

**CITY OF PHENIX CITY
EROSION AND SEDIMENT CONTROL PROGRAM
FREQUENTLY ASKED QUESTIONS**

1. What are the federal Phase II stormwater regulations?

The Phase II stormwater regulations are a set of regulations that were published in December 1999, becoming effective March 2003, that are intended to guide local communities in the development of strategies to educate the public, to prepare local legislation, and to inspect stormwater collection and conveyance systems to promote the protection and preservation of water quality through stormwater management.

The Phase II stormwater regulations were an extension of the Phase I stormwater program that was initiated by Congress in 1992. The Phase I regulations required large communities with populations greater than 100,000 to apply for individual stormwater permits.

2. Who is governed by the Phase II stormwater regulations?

The regulations define Phase II Municipal Separate Storm Sewer Systems (MS4's) as *“Systems located in “urbanized areas” as defined by the U.S Bureau of the Census, having a population of at least 50,000 and an overall population density of at least 1000 people per square mile.”*

3. Why is the City of Phenix City governed by the Phase II stormwater regulations?

The City of Phenix City is considered a Phase II MS4 due to the urbanized area of Russell and Lee Counties.

4. When did the City of Phenix City receive its Phase II Stormwater Permit?

The City of Phenix City applied for and received a National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit in March 2003. The original permit was issued for a 5-year time period ending in March 2008. The City of Phenix City sent the General Phase II MS4 Stormwater Permit Renewal Notice of Intent and the accompanying fee on August 31, 2007, for Permit Number ALR040019. On February 17, 2009,

the City of Phenix City sent an updated Notice of Intent to reflect changes in Responsible Official and Permit contact due to personnel changes in the positions of Mayor and City Engineer. The City continued to operate under this permit while the new NPDES permit was finalized. On October 29, 2009, after reviewing the first draft of the new permit, the City of Phenix City submitted comments to the ADEM Water Division. On September 23, 2010, a Phenix City representative attended the NPDES Construction General Permit Update in Auburn, AL. Having received the revised draft of the new MS4 permit on February 12, 2010, the City of Phenix City once more submitted comments to the ADEM Water Division. On January 31, 2011, the City of Phenix City received the reissued NPDES Permit No. ALR0400019 and is currently implementing all changes in this permit period.

5. What does the Phase II stormwater regulations require of permittees?

The Phase II stormwater regulations outline six (6) minimum control measures that all Phase II Permittees must address when establishing individual stormwater programs. The six (6) minimum control measures are: (1) Public Education and Outreach; (2) Public Involvement and Participation; (3) Illicit Discharge Detection and Elimination; (4) Construction Site Stormwater Runoff Control; (5) Post-Construction Stormwater Management; (6) Pollution Prevention and Good Housekeeping.

6. Is the City of Phenix City required to have an erosion and sediment control program?

According to Appendix D of the Alabama Notice of Intent (ALNOI) General Permit for Phase II Small MS4's (2003), "*ADEM Administrative Code Ch. 335-6-12 implements a Statewide construction stormwater regulatory program consistent with NPDES requirements for construction activities. As provided by 40 CFR Part 122.35(b), this NOI does not require an MS4 to implement a local construction stormwater control program.*" ADEM has implemented a Statewide construction site stormwater regulatory program that addresses the minimum control measure outlined in the federal Phase II regulations. The City of Phenix City recognized a need to develop a construction site erosion and sediment control program to aid in the protection of local water resources. The City of Phenix City regulations do

not supersede ADEM's regulations; they are intended to support the ADEM regulations.

7. When did the City of Phenix City establish an erosion and sediment control ordinance?

The original Erosion and Sediment Control Ordinance (Ordinance) approved by the City of Phenix City was Ordinance 98-09, adopted on February 17, 1998.

The Ordinance was reviewed and underwent major changes in 2005. This Ordinance was adopted on August 16, 2005.

The Ordinance was reviewed and amended again on February 21, 2007 as Ordinance 2007-07. This is the current Ordinance that is in force at this time.

The Ordinance is currently under review though no changes have been made at this time.

8. Where can I find a copy of the Erosion and Sediment Control Ordinance?

The Erosion and Sediment Control Ordinance can be found on the City of Phenix City's website. www.phenixcityal.us.

9. What roles and responsibilities does the City of Phenix City have related to erosion and sediment control?

a. The City Engineering Department reviews erosion and sediment control construction best management practices plans (CBMPPs) submitted for individual developments by the engineer of record and provides comments to the engineer. The City has adopted statewide standards (i.e. *The Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas, latest edition*) to encourage uniformity in BMP design, construction and maintenance.

b. The City Engineering Department conducts initial on-site walk-through inspections of construction site best management practices (BMPs)

to ensure that all BMPs are installed in accordance with the approved CBMPP.

c. The City Engineering Department conducts site inspections after each $\frac{3}{4}$ in, 24-hour rainfall event or at least once per month. The purpose of these inspections is to document failures/deficiencies in BMPs on-site and to communicate those deficiencies to the respective permit holder. Follow-up inspections are made as necessary to ensure that corrections are being made promptly to correct any deficiencies and to restore the BMPs.

10. What roles and responsibilities does ADEM have relate to erosion and sediment Control?

a. ADEM reviews and approves/rejects NPDES Construction Stormwater Permits. All sites with planned disturbance greater than one (1) acre are required to obtain an individual NPDES Construction Stormwater Permit. Sites less than one (1) acre, but that have the potential to have an adverse impact on downstream water quality; can also be required to obtain a permit. Sites that are less than one (1) acre, but are part of a larger common plan development, are also required to obtain a permit.

b. ADEM conducts site inspections in accordance with the NPDES Construction Stormwater Permit Program and responds to citizen concerns.

c. ADEM issues enforcement in the form of consent orders and fines if deficiencies are evident on-site that result in a negative impact on downstream water quality.

11. How does the City of Phenix City CBMPP review and approval process work?

a. CBMPPs are submitted by the engineer of record for the project, along with other applicable engineering plans to the Engineering Department, where they are reviewed by the Graduate Engineer, Stormwater Coordinator, City Inspector, and other Departments (Utilities, Fire, Building, etc.) as required by plan content.

b. Once the plans have been approved, a pre-construction meeting with the developer, contractor, and engineer of record is scheduled by the Graduate Engineer.

c. The City of Phenix City Engineering Department will issue the Land Disturbing Permit at Plan Approval, after all other required State and Federal Permits have been obtained and copies submitted to the Engineering Department. At this time, construction may begin. The City of Phenix City Engineering Department requires 72 hour notice before construction begins.

d. Once all BMPs have been properly installed, the contractor calls the Stormwater Coordinator to arrange for a site inspection of all BMPs. BMP installation is required to be completed before mass grading/construction begins.

12. Please explain the City of Phenix City erosion and sediment control inspection process.

The City of Phenix City Engineering Department has developed an inspection and enforcement strategy that monitors sites in a proactive manner and provides response to deficiencies as necessary to ensure that City standards are being met to the maximum extent practicable. Inspections are conducted after each $\frac{3}{4}$ inch, 24-hour rainfall event, or at a minimum of once per month. Site inspections typically fall into three (3) categories: (1) No deficiencies found; (2) Minor deficiencies documented; and (3) Major deficiencies documented.

13. Please explain the City of Phenix City erosion and sediment control enforcement process.

If major deficiencies (i.e. sediment is leaving the site, failure to correct minor deficiencies since the last inspection, etc.) are noted on-site, the City Engineering Department initiates an enforcement process to ensure that noted deficiencies are being addressed in a proactive manner. The first step in the enforcement process is issuance of a 72-hour Notice of Violation (NOV) to the permit holder that outline the deficiencies and proposes corrective measures on-site (if critical deficiencies are found, the timeframe of the NOV is 24-hours.). If the permit holder fails to address the deficiencies at the end of the 72-hour (or 24-hour) timeframe, then a citation is issued to the permit holder by the City to appear in Municipal Court for violations of the Erosion and Sediment Control Ordinance. City personnel also have the ability to issue a stop work order on-site if conditions warrant. Penalties for violating the Erosion and Sediment Control Ordinance are up to

a \$500 fine per day per offense and/or possible jail time as determined by Municipal Court.

14. Does the City of Phenix City have water monitoring?

The City of Phenix City Engineering Department has a water tester certified by Alabama Water Watch. There are currently three (3) test sites that are maintained by Phenix City Water Watch.

15. Where can I get more information?

Call the City of Phenix City Engineering Department at 334-448-2760.

Or come by:

1111 Broad Street, Building B
Phenix City, Alabama 36867