

**City of Fitchburg Engineering Erosion Control and Stormwater Management Enforcement
Standard Operating Procedures & Common Requirements (effective 5/1/2019)**

To better provide uniform oversight and obtain erosion control and stormwater management permit compliance on projects under the City Engineering's jurisdiction for inspection and enforcement.

Noncompliance violations for administrative and field items will be tracked separately.

Administrative Noncompliance

1. Administrative noncompliance shall include, but not be limited to: failure to complete a weekly inspection report on PermiTrack, failure to complete a post-rain event inspection report on PermiTrack, or falsifying an inspection report.
2. Notices of Noncompliance will be provided twice during the duration of a project for administrative noncompliance of the Fitchburg Code of Ordinances, Ch 30, Article II. Any violations after the two notices will result in the issuance of a citation.
3. For permitted projects that are required to submit weekly inspection reports, compliance checks are performed on Mondays for the previous week. To be considered in compliance, an online inspection report must have been submitted any time Sunday through Saturday of the previous week. If the inspection has not been received, the landowner and applicant listed on the Erosion Control and Stormwater Management Permit Application, as well as the PermiTrack authorized inspector will receive an email Notice of Noncompliance that the required inspection report has not been completed. **This is not to be considered a reminder email; if this email notice is sent, the site is already in noncompliance.**
4. Post-rain event inspection report compliance checks will be performed by the City Engineer 48 hours after the rain event day. Notices of noncompliance will be sent to the landowner, applicant, and authorized inspector.

Landowners, applicants, or their authorized inspectors are required to inspect after a rain event 0.5 inches or larger. **Authorized inspector(s) will need to check for rainfall amounts.** The following rain gauge should be used: http://infosyahara.org/rainfallgauges_station2. If that gauge is out of order, default to the "Madison Area" Location on the National Weather Service website: <http://www.nws.noaa.gov/climate/xmacis.php?wfo=mkx>. Rain gauges at the construction site or any other location will not be acceptable, as they cannot be verified by City inspection staff in a timely manner.

As a courtesy, the City will do its best to remind property owners, applicants, and inspectors when a rainfall event occurs that requires inspection; however, **the inspection is required regardless of whether or not an email reminder is sent.**

Field Noncompliance

Permitted sites will be visited by City Engineering regularly during the duration of the project. "City Engineering" means the municipal employee or contracted entity designated as the local approval authority responsible for administering the Fitchburg Code of Ordinances, Ch 30, Article II.

1. Field noncompliance shall include, but is not limited to land disturbance work without a permit, working without erosion control measures installed, improperly installed erosion control measures, failure to maintain erosion control measures, tracking of sediment onto adjacent streets or property, discharge of silt laden runoff or pump discharge from the site, etc.
2. Field violations may result in a Notice of Noncompliance emailed by City Engineering to the landowner, applicant, and authorized inspector. City Engineering will provide a deadline to correct the issue. City Engineering will perform a follow-up inspection after the deadline and if the violation has not been corrected, enforcement actions such as, but not limited to, citations and stop work orders may be used.
3. Once a citation is issued, each day that the violation exists shall constitute a separate offense and may result in additional citations.

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4. After two Notices of Noncompliance have been issued within the duration of the permit, field violations may result directly in a citation.

5. If the usual notice and citation methods fail to result in the permitted site being brought into compliance with Fitchburg Code of Ordinances, Ch 30, Article II requirements, additional enforcement measures such as, but not limited to, stop work orders or referral to the City Attorney will be used.

6. In the case of a safety hazard or more serious noncompliance (as determined by City Engineering), City Engineering will attempt to obtain immediate and voluntary compliance from the contractor, property owner, or applicant. Additional enforcement measures such as, but not limited to, citations and stop work orders may be used.