

Community Notification Procedure

Potential Non-Compliance or Stormwater Management Facilities Failure in Certified Communities

Minor issues are to be forwarded to Certified Community via SMC CIRS procedure.

Following is the procedural outline for notification of certified communities for instances of significant Watershed Development Ordinance non-compliance issues.

Project or Subdivision _____

Pin # _____ Date of Complaint _____

Community _____ E.O. _____

Process Initiated By (call-in, walk-in, etc.) _____ SMC Staff _____

Initial Finding

SMC notification or discovery of potential Watershed Development Ordinance (WDO) violation.

Type of potential violation (check all that are applicable):

- | | | |
|--|--|---|
| <input type="checkbox"/> Floodplain Impact | <input type="checkbox"/> Floodway Impact | <input type="checkbox"/> Wetland Impact |
| <input type="checkbox"/> No Permit | <input type="checkbox"/> Soil Erosion/Sediment Control | |
| <input type="checkbox"/> Flooding | <input type="checkbox"/> Other | |

Provide a brief description of the type of violation:

Potential Violation Level (please circle) minor - 1 2 3 - major

*** The appropriate time frame (calendar days) is based on the type and severity of the violation as follows:**
1 day or Immediate Response = Time Critical or Hazard to Public
10 days = Due Process with High Priority
30 days = Due Process with deference to construction sequencing

Step One – SMC Initial Notice

SMC Action - Notify by phone and/or email both the Community Enforcement Officer and community contact (not the mayor/president) and provide information (source of complaint/discovery, PIN, location, details of concern or potential violation, etc.).

SMC Action – Request community response* from the E.O. (i.e., is the community aware of the situation, has the site been researched and determined to be compliant or non-compliant, has the developer been notified of a violation, etc.), and additional response from the E.O. when the concern will be/has been resolved and how resolution was accomplished.

* **Assign a timeframe appropriate to the situation. (See footnote)**

SMC Action - Document each of these actions thoroughly.

Step Two – Community Response and Communication

Community Action - Community to Email/Fax/Letter Verification of site issue(s), ordinance compliance status, copies of previous correspondence, remedial plan, recommendations and/or planned actions to SMC Field Staff and Chief Engineer.

Community Action - Community to provide appropriate time frame* for site remediation and set compliance deadline.

Community Action - Community to verify site compliance by deadline.

- Community actions resolve concern. No further action required
 - Community actions do not resolve concern. SMC field verification and/or additional follow-up needed. Proceed to **Step Three**.
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Step Three – Compliance Verification

(Due to requested follow up, inadequate community response, continuation of problem or repetitive occurrence)

Action- Notify Enforcement Officer, Community Contact, Community Administrator and SMC Chief Engineer of activity to date and schedule a site visit.

Action- Inspect site to verify and document community response and resolution, documentation to include field observation report, photos, any conversation made on site with developer/owner/contractor, etc.

- Community actions resolve concern. No further action required
 - Community actions do not resolve concern.
Proceed to Step Four - Request Community Response from E.O.
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Step Four – Community Response and Communication

Community Action - Community to Email/Fax/Letter Verification of site issue(s), ordinance compliance status, copies of previous correspondence, remedial plan, recommendations and/or planned actions to SMC Field Staff and Chief Engineer.

Community Action - Community to provide appropriate time frame* for site remediation and set compliance deadline.

Community Action - Community to verify site compliance by deadline.

- Community actions resolve concern. No further action required
- Community actions do not resolve concern. SMC field verification and/or additional follow-up needed. Proceed to **Step Five**.

Step Five – Elected Official Notification

Action - Notify E.O., community contact, Village Administrator, Community Chief Elected Official, SMC Chief Engineer and Executive Director by email (and phone message to E.O.) of continuation of violation and offer technical assistance and request a staff meeting to generate remedial measures.

- **Assess 1 Notification Point and advance to next step. Notify that SMC will reinspect in an appropriate time frame indicated based on the current condition of the site violation. (Implement General Note F as necessary)**

Step Six – Non-Compliance Follow-up

Action – Schedule and notify (by email and phone message) E.O., community contact, Village Administrator and Chief Elected Official, SMC Chief Engineer and Executive Director of non-compliance follow up meeting and inspection of site correspondent to the appropriate time frame.

Action - Inspect the site on the arranged date and document inspection.

- Community actions resolve concern. No further action required
- Community actions do not resolve concern. Proceed to **Step Seven**.

Step Seven - Formal Notification

Action – Send a *certified letter* to the community E.O., the community Chief Administrator and Mayor/President. The certified letter should contain a notice of continuing violation with a detailed history of the violation, the notification process steps taken, and a notice or reinspection within the appropriate time frame. Copy this letter to the SMC Executive Director, the property owner, site developer, and any other appropriate agency (see General Note F).

- **Assess 2 Notification Points and advance to next step.**

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Step Eight – Community Response and Communication

Community Action - Community to Email/Fax/Letter Verification of site issue(s), ordinance compliance status, copies of previous correspondence, remedial plan, recommendations and/or planned actions to SMC Field Staff and Chief Engineer.

Community Action - Community to provide appropriate time frame* for site remediation and set compliance deadline.

Community Action - Community to verify site compliance by deadline.

- Community actions resolve concern. No further action required
 Community actions do not resolve concern. Proceed to **Step Nine**.

Step Nine – Pre-Hearing Reinspection

Action – Schedule site inspection with the E.O., Community Administrator, SMC Chief Engineer and Executive Director. Inspect the site on the arranged date and document inspection

- Community actions resolve concern. No further action required
 Community actions do not resolve concern. Proceed to **Step Ten**

Step Ten – Notice of SMC Board Involvement

Action - Notify by **certified letter** the E.O., the Community Administrator and Mayor/President of continuing violation. Copy this letter to the SMC Executive Director, the property owner, site developer, and any other appropriate agency (see General Note F).

The **certified letter** shall contain:

- Notice of continuing violation with a detailed history of the violation
- Community notification process steps taken
- Offer of technical assistance
- Notice of reinspection within the appropriate time frame
- Clear intent to forward the violation to the next SMC Board meeting for deliberation of de-certification hearing
- Invitation to the community to the SMC meeting for rebuttal.

Action – Schedule a meeting to be held before SMC Board mailout date between SMC Executive Director and the Chief Village Administrator and Mayor/President to discuss continuing violation.

- **Assess 3 Notification Points if insufficient action requires advancement to next step.**

Note: This step is to be taken only with severe, well-documented violations after all attempts toward remediation with the certified community have failed. Otherwise continue working with the community to remediate the violation.

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Step Eleven - Case Preparation, Presentation and Rebuttal to SMC Board

Action - SMC staff prepares mailout of documentation of steps #1 through #10 for SMC Board monthly meeting.

Action - SMC staff presents documentation of violation and chronology of staff actions to the Commission.

Action - Certified Community rebuttal of circumstances to the Commission.

Step Twelve – Commission Deliberation of Site-Violation

Action – Commission deliberates on case information and community performance of certified community responsibilities.

Action – Commission may either decertify, put conditions on certification or defer to future action.

Action - If the Commission proceeds with decertification, then SMC assumes enforcement authority and proceeds to bring site violation into compliance.

General Notes:

- A. If the certified community initiates remedial action to bring the violation into compliance at any step before mailout is sent to SMC in step #11, the process will be put on hold by staff.
- B. If the process proceeds past mailout in step #11, then the SMC shall, at a minimum, deliberate placing the community on probation status at SMC meeting.
- C. A community will remain on probationary status until the end of its current certification period.
- D. If a community is on probationary status and goes through Step #11 for a subsequent violation, then the SMC shall, at a minimum, deliberate automatically decertifying the community.
- E. A community that has been decertified can petition for certification after the end of its current certification period.
- F. From this stage on in the process, copy IDNR/OWR, USACE, FEMA, IEPA, or other appropriate agencies.

Notification Point System:

Points assessed throughout this process are cumulative. If one site violation proceeds through Step Eleven, that site alone will generate 6 notification points for the community.

1. *If a community has received 6 notification points within the three-year certification period, as shown above, then the SMC shall, at a minimum, deliberate placing the community on probation status at the earliest scheduled SMC meeting.*
2. *If a community receives 12 notification points within the three year certification period, then the SMC shall, at a minimum, deliberate decertification of the community at the earliest scheduled SMC meeting.*

Notification Points shall be assessed by the SMC Chief Engineer. Appeals to point assessments shall follow the Appeals process in Article V.B.2. and 3. of the Watershed Development Ordinance.

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