

**PROCEDURAL GUIDANCE
FOR CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES
AND RELATED STORM WATER CONTROL REQUIREMENTS
IN THE CITY OF BALLWIN, MISSOURI**

1. Purpose

The purpose of this guidance manual is to provide direction to municipal officials and staff for implementing the provisions of municipal ordinances pertaining to regulation of land disturbance activities and related storm water controls. This guidance will help promote efficient plan reviews and processing of permit applications so as to benefit the community and to ensure compliance with the terms of the City of Ballwin's state issued MS4 NPDES permit. Certain requirements of Section 4.2.4 of the MS4 permit, as referenced below, are addressed within this guidance manual.

2. General provisions

The Department of Public Works shall be responsible for enforcing the provisions of the Grading, Erosion and Sediment Control Ordinance #04-07. The Department of Public Works shall review all permit applications submitted pursuant to that ordinance and shall issue permits with such conditions as deemed appropriate to enable compliance with the grading ordinance and other related ordinances. The Department shall conduct all required inspections of permitted sites and shall be responsible for initiating enforcement actions when violations are identified.

Persons who intend to disturb land within the City of Ballwin, will be reminded, at the time of initial contact with municipal officials, of the need to obtain a separate land disturbance permit from the Missouri Department of Natural Resources for any construction or land disturbance activity that will result in disturbance of one acre or more of land. Persons, intending to disturb such acreage must be informed that site work may not commence until the state permit has been obtained. No municipal permit, for sites of one acre or above, will be issued until a land disturbance permit has been issued by DNR.

3. Water Quality Considerations (See Section 4.2.4.2.4 of the MS4 permit)

During review of site plans, Storm Water Pollution Prevention Plans (SWPPP) and other documents submitted as part of the permit application, Department staff shall consider the potential water quality impacts of the project both during the construction/land disturbance phase and after site development is fully complete. Department staff should consider the provisions within the Missouri Water Quality Standards, the Missouri Impaired Waters list (303(d) list), the federal Endangered Species Act, the National Historic Preservation Act and proximity to water bodies identified by MDNR as "Valuable Resource Waters" (See attached listing). To the maximum extent practicable under state and local laws, the Department shall include such conditions in permits as are appropriate to prevent or minimize impacts on water quality. Department staff shall solicit comments or advice, when deemed appropriate, from the Missouri Department of Natural Resources, The Missouri Department of Conservation, the Soil and Water Conservation District, U.S. Army Corps of Engineers and such other state and national regulatory bodies as may have expertise related to a specific project or area.

4. Public Inquiries/Complaints (See Section 4.2.4.2.5 of the MS4 permit)

The Department of Public Works shall maintain a system for recording and tracking inquiries and complaints received from the public regarding proposed and active land disturbance sites within the City of Ballwin. The following information shall be logged, on a standard form, for each inquiry/complaint:

- Date;
- Name, address and telephone number of the inquiring/complaining party;
- Nature of inquiry/complaint, including all pertinent information related thereto; and
- Follow-up action. If an inspection is performed, all information regarding the date and time, inspector's name, findings and any mitigation or enforcement actions initiated shall be recorded.

All inquiries or complaints must be logged. However, it is up to the sole discretion of the Department of Public Works, with such consultation with other departments or agencies as may be deemed appropriate, as to whether any follow-up action is deemed appropriate. If no follow-up action is deemed necessary, a short explanation shall be recorded on the standard inquiry form.

5. Inspections/Reports (See Section 4.2.4.2.6 of the MS4 permit)

The Department of Public Works shall inspect each permitted site at the frequency specified in the Ballwin ordinance #04-07 and at such other times as necessary to follow-up on public inquiries/complaints or to follow-up on previously identified deficiencies. The results of all inspections shall be recorded in written reports and maintained in the project file. Inspections shall be carried out in such a way as to determine whether the site operator is complying with all provisions of the the City of Ballwin permit.

6. Transfer of Ownership

Individual Lot or Lots: City of Ballwin ordinances require a permit, as well as controls for sediment, erosion and other construction site pollutants for disturbed areas of land in excess of one (1) acre disturbed as part of a common plan or sale. That language means the lot(s) when sold to an entity for construction (unless sold to an individual for purposes of building their own private residence) are also subject to ordinance requirements because they are part of the common sale. A current permittee who intends to transfer ownership of a lot or parcel of the overall permitted area is still responsible for the terms of the City of Ballwin permit and the SWPPP and erosion control on that site unless the new owner applies for and receives a separate permit for land disturbance activities. If the current permittee is to retain the permit and responsibility for control of sediment and other pollutants at the site, then the owner should obtain a copy of an Individual Lot Certification (ILC) from the lot owner(s). The ILC should be properly completed and signed and retained with the SWPPP.

Entire Tract: If the entire tract is sold to a single entity, then the City of Ballwin permit shall be terminated and the new owner shall submit an application for a new permit immediately.

7. Reference Sources

The staff will provide every permit applicant with the following list of reference and guidance documents, which may be employed in development of the SWPPP. For activities requiring state land disturbance permits, the first two documents listed are considered mandatory references for all applicants.

“Storm Water Management for Construction Activities - Developing Pollution Prevention Plans and Best Management Practices” September 1992 - United State Environmental Protection Agency Office of Water, EPA 832-R-92-005.

“Protecting Water Quality - A field guide to erosion, sediment and storm water best management practices for development sites in Missouri and Kansas” September 1998 - Prepared by the St. Charles County Soil & Water Conservation District, St. Charles, Missouri, the Dam and Reservoir Safety Program, Division of Geology and Land Survey, Missouri Department of Natural Resources, Rolla, Missouri:

“Urban Conservation Policy Handbook” June 1998 - The Mid-America Association of Conservation Districts, The Missouri Department of Natural Resources, The United States Environmental Protection Agency Region VII

“Missouri Standards and Specifications for Highway Construction” 1999 or latest edition - Missouri Highways and Transportation Commission

“Standard Construction Specifications for Sewers and Drainage Facilities” 2000 or latest edition - Metropolitan St. Louis Sewer District

“Rules and Regulations and Engineering Design Requirements for Sanitary Sewage and Storm Water Drainage Facilities” February 1997 or latest edition - Metropolitan St. Louis Sewer District

“Standards Specification for Highway Construction” January 1, 1997 or latest edition – St. Louis County Department of Highways and Traffic

“Design Criteria Book for the Preparation of Improvement Plans” March 1, 2000 or latest edition (Storm Water Design 50.10 to 50.60.) - St. Louis County Department of Highways and Traffic

Any City of Ballwin specific guidance documents

The permit applicant is not limited to the use of these guidance manuals. Other commonly accepted publications may be used for guidance and must be referenced in the SWPPP.

8. Inspections

The Department of Public Works will conduct inspections of storm water BMPs as follows and at such time the area(s) is(are) accessible:

- a. receipt of notification from the permittee that BMPs are in place
- b. receipt of a complaint
- c. heavy rain storm
- d. receipt of notification from the permittee that the construction season is closing
- e. receipt of notification from the permittee that the final grading is complete
- f. completion of the revegetation of the site

See Ballwin Ordinance No. 04-07 Sec 11-6 and Section 4.2.4.2.6 of the MS4 permit)

**ATTACHMENT TO
PROCEDURAL GUIDANCE
LISTING OF MISSOURI VALUABLE RESOURCE WATERS**

The Missouri Department of Natural Resources imposes additional requirements in state land disturbance permits for sites from which storm water will discharge to “Valuable Resource Waters.” The following table identifies water bodies defined as “Valuable Resource Waters” in MDNR General Permit MO-R109000 and the distances from such water bodies within which additional permit requirements apply:

VALUABLE RESOURCE WATERS	
WATER BODY*	PERMIT MO-R109000 CONDITIONS APPLY IF DISCHARGES FROM A LAND DISTURBANCE SITE ARE WITHIN THE FOLLOWING DISTANCES FROM THE WATER BODY
Losing stream	1000 feet
Outstanding National or State Resource Water	1000 feet
Class L1 lakes or reservoirs used for public drinking water supply	1000 feet
Water body identified as critical habitat for endangered species	1000 feet
Class P stream	100 feet
Class L2 reservoir	100 feet
Biocriteria reference locations	2 miles upstream
Class W (Wetland that meets the criteria in the <i>Corps of Engineers Delineation Manual</i> (January 1987))	On site
Groundwater	Discharge to a sinkhole or other direct conduit to groundwater

* See listings in Missouri Water Quality Standards 10 CSR 20-7.031