4.4.a. and b. above, shall be determined by proper documentation and maintenance of records of an established inspection program designed to inspect all sites.
- d. Enforcement mechanisms that will be used to obtain compliance.