

Erosion and Sediment Control Measures

Complaint Guidelines

Erosion and Sediment Control Measures (ESCM) must be properly installed on a construction site in accordance with Chapter 24, Section 6 of the City of Bloomington Codes. This document is meant to serve as a set of guidelines for the handling of complaints regarding ESCMs and the procedures which shall be followed to obtain compliance with the requirements set forth in Phase 2 of the U.S. Environmental Protection Agency's Clean Water Act.

This Act requires the City of Bloomington to *consider* the information submitted. It does not require the City of Bloomington to respond to every complaint or concern. The City is required to demonstrate acknowledgment and consideration of the information submitted. If there is a conflict between these guidelines and another existing Engineering Department procedure, the more stringent of the two procedures shall apply. The Director of the Engineering Department may make changes to these guidelines, at any time, and at their discretion.

A. Handling of Verbal Complaints

The person receiving the verbal complaint shall make every effort to obtain the following information from the complainant:

1. Complainant's name - may substitute Anonymous or Concerned Citizen
2. Complainant's address
3. Complainant's phone number - required if complainant desires updates regarding status of complaint
4. Address of complaint - if no address is given; attempt to get a description of where the complaint site is located (subdivision, nearest intersection, house number nearest complaint location, etc.)
5. Description of complaint
6. Ask if complainant would like to be called back regarding status of complaint.

Any information obtained during the course of a verbal complaint shall be forwarded to the Engineering Technician responsible for enforcing the Erosion Control Ordinance.

B. Handling of Written Complaints

Any written complaint received shall be forwarded to the Engineering Technician responsible for enforcing the Erosion Control Ordinance. Any complaint received via fax, e-mail, regular mail, etc. shall be deemed a written complaint.

All forms of written complaints shall be maintained for the time frame specified by the City Clerk. All complaints generated via e-mail shall be printed off and clearly labeled with the date and time the e-mail was originally received within the Engineering Department.

C. General Complaint Guidelines

All complaints received regarding Erosion and Sediment Control Measures shall be entered into a new COMPLAIN project within the Permits Plus program. If the complaint involves multiple addresses, a separate complaint must be added for each address.

All inspections conducted as a result of a complaint regarding Erosion and Sediment Control Measures shall be properly documented within the Inspections module of the related COMPLAIN project in the Permits Plus program. Inspection information shall include, but is not limited to, the following information:

1. Date and time the inspection was conducted;
2. Any discrepancies found as a result of the inspection;
3. Any corrective action necessary to obtain compliance, including deadlines for completing said corrective actions;
4. Any information, including phone calls, written correspondence or meetings conducted in an attempt to resolve the deficiency;
5. Date and time the complaint was closed, complete with the initials of the person closing the complaint;
6. Any information relevant to the issuance of tickets or fines for noncompliance.

D. Field Inspection Procedures

The Technician assigned the complaint shall make a reasonable effort to determine if any information currently exists prior to conducting a field inspection. This may include, but is not limited to:

1. A review of the central file data to determine if there is another similar complaint already in progress or to find information regarding other complaints at the site;
2. A review of the Permits Plus program to determine if there is another similar complaint already in progress or to find information regarding other complaints at the site;
3. Conducting discussions with other Technicians in an attempt to obtain background information on the site;
4. A review of the complaint to determine its relevancy to the Erosion and Sediment Control requirements set forth in either Phase II of the Clean Water Act or the provisions set forth in Chapter 24, Section 6 of the City of Bloomington Codes and Ordinances.

The Technician shall use available resources to determine the validity of the Complaint, including but not limited to:

1. Aerial or satellite photos of the site;
2. Plats submitted with the subdivision;
3. Erosion and Sediment Control Plans submitted as a requirement of the Erosion and Sediment Control Permit application process;
4. Any available topographic data;
5. Site plans submitted during any stage of the permitting process;
6. Any other reliable data, available from local, state or national organizations.

The Technician shall review the data as required and proceed with one of the following actions:

1. Determine the complaint is valid and proceed with conducting a field inspection.
 - A. Document valid complaints and any field inspections conducted using the Permits Plus system
 - B. Develop and mail appropriate compliance correspondence which must include the following information:
 1. Nature or description of complaint
 2. Date field inspection was conducted
 3. What must be done to obtain compliance
 4. Reasonable deadline for obtaining compliance

5. Statement requiring applicant to call Technician for a re-inspection
 6. Implications of not correcting problems found on site.
- C. Any correspondence sent as a result of a complaint must be documented and placed into the Central file following existing Engineering Department procedures. This includes, but is not limited to:
1. Written correspondence, including:
 - a. Written or typed letters;
 - b. E-mail or other electronic methods of communication;
 2. Verbal correspondence;
 - a. All verbal correspondence must be documented to include the following information:
 1. Date and time the conversation occurred;
 2. Method of communication
 - i. Meeting;
 - ii. Phone Conversation;
 - iii. Two way radio or similar conversation
 3. Brief summation of conversation and end result, including any changes to compliance dates and reason for such changes.
 - b. Any verbal communication of a threatening nature shall be immediately reported to the Technician's immediate Supervisor for immediate review and further action by other personnel as they deem necessary.
 3. Photographs of deficiencies, which must include:
 - a. Date and time photographs were taken;
 - b. Initials or name of person taking photograph;
 - c. Short description indicating what is depicted in the photograph;
 4. Any correspondence received as a result of correspondence sent by the Engineering Department that is related to the complaint.
- D. Notify the complainant, whenever possible, of the status of the complaint and any actions to be taken by the Engineering Department to obtain compliance.

2. Determine the complaint is not valid and conduct no field inspection. If the Technician determines the complaint is not valid, they shall perform the following:
 - A. Make the appropriate entries in the Permits Plus system to document their review of the complaint and their finding that the complaint is invalid.
 - B. Notify the complainant, whenever possible, that the complaint has been determined to be invalid.
 - C. Print appropriate documentation from the Permits Plus system and place it in the Central file following existing Engineering Department procedures.

E. Complaint Closure

A complaint may be closed at any time at the discretion of either the Director of Engineering or the Engineering Technician to whom the complaint has been assigned. The complaint should be closed using the following procedures:

1. Provide written correspondence to the entity responsible for resolving the complaint. This correspondence must include:
 - A. A statement indicating the deficiencies cited in the original complaint have been resolved.
 - B. A statement indicating potential fines or tickets that may be levied if the deficiencies occur again at the site.
 - C. A statement providing the entity with contact information should they have further questions regarding the matter.
2. The Complainant shall be contacted and notified that the complaint has been closed. They should also be informed of their right to submit another complaint should any further issues arise.
3. Appropriate documentation shall be placed in the Engineering Department Central File following existing Engineering Department procedures.
4. Entry of final inspection data into the Permits Plus program to further document the closure of the complaint.