

NOTICE OF PUBLIC HEARING

The Jefferson County, Missouri, County Council will hold a public hearing regarding proposed amendments to the existing Chapter 505 Code of Ordinances for Jefferson County, Missouri, controlling erosion and sedimentation control / stormwater management in the unincorporated territory of Jefferson County, Missouri. The public hearing will be held on Monday, March 25, 2019 at 6:30 p.m.

Citizens of Jefferson County are urged to attend this public hearing, held in the Assembly Room in the Jefferson County Administration Center, 729 Maple Street, Hillsboro, Missouri, and will be asked to submit comments or input, in writing to the County Council. The proposed changes to the Jefferson County Chapter 505 Code of Ordinances may be viewed on the Jefferson County, Missouri website: www.jeffcomo.org. If you are unable to attend the public hearing but would like to submit written comments or input, please mail the same, with a postmark no later than **March 18, 2019** to:

County Council of Jefferson County, Missouri

Attention: Stormwater Code Comments

P.O. Box 100

Hillsboro, MO 63050

DEPARTMENT OF PUBLIC WORKS

PROPOSED CHANGES TO CHAPTER 505 CODE OF ORDINANCES

Public Hearing Date is Monday, March 25, 2019 at 6:30 p.m.

PROPOSED CHANGES ARE AS FOLLOWS:

DELETE SECTION 505-010: PURPOSE, SCOPE OF AUTHORITY AND PERFORMANCE GUARANTEE

B. Scope Of Authority. Any person, firm, corporation or business proposing to have land disturbance of one (1) acre or more within the unincorporated limits of Jefferson County shall apply to the Department of Public Works for approval of a grading plan and a SWPPP and issuance of a land disturbance permit as required under Article II, Land Disturbance and Stormwater Management.

ADD SECTION 505-010: PURPOSE, SCOPE OF AUTHORITY AND PERFORMANCE GUARANTEE

B. Scope Of Authority. Any person, firm, corporation or business proposing to have land disturbance of one (1) acre or more within the urban area boundary of the unincorporated limits of Jefferson County shall apply to the Department of Public Works for approval of a grading plan and a SWPPP and issuance of a land disturbance permit as required under Article II, Land Disturbance and Stormwater Management. The urban area boundary shall be as defined on the latest edition of the functional classification maps for Jefferson County, Missouri as published by the East-West Gateway Council of Governments. Additionally, any development outside of the urban area boundary with greater than fifteen (15) acres of land disturbance area shall also require a land disturbance permit.

DELETE SECTION 505-040: INSPECTION AND MAINTENANCE OF SWPPP

B. Responsibilities.

1. The inspector shall inspect the site weekly to ensure proper installation, operation and maintenance of BMPs. Locations where stormwater leaves the site shall be inspected for erosion or sediment deposit. The overall effectiveness of the SWPPP shall be evaluated and the need for additional control measures addressed if needed. See Article VII of this Chapter for general guidance on inspection requirements. Any deficiencies shall be noted in a report of the inspection.
2. Additional inspections shall also be carried out within twenty-four (24) hours during the week and forty-eight (48) hours on weekends of a rainfall event of five tenths (0.5) inches or more.

3. The inspector shall promptly notify the permittee and the site contractors responsible for operation and maintenance of BMPs of the deficiencies found during the inspection.
4. The permittee shall correct the deficiencies within one (1) calendar day of the inspection in emergency conditions and four (4) calendar days of the inspection for routine maintenance.

ADD SECTION 505-040: INSPECTION AND MAINTENANCE OF SWPPP

B. Responsibilities.

1. The inspector shall inspect the site monthly to ensure proper installation, operation and maintenance of BMPs. Locations where stormwater leaves the site shall be inspected for erosion or sediment deposit. The overall effectiveness of the SWPPP shall be evaluated and the need for additional control measures addressed if needed. See Article VII of this Chapter for general guidance on inspection requirements. Any deficiencies shall be noted in a report of the inspection.
2. Additional inspections shall also be carried out within forty-eight (48) hours during the week and seventy-two (72) hours on weekends of a rainfall event of five tenths (0.5) inches or more.
3. The inspector shall promptly notify the permittee and the site contractors responsible for operation and maintenance of BMPs of the deficiencies found during the inspection.
4. The permittee shall correct the deficiencies within two (2) calendar day of the inspection in emergency conditions and seven (7) calendar days of the inspection for routine maintenance.

DELETE SECTION 505-050: COUNTY INSPECTION AND VIOLATIONS

C. A violation of any provision of this Chapter shall be a misdemeanor, carrying a punishment not to exceed imprisonment in the County Jail for more than one (1) year or a fine of more than one thousand dollars (\$1,000.00), or both such fine and imprisonment. Each day a violation occurs or exists shall constitute a separate offense.

ADD SECTION 505-050: COUNTY INSPECTION AND VIOLATIONS

C. A violation of any provision of this Chapter shall be a misdemeanor, carrying a minimum fine of two hundred dollars (\$200.00), subject to the limitations set forth in the applicable Revised Statutes of Missouri. Each day a violation occurs or exists shall constitute a separate offense.

**DELETE SECTION 505-170: EROSION AND SEDIMENT CONTROL/STORMWATER
MANAGEMENT DESIGN CRITERIA**

E. Erosion control techniques, include, but not be limited to, the following:

1. Permanent or temporary stabilization shall be completed within seven (7) calendar days on all perimeter dikes, swales, ditches, perimeter slopes and all slopes greater than three (3) horizontal to one (1) vertical, embankments of ponds, basins and traps; and within fourteen (14) days on all other disturbed or graded areas;
2. If seeding or another vegetative erosion control is used, it shall become established within two (2) weeks or the Director may require the site to be reseeded or a non-vegetative option be employed;

**ADD SECTION 505-170: EROSION AND SEDIMENT CONTROL/STORMWATER
MANAGEMENT DESIGN CRITERIA**

E. Erosion control techniques, include, but not be limited to, the following:

1. Permanent or temporary stabilization shall be completed within fourteen (14) calendar days on all perimeter dikes, swales, ditches, perimeter slopes and all slopes greater than three (3) horizontal to one (1) vertical, embankments of ponds, basins and traps; and within thirty (30) days on all other disturbed or graded areas;
2. If seeding or another vegetative erosion control is used, it shall become established within thirty (30) days or the Director may require the site to be reseeded or a non-vegetative option be employed;

DELETE SECTION 505-290: INSPECTIONS AND ENFORCEMENT

C. Inspections And Notice Of Failure. The County may inspect the work and upon prior notice to the permittee (except in cases of emergency in which the injury to persons or property is imminent) notify the permittee or the representative of the permittee, if there is a failure to comply with the requirements of this Chapter. Following notice of a potential violation, the permittee shall be given the opportunity to accompany any such inspector and to participate in the inspection. The notice issued for violation must, at a minimum, state the nature of the violation, any practice or approved plan deficiencies, required corrective action and compliance time. After a notice to comply is given, the permittee or the permittee's contractor(s) shall be required to make the corrections within the time period determined by the County. If an imminent hazard exists, the County shall require that the corrective work begin immediately. Notice of minor deficiencies may be given to responsible personnel on site.

ADD SECTION 505-290: INSPECTIONS AND ENFORCEMENT

C. Inspections And Notice Of Failure. The County may inspect the work and upon prior notice to the permittee (except in cases of emergency in which the injury to persons or property is imminent) notify the permittee or the representative of the permittee, if there is a failure to comply with the requirements of this Chapter. Following notice of a potential violation, the permittee shall be given the opportunity to accompany any such inspector and to participate in the inspection. The notice issued for violation must, at a minimum, state the nature of the violation, any practice or approved plan deficiencies, required corrective action and compliance time. After a notice to comply is given, the permittee or the permittee's contractor(s) shall be required to make the corrections within the time period determined by the County. If an imminent hazard exists, the County shall require that the corrective work begin immediately. Notice of minor deficiencies may be given to responsible personnel on site. The following summarizes the priority rating system in terms of site inspections conducted by the County:

1. Priority 1 rated sites exhibit minor deficiencies such as, but not limited to; (a) silt fence partially functional, but not upright, (b) developer inspections not current, (c) minor sediment on streets and entrances to public roadways, (d) construction trash and debris, (e) disturbed areas unstabilized past requirements, (f) storm inlet maintenance issues, (g) removal of BMPs no longer in use, (h) other minor deficiencies as noted in the inspection.

In general, most permitted sites would begin with this rating. Sites that are classified under this rating will be given seven (7) calendar days to correct the minor deficiencies. These types of deficiencies can sometimes require more than seven (7) days to regain code compliance. In these cases, an agreement between the permit holder and the Director would need to be reached and included in the inspection report. A Notice of Inspection letter will be included in the field inspection report for permitted sites or mailed to the accused in a complaint-driven investigation.

2. Priority 2 rated sites exhibit minor deficiencies that were not corrected by the date stated in the initial Priority 1 inspection report, or sites that exhibit major deficiencies such as, but not limited to; (a) unprotected storm inlets or non-functional device at storm inlets, (b) lack of concrete washout or lack of maintenance thereof, (c) sediment on streets and entrances to public roadways posing a dangerous situation for traffic safety or damage to property, (d) stream buffer encroachment without an approved variance, (e) improper storage of hazardous materials, (f) illicit discharge, (g) discharge off site or into sewer system, stream buffer or water course, (h) failure to install BMPs as needed or detailed in the approved SWPPP, (i) other major deficiencies as noted in the inspection.

In general, some permitted sites that fail to comply with the Priority 1 inspection report would move to this rating. Unpermitted sites, complaint-driven sites and some permitted sites could be initially rated as Priority 2. Sites that are classified under this rating will be given seven (7) calendar days to correct the deficiencies. A First Notice of Violation letter will be included in the field inspection report for permitted sites or

mailed to the accused in a complaint-driven investigation. The letter will note specific directions, timeline for correction and date of the follow up site inspection. If the Director requires and immediate action to mitigate risk to life or property, then such actions will also be detailed.

3. Priority 3 rated sites exhibit deficiencies that were not corrected by the date stated in the Priority 2 inspection report. Sites that are classified under this rating will be given five (5) calendar days to correct the deficiencies. A Second Notice of Violation letter will be included in the field inspection report for permitted sites or mailed to the accused in a complaint-driven investigation. The letter will note specific directions, timeline for correction and date of the follow up site inspection. This letter will also require a follow up inspection by the Director or designee prior to any potential enforcement action being taken. If the Director requires any immediate action to mitigate risk to life or property, then such actions will also be detailed.

4. Priority 4 rated sites exhibit deficiencies that were not corrected by the date stated in the Priority 3 inspection report. If the requirements of the Second Notice of Violation are not adhered to and by the date required, then a Final Notice of Violation will be issued giving twenty-four (24) hours for the deficient site to return to compliance. If no resolution to the issues persists past this point, then the County shall issue a Stop Work and citation. The County may be required to utilize any performance agreement escrow in the case of severe non-compliance of permitted land disturbance sites. This shall be at the discretion of the Director.