

MS4 PERMIT

MINIMUM

CONTROL

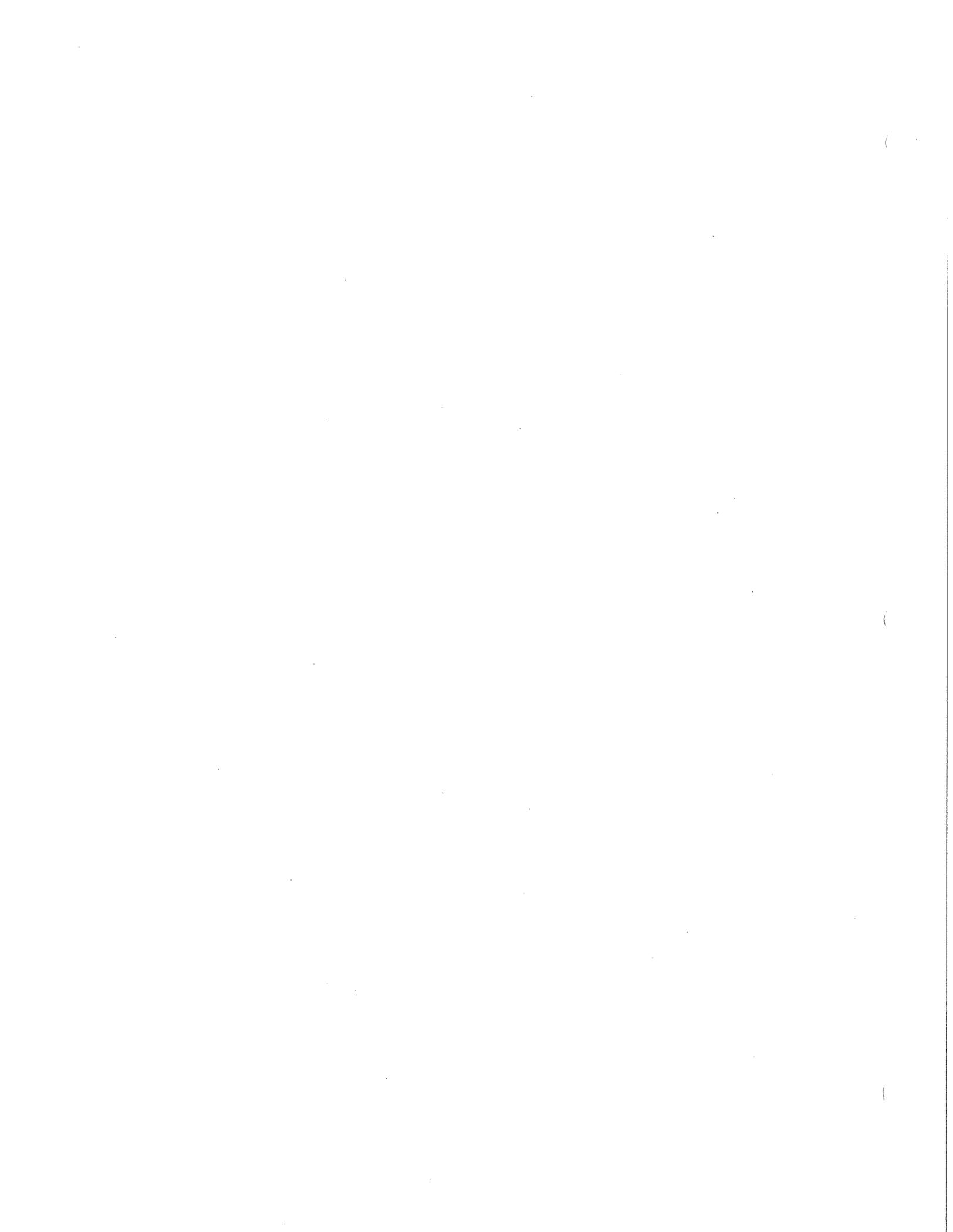
MEASURE

#4

CONSTRUCTION SITE

STORMWATER

RUNOFF CONTROL



City of Blaine Standards and Policies for Compliance with the NPDES MS4 Permit Minimum Control Measure 4: Construction Site Stormwater Runoff Controls

Purpose. The purpose of these procedures is to control and eliminate, to the greatest extent possible, stormwater pollution and soil erosion and sedimentation in order to protect and safeguard the general health, safety, and welfare of the public of the City of Blaine (the City). It establishes standards and specifications for development, conservation practices and planning activities.

Scope. In order to achieve compliance with the Municipal Separate Storm Sewer System (MS4) permit coverage extended to the City by the Minnesota Pollution Control Agency (MPCA), and to be consistent with the Local Surface Water Management Plan adopted by the City of Blaine, all public and private development and redevelopment projects, alterations, or improvements shall meet the requirements of the City of Blaine Erosion and Sediment Control (ESC) ordinance, the NPDES Construction Stormwater Permit (if applicable) and the rules of whichever Water Management Organization has jurisdiction on the subject property.

Responsible Party: Under the direction of the City Stormwater Manager, the Standard Operating Procedures and Enforcement Response Procedures will be administered within the City. Other City staff will provide assistance as necessary.

Standard Operating Procedures (SOP)

All proposed development projects go through several review and approval processes before reaching the point of final permit application/approval to start the project. These include reviews by various City departments as well as City Council approval. Projects must have all other permits required by outside agencies before final approvals are issued by the City.

As final permit applications are submitted and copies sent to the Engineering Department for review, a copy of the permit application form is given to the Stormwater Manager (SM).

The SM then notifies those applicants that an inspection will be conducted on a given date to verify that all erosion and sediment control practices have been installed.

- The permit will not be issued until ESC practices have been properly installed.
- If the site will not be ready for inspection on the day noticed the applicant must call to arrange an alternate inspection date.

Routine site inspections are conducted on a weekly basis, or within 24 hours after a 0.50 inch or greater rainfall event.

- Sites with compliance issues may be inspected more frequently to follow up on compliance directives.
- Sites that maintain ESC measures routinely may be inspected less frequently.

In order to be compliant, a construction site must properly install best management practices (BMP) that will most adequately provide the prevention of soil and sediment loss from the site. BMPs should be those best suited to the site conditions and type of construction activity that will take place.

Main categories of BMPs that are needed for each site are:

- Perimeter protection: Silt fence, bio-logs or other approved method of preventing soil loss from a site must be installed in all down-gradient locations, across the front of a site, on lot lines adjacent to finished properties, and in other situations that may be deemed prudent or necessary.
- Inlet protection: Devices approved for insertion in catch basins for the purpose of capturing sediment before entering storm sewer systems must be installed before any earth work or clearing/grubbing begins on a site. Silt fence fabric and hay bales are not approved methods for these purposes.
- Site entrance: A single site entrance must be designated and then armored with rock, shredded wood mulch, or other approved material to prevent the tracking of soil and sediment from the site. Crushed concrete and Class 5 soil are not approved materials for this purpose. If an additional site entrance is deemed necessary it must have the same protection as designated above.
- Trash containment: A sturdy container must be provided for the deposit and containment of all debris. Measures must also be provided to prevent debris from being blown from the site by the wind.
- Concrete washout facility: It is a violation of the NPDES Construction Stormwater permit for any concrete washout water/slurry to come in contact with the soil. This includes washout of cement delivery equipment, hand tools, and any other solutions or equipment used in cement work, brick laying, or other masonry procedures. A container must be provided on site for the deposit of these materials and must be decanted and emptied as needed, with slurry and water being deposited in the appropriate disposal containers/locations off site.
- Stock pile protection: Piles of soil must be protected from the potential of leaving the site. Silt fence is the most appropriate method; covering the pile with a tarp or similar cover may also work. Bio-logs do not provide adequate protection for stockpiles.
- Soil stabilization: Following the grading of a site, disturbed soils must be stabilized within 7 days if not being actively worked.
- Wetland and pond protection: Prior to the start of site grading, silt fence must be installed around the perimeter of wetlands, stormwater ponds, infiltration areas and other facilities that could be impacted from soil erosion.
- Tree protection: Safety fence or other approved measures must be installed at the drip line of trees and any other vegetation that has been identified for protection during the course of construction.
- Street sweeping: Streets must be cleaned of any soil that has been tracked from the site or into the street from other sources on a daily basis. If excessive amounts of soil/mud build up during the day, mire frequent cleaning may be necessary.
- Dewatering methods: If dewatering is necessary on a site, discharge of the water must be to an approved location. Discharge will take place in such a manner so as not to create erosion of soils, disturbance of pond bottom sediments, flooding of any properties, deposition of sediment in unauthorized areas or other negative impacts

Pre-inspection due diligence:

- Be familiar with the physical setting of the project site and surrounding area
- Review site plan, SWPPP and permit to become familiar with the project and what requirements have been placed on it.
- Review previous inspection reports for follow up items

An Erosion Control Inspection Notice (see attached example) will be completed for each site inspected.

- A copy of the Notice will be e-mailed to the builder/developer.
- Any corrective actions required will be noted as well as a deadline for completion.
- Follow up inspections will be conducted as needed.
- The appropriate watershed district is copied on the e-mailed report to coordinate compliance activities.

Inspection reports will be filed using the City's electronic system of record keeping for all building, fire code and ESC inspections and related documents. Currently, that system is TRAKiT.

Reports or complaints received from the general public regarding ESC issues will be recorded in TRAKiT and attached to the appropriate permit record for future reference and appropriate action.

Enforcement Response Procedures (ERP)

When ESC controls are found to be in need of maintenance/repair or are not in compliance, the required measures are listed in an ESC inspection form.

A copy of the form is sent to the site owner within 24 hours with a deadline for compliance, usually 48 to 72 hours.

If, on the follow up, the site is not brought into compliance within that time frame, a second notice is issued with a 24 hour deadline.

If the site is still found to be non-compliant, the following actions may be taken:

- Issue a third notice and work with owner to come into compliance, or
- Suspend all building inspections, or
- Issue a Red Tag and shut site down until compliance is achieved, or
- Administrative Penalty, or
- Withhold issuance of the Certificate of Occupancy (CO).

If inspections have been suspended or a CO or a Red Tag issued, the site owner must call for a re-inspection. The re-inspection will take place within 48 hours.



DEVELOPMENT PLAN CHECKLIST AND APPROVAL FORM

PROJECT: _____ DATE SUBMITTED: _____

APPLICANT: _____

ADDRESS: _____

EMAIL: _____

PHONE: _____ FAX: _____

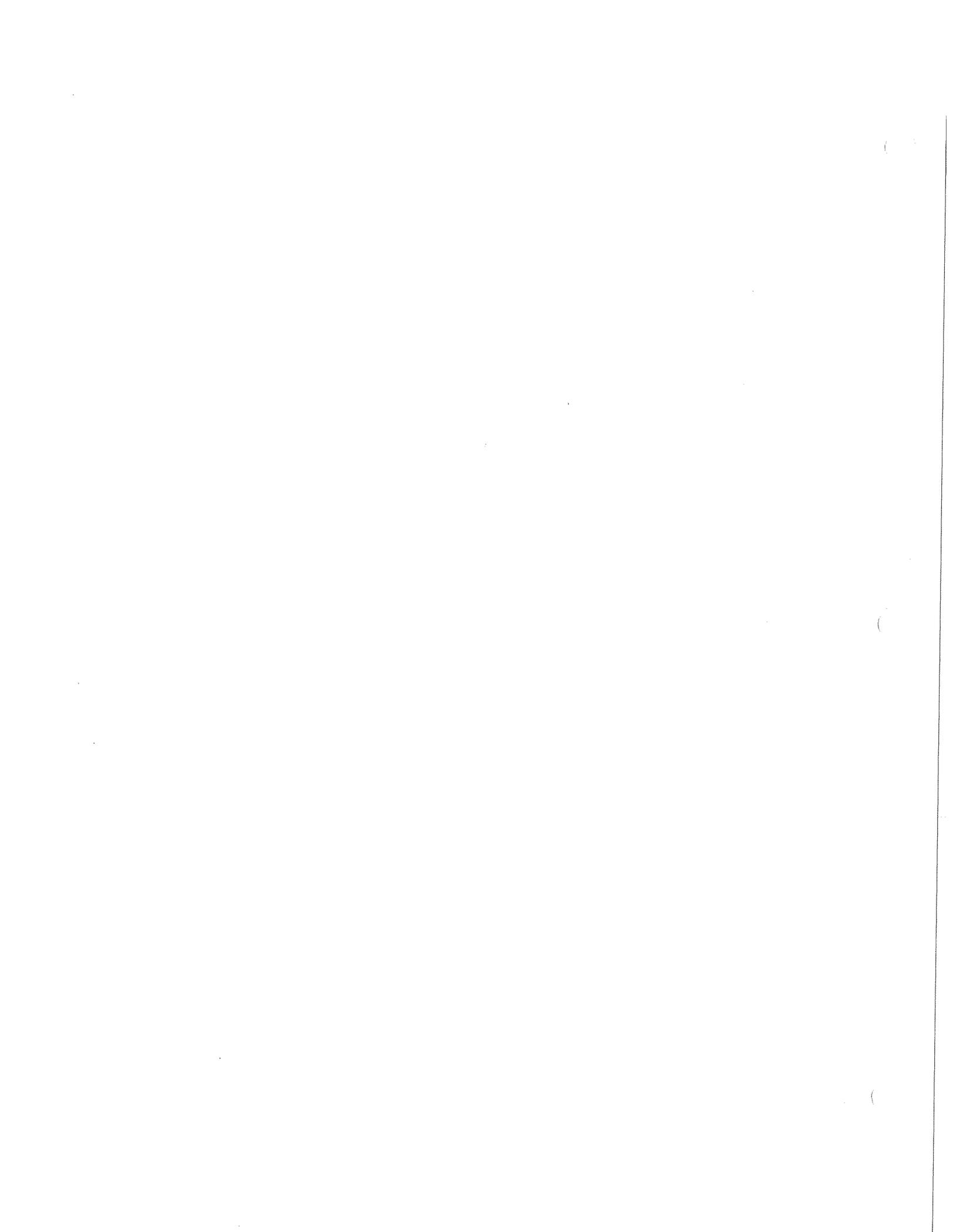
Two copies of the Draft Development Plan must be submitted for review. Two copies must be submitted after plans have been changed. Development Plan must be approved prior to any building permits being issued. The Development Plan may be combined with the Grading Plan.

*The applicant is to complete the "included" boxes and submit this form with the required plan(s).

**See City of Blaine Design Standards for additional requirements.

INCLUDED	APPROVED	
<input type="checkbox"/>	<input type="checkbox"/>	Proposed House Types
<input type="checkbox"/>	<input type="checkbox"/>	Finished Grades at Lot Corners
<input type="checkbox"/>	<input type="checkbox"/>	Finished Grades at Any Grade Breaks
<input type="checkbox"/>	<input type="checkbox"/>	100-Year Base Flood Elevation of Ponds and/or Ditches
<input type="checkbox"/>	<input type="checkbox"/>	Location/Grade of Proposed Berms
<input type="checkbox"/>	<input type="checkbox"/>	Location/Grade of Proposed Drainage Swales and Storm Sewer Inlets/Outlets
<input type="checkbox"/>	<input type="checkbox"/>	Elevation of Existing Property Lines Adjacent to Proposed Plat (elevations must be field surveyed, not interpolated)
<input type="checkbox"/>	<input type="checkbox"/>	Lowest Floor Elevation Proposed for Each Lot
<input type="checkbox"/>	<input type="checkbox"/>	Top of Foundation and Garage Floor for Each Lot
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Finished Grade Elevation 10 Feet Away from Structure (see attached detail)
<input type="checkbox"/>	<input type="checkbox"/>	Grade beyond 10 Feet from Structure at a Minimum of 1%
<input type="checkbox"/>	<input type="checkbox"/>	Grade Across Rear Lot Line Minimum of 1.0%
<input type="checkbox"/>	<input type="checkbox"/>	Arrows Identifying Direction of Surface Drainage
<input type="checkbox"/>	<input type="checkbox"/>	Emergency Overflow Swales shown with Elevations
<input type="checkbox"/>	<input type="checkbox"/>	Identify Areas of Custom Grading for Tree Protection
<input type="checkbox"/>	<input type="checkbox"/>	Lowest Opening Elevation of Any Proposed Walk Out or Window Opening if Lookout
<input type="checkbox"/>	<input type="checkbox"/>	Utility and Drainage Easements
<input type="checkbox"/>	<input type="checkbox"/>	Note Lots that Require FEMA Paperwork
<input type="checkbox"/>	<input type="checkbox"/>	Driveway Slopes Shall be No Greater than 10%
<input type="checkbox"/>	<input type="checkbox"/>	Soil Boring Information (submit report)
<input type="checkbox"/>	<input type="checkbox"/>	All Lots must have at Least 8,000 sf Above the 100 Year Flood Elevation

REVIEWED/APPROVED: _____ DATE SUBMITTED: _____





GRADING/EROSION CONTROL PLAN CHECKLIST AND APPROVAL FORM

PROJECT: _____ DATE SUBMITTED: _____

APPLICANT: _____

ADDRESS: _____

EMAIL: _____

PHONE: _____ FAX: _____

Two copies of the Draft Grading and Erosion Control Plan must be submitted for review. The Grading and Erosion Control Plan must be approved and work authorized to start before any work can begin.

*The applicant is to complete the "included" boxes and submit this form with the required plan(s).

**No work can begin until approval is received from the City.

***See City of Blaine Design Standards for additional requirements.

INCLUDED	APPROVED	
<input type="checkbox"/>	<input type="checkbox"/>	Existing Topography and Contours on Site and all areas within 200 feet beyond site (show elevations)
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Contours
<input type="checkbox"/>	<input type="checkbox"/>	Silt Fence Locations and Installation Details
<input type="checkbox"/>	<input type="checkbox"/>	Note on Plan that Developer is Responsible for Removal of Silt Fence Upon Turf Establishment
<input type="checkbox"/>	<input type="checkbox"/>	Existing Trees on Site and on Adjacent Property and Tree Protection Fencing Identify Areas of Custom Grading for Tree Protection
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Storm Drainage Ponding (include calculations)
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Storm Water Control Structure Details and Elevations
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Storm Sewer System
<input type="checkbox"/>	<input type="checkbox"/>	Proposed House Types with Elevations
<input type="checkbox"/>	<input type="checkbox"/>	100-Year Base Flood Elevation of Ponds and/or Ditches
<input type="checkbox"/>	<input type="checkbox"/>	Notes for Permanent Turf Establishment to be in Place within 14 Days of Final Grading
<input type="checkbox"/>	<input type="checkbox"/>	Construction Entrance Location and Construction Details
<input type="checkbox"/>	<input type="checkbox"/>	Temporary Erosion Control Measures to Protect in Place and Proposed Storm Sewers/Inlets
<input type="checkbox"/>	<input type="checkbox"/>	Soil Boring Information (submit report)
<input type="checkbox"/>	<input type="checkbox"/>	Wetland Delineation Report and Mitigation Plan
<input type="checkbox"/>	<input type="checkbox"/>	Label Normal Water Level and High Water Level for all water features

FOR CITY USE ONLY

Applied for Permits from:	SUBMITTALS	PERMIT RECEIVED
<input type="checkbox"/>	Watershed District	<input type="checkbox"/>
<input type="checkbox"/>	Army Corps of Engineers	<input type="checkbox"/>
<input type="checkbox"/>	Department of Natural Resources	<input type="checkbox"/>
<input type="checkbox"/>	Minnesota Pollution Control Agency – Storm Water Permit	<input type="checkbox"/>
<input type="checkbox"/>	Minnesota Department of Transportation	<input type="checkbox"/>
<input type="checkbox"/>	Anoka County Highway Department	<input type="checkbox"/>

REVIEWED/APPROVED: _____ DATE SUBMITTED: _____



INFRASTRUCTURE PLAN CHECKLIST AND APPROVAL FORM

PROJECT: _____ DATE SUBMITTED: _____

APPLICANT: _____

ADDRESS: _____

PHONE: _____ FAX: _____

Two copies of construction plans must be submitted for review. Four copies must be submitted after plans have been revised.

*The applicant is to complete the "included" boxes and submit this form with the required plan(s).

**No work can begin until approval is received from the City.

***See City of Blaine Design Standards for additional requirements.

INCLUDED	APPROVED	CONSTRUCTION PLANS
<input type="checkbox"/>	<input type="checkbox"/>	City Standard Details as applicable
<input type="checkbox"/>	<input type="checkbox"/>	Traffic Signs
<input type="checkbox"/>	<input type="checkbox"/>	Street Signs
<input type="checkbox"/>	<input type="checkbox"/>	Index Sheet as required
<input type="checkbox"/>	<input type="checkbox"/>	Benchmarks
<input type="checkbox"/>	<input type="checkbox"/>	Existing Utilities (including private)
<input type="checkbox"/>	<input type="checkbox"/>	Meets Ten-States Standards for Utility Separation and Manhole Location
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Utilities on all Sheets including cross-sections
<input type="checkbox"/>	<input type="checkbox"/>	Certification by Professional Engineer
<input type="checkbox"/>	<input type="checkbox"/>	Street Names
<input type="checkbox"/>	<input type="checkbox"/>	North Arrow and Graphic Scales (north to the right or top)
<input type="checkbox"/>	<input type="checkbox"/>	Water Main to have Minimum 7.5-Foot Minimum Cover
<input type="checkbox"/>	<input type="checkbox"/>	Legal Descriptions of Parcels (addresses and property identification numbers if available)
<input type="checkbox"/>	<input type="checkbox"/>	Finished Centerline Profile Grades on All Sheets (Matching Grading Plan)
<input type="checkbox"/>	<input type="checkbox"/>	Existing Topography
<input type="checkbox"/>	<input type="checkbox"/>	Specifications
<input type="checkbox"/>	<input type="checkbox"/>	Mail boxes

FOR CITY USE ONLY

Applied for Permits from:	Engineer Approval	SUBMITTALS	ITEM RECEIVED
<input type="checkbox"/>	<input type="checkbox"/>	Department of Health Permit	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Minnesota Pollution Control Agency Permit (Sanitary Sewer)	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Metropolitan Council – Environmental Services (with/copy of MPCA Permit)	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Watershed District Permit	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Anoka County Highway Department Permit	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Minnesota Department of Transportation Permit	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Letter of Credit for Improvements	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Minnesota Pollution Control Agency Permit (NPDES)	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Engineering Fees	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Grading Plan Approved	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Development Plan Approved	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Planning Requirements Met	<input type="checkbox"/>

REVIEWED/APPROVED: _____ DATE SUBMITTED: _____

Erosion Control Inspection Notice

Date and Time: 8/18/2015 2:19 PM

Permit No.: _____

Type of Inspection: Routine weekly

Subdivision Name: _____

City Project No.: _____

Address: _____

Owner/Contractor: _____

Telephone No.: _____

- | | | |
|---|---|--|
| <input type="checkbox"/> Perimeter protection | <input type="checkbox"/> Trash containment | <input type="checkbox"/> Tree protection |
| <input type="checkbox"/> Site entrance | <input type="checkbox"/> Concrete washout | <input type="checkbox"/> Pond(s) |
| <input type="checkbox"/> Inlet protection | <input type="checkbox"/> Dewatering | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Street condition | <input type="checkbox"/> Ditch checks | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Stock piles | <input type="checkbox"/> Sediment trap | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Soil stabilization | <input type="checkbox"/> Wetland protection | <input type="checkbox"/> _____ |

Is site active? Yes No _____

Comments:

Inspected by: Eric Raatsi **Phone:** (763) 717-2720

Zoning Ordinance

33.00 Performance Standards

33.16 Soil Erosion and Sedimentation Control

a) Findings of Fact. It is hereby determined that:

- (1) Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;**
- (2) This stormwater runoff contributes to increased quantities of water-borne pollutants, and;**
- (3) Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.**

Therefore, the City of Blaine establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety. All new development and redevelopment shall conform to Blaine engineering specifications for site work and the natural limitations as presented by the topography and soil to create the best potential for preventing soil erosion.

(b) Purpose. The purpose of this ordinance is to control and eliminate, to the greatest extent possible, storm water pollution and soil erosion and sedimentation in order to protect and safeguard the general health, safety, and welfare of the public. It establishes standards and specifications for development and conservation practices and planning activities designed to:

- (1) Minimize increases in stormwater runoff from any new development or redevelopment in order to reduce flooding, siltation, streambank erosion and maintain the integrity of stream and ditch channels;**
- (2) Minimize increases in non-point source pollution caused by stormwater runoff from new development or redevelopment which would otherwise degrade local water quality;**
- (3) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.**
- (4) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.**

(c) Scope. In order to achieve compliance with the Municipal Separate Storm Sewer System (MS4) permit coverage extended to the City by the Minnesota Pollution Control Agency (MPCA), and to be consistent with the Local Surface Water Management Plan adopted by the City of Blaine, all public and private development and redevelopment projects, alterations, or improvements

shall meet the requirements of this ordinance, the NPDES Construction Stormwater Permit (if applicable) and the rules of whichever Water Management Organization has jurisdiction on the subject property. Except where a variance is granted or ordinance does not require, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the city shall apply to the city for project approval which shall include one or more of the following:

- (1) Grading, Erosion and Sediment Control Plan,
- (2) Stormwater Pollution Prevention Plan (SWPPP) and
- (3) Stormwater Management Plan.

No land shall be disturbed until the project is approved by the city, has received a watershed district permit, any other applicable permits, and conforms to the standards set forth herein. Chapter 34, Article V, Division 1 & 2, Sections 34.131 – 34.155 and Chapter 74, Article III, Section 74.81 of the Blaine City Code of Ordinances, Section 33.07 of the Blaine City Zoning Ordinance and other pertinent sections of Code shall also be applied.

(d) **Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(e) **Severability.** The provisions of this ordinance are severable, and if any provision of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

(f) **Definitions.** Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and to give this Section its most reasonable application. For the purpose of this Section, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally. As used in this Section, the following words and terms shall have the meanings ascribed to them in this Section:

Bench is a relatively level step excavated into earth material on which fill is to be placed.

Best Management Practices (BMP) are erosion control, sediment control and water quality management practices that are most effective and practicable for means of controlling, preventing and reducing the degradation of surface water as published by state or designated area-wide planning agencies.

Borrow is soil or other earth materials acquired from an off-site location for use in grading or filling on a site.

Buffer means land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat. In areas of agricultural use, the land may be used for less intensive agricultural purposes provided its function as a buffer remains intact.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots and other remains in the designated areas.

Common Plan of Development or Sale is a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Detention facility is a temporary or permanent natural or man made structure that provides for the temporary storage of stormwater runoff.

Discharge is the release, conveyance, channeling, runoff or drainage of stormwater, including snowmelt, from a construction or development site.

Disturbed ground is any clearing, grading, excavating or other activity that removes vegetation and/or exposes or loosens the soil making it susceptible to erosion by wind, water, vehicular traffic or man-made activity.

Erosion is any process that wears away the surface of land by the action of wind, water, ice, gravity, nature or man-made activities

Erosion control refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Exposed soil areas are areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surfaces have been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas; borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection requirements. Once soil is exposed, it is considered "exposed soil", until it meets the definition of "final stabilization".

Fill is a deposit of soil or other earth materials placed by artificial means.

Filter strip is a vegetated section of land designed to treat runoff as overland sheet flow. It may be designed in any natural vegetated form from a grassy meadow to a small forest. The dense vegetated cover facilitates pollutant removal, reduces erosion and promotes infiltration.

Floodplain the channel or beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.

Final Stabilization requires that all soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a minimum density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

High water level is the expected elevation the water in a stormwater pond will rise to a 100 year rain event as calculated by the pond design.

Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper soil horizon.

Hydrologic Soil Group (HSG) means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

Impaired Waters are water bodies that do not meet water quality standards and designated uses because of pollutant(s), pollution, or unknown causes of impairment.

Impervious surface is a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads. Class 5 gravel surfaces are considered to be impervious surfaces.

Land disturbance activity is any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including, but not limited to construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this ordinance, land disturbance activity does not mean:

(1) minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, home landscaping, minor repairs and maintenance work which do not disturb more than two thousand (2,000) square feet of land or exceed one hundred (100) cubic yards of earthwork provided work does not obstruct or modify a watercourse or storm sewer system and is not located in a floodplain;

(2) installation and maintenance of fences, signs, posts, poles, electric, telephone, cable television, utility lines or individual service connections to these utilities; or

(3) general farming practices, or

(4) emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Native vegetation is the pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.

Normal water level refers to the permanent pool of water retained in a stormwater pond. By design, this is the water level below the invert elevation of the pond outlet with a depth not to exceed eight (8) feet.

Ordinary high water level "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

(1) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

(2) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

(3) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outfall is the point of discharge to any watercourse from a public or private stormwater drainage system.

Permanent cover means "final stabilization". Examples include grass, gravel, asphalt and concrete. See also the definition of "final stabilization".

Public Waters are waters of the state as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

Retention facility is a temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, dewatering discharge, irrigation or any man-made sources of water flowing over the ground surface.

Sediment is the product of an erosion process; solid material both mineral and organic, which is in suspension, is being transported, or has been moved by water, wind, or ice and has come to rest on the earth's surface either above or below water level.

Slope is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Special Water Surface water or receiving water that is of a high quality or is deemed worthy to receive extra protection.

Stormwater. Under Minnesota Rule 7077.0105, Subpart 41b), storm water, "means precipitation runoff, stormwater runoff, snow melt runoff and any other surface runoff and drainage". According to the Code of Federal Regulations (CFR), under 40 CFR 122.26 [b][13], "Stormwater means storm water runoff, snow melt runoff and surface and drainage". Stormwater does not include construction site dewatering.

Storm sewer system, includes but is not limited to, the combination of roadway gutters, roadway section ditches, culverts, storm sewer piping, overflow channels, infiltration trenches, detention and retention water quality treatment basins and other methods or devices used for capturing, conveying, controlling and treating stormwater and snow melt runoff.

Stormwater Pollution Prevention Plan is joint stormwater, erosion prevention and sediment control plan that is a document containing the requirements of Section I. When implemented, the plan will define the methods to be used to reduce soil erosion on a parcel of land and off-site non-point pollution. The plan involves both temporary and permanent controls.

Stormwater pond(also referred to as wet sedimentation basin, wet retention basin, or simply wet pond) is a man-made or modified natural basin constructed to capture and retain stormwater runoff for the purpose of removing pollutants and mitigating downstream water quantity impacts.

Surface Waters means all streams, ponds, lakes, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems, whether natural or artificial, public or private.

Surveyor is a person duly registered or authorized to practice land surveying in the State of Minnesota.

Temporary Erosion Protection means short-term methods installed to prevent erosion. Examples include: silt fence, straw mulch, wood fiber blanket, wood chips and erosion netting.

Vegetated (Grassy) swale is a vegetated earthen channel that conveys storm water while treating the stormwater by biofiltration. Such swales aid in the removal of pollutants by both filtration and infiltration.

Waters of the State as defined in Minnesota Statutes Section 115.01, Subdivision 22, the term, “. . . waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof”. *Commentary: According to Minnesota Rules 7050.0130, Subpart A, disposal systems or treatment works operated under either a Minnesota Pollution Control Agency (MPCA) permit or an agency certificate of compliance are not considered “waters of the state.” Under Minnesota Rules 7050.0130, Subpart F, constructed wetlands designed for wastewater treatment are not “waters of the state.” Also see the definition of “Wetlands”.*

Wetlands.(a) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) have a predominance of hydric soils;
- (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances support a prevalence of such vegetation. (MN Statutes 103.G.005)

(g) **General Criteria.** The Grading, Erosion and Sediment Control plan shall be required for any land disturbance activity or project disturbing more than 20,000 square feet and shall minimize exposed soil and unstable soil conditions in area and duration, disturbance of natural soil cover

and vegetation, work in and adjacent to water bodies and wetlands, off-site sediment transport by trucks and equipment, and disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing. The Plan shall also protect receiving water bodies, wetlands, storm sewer inlets and adjacent properties from sediment deposition. It shall provide a plan for minimal compaction of site soils.

(h) Submittal Components. An acceptable application for construction will include the following requirements and contain the components detailed in the following sections.

(1) Grading and Erosion and Sediment Control Plans. The Grading/Erosion Control Checklist And Approval Form should be used as a reference. These can be obtained from the City of Blaine Engineering Department. All grading and erosion and sediment control plans shall include the following items:

(a) Plans for existing and proposed conditions. A complete site plan and specifications, signed by the person who designed the plan shall be in compliance with Blaine Zoning Ordinance 33.07, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:

(i) Project map indicating site boundaries and existing elevations, property lines and lot dimensions in relation to surrounding roads, buildings and other structures, and other significant geographic features.

(ii) Identification of all surface waters, on and adjacent to the site and within 1/2 mile of project boundary, including, but not limited to lakes, ponds, streams (including intermittent streams), wetlands, natural or artificial water diversion or detention areas, public and private ditches, subsurface drainage facility (including drain tiles), stormwater conveyance, and storm sewer catch basins. Show ordinary high water marks of all navigable waters, 100-year flood elevations, normal and high water elevations of ponds, and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, maybe required at the applicant's expense.

(iii) For projects that have a discharge point on the project that is within one mile of, and flows to, an impaired water, the applicant must identify the impaired water(s) in the SWPPP, and whether there is a USEPA approved TMDL for the pollutant(s) or stressor(s) identified in this part. Unless otherwise notified by the MPCA in writing, the applicants identification of impaired waters must be based on the most recent USEPA approved section 303(d) Clean Water Act list of impaired waters and USEPA approved TMDLs at the time a complete permit application is submitted. The applicants identification must include those TMDLs applicable to the project's stormwater discharge that were approved at any time prior to permit application submittal and are still in effect.

(iv) Map of watershed drainage areas showing direction of flow for pre and post construction drainage, soil types, infiltration rates, and depth to seasonal high water table.

(v) Existing and proposed grades showing drainage on and adjacent to the site using 2 foot contours or less.

(vi) Existing and proposed impervious surfaces.

(vii) Steep slopes of 12% or more existing over a distance for 50 feet or more.

(viii) Location of all areas not to be disturbed during construction including trees, vegetation, and designated areas for infiltration.

(ix) Proposed grading or other land-disturbing activity; areas of soil or earth material storage; quantities of soil or earth material to be removed, placed, stored or otherwise moved on site, and delineated limits of disturbance.

(x) Locations of proposed runoff control, temporary and permanent erosion and sediment control, and temporary and permanent soil stabilization measures.

(xi) If more than 10 acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed, however, if the site has special waters as defined by the NPDES Construction Permit requirements, then temporary sediment basins must be installed where 5 or more acres are disturbed. When site restrictions do not allow for a temporary sediment basin, equivalent measures as approved by the City may be used.

(xii).Any mitigation measures required as a result of any review conducted for the project (e.g. wetland mitigation, etc.).

(b) A Stormwater Pollution Prevention Plan (SWPPP) specific to the conditions and requirements of the site. (See Chapter I)

(i) SWPPP Design Components. All SWPPPs shall be reviewed by the city for effectiveness of erosion and sediment control measures in the context of the site topography and drainage, proposed design, suggested location and phased implementation of effective practicable stormwater pollution prevention measures.

(1) General Criteria. Design, engineering and implementation of these measures shall use the following performance standards, BMPs, and design criteria:

(a) Project Compliance – Statement of how the project will comply with all requirements of the NPDES Phase II regulations.

(b) Description – Explanation of the project and associated construction activity.

(c) Contact information for the on-site individual responsible for implementation of the SWPPP; and for the project manager and contractor.

(d) Training - The applicant must identify a person knowledgeable and experienced in the application of erosion prevention and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion prevention and sediment control BMPs before and during construction.

(e) Runoff easements - If a stormwater management plan involves directing some or all runoff from the site, the applicant shall obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

(f) Scheduling site activities - The applicant shall schedule site activities to lessen their impact on erosion and sediment creation. A detailed schedule indicating dates and sequence of land alteration activities; implementation, maintenance and removal of

erosion and sedimentation control measures; and permanent site stabilization measures shall be provided.

(2) Best Management Practice Implementation. All erosion and sediment control and water quality BMPs must be constructed and or installed prior to the commencement of land disturbing activities. These measures shall be coordinated with the different stages of development.

(3) Monitoring and inspection. The trained person identified in the SWPPP or their assigned designee must routinely inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Following an inspection which occurs within 24 hours after a rainfall event, the next inspection must be conducted within seven (7) days after that. All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained with the SWPPP in accordance with the NPDES Construction Site Permit.

(4) Other information. The city will require additional or modified information as warranted.

(a) The city may require soil borings or other site investigation to be conducted and may require submission of a soils engineering or geology report. The report shall include information as requested by the city.

(b) The City may require a stormwater runoff volume and rate analysis report or other hydrologic, water quality and hydraulic computations to be submitted.

(c) The SWPPP shall be modified when there is a change in design, operation, maintenance, weather or seasonal conditions that have a significant effect on discharge and/or inspections indicate that the plan is not effective and existing BMPs are not controlling pollutants and discharges from the site.

(5) Contractor/Owner inspections and maintenance - The contractor or owner shall be responsible for inspections and maintenance on the site.

(a) Inspections and maintenance must be documented and readily available for review on-site. Inspections are required as follows:

(i) Once every 7 days on exposed soil areas.

(ii) Within 24 hours after a one half inch rain event over 24 hours.

(iii) Once every 30 days on stabilized areas.

(iv) As soon as runoff occurs or prior to resuming construction on frozen ground.

(b) Maintenance is required as follows:

(i) When sediment reaches 1/3 the height of the BMP on perimeter control devices, sediment must be removed within 24 hours.

(ii) If the perimeter control device is not functional it must be repaired or replaced within 24 hours.

(iii) Temporary sediment basins shall be maintained when sediment reaches ½ the outlet height or ½ the basin storage volume. Basin must be drained or sediment removed within 72 hours.

(iv) Sediment tracked from construction site vehicle entrance and exit locations must be removed from paved surfaces within 24 hours of discovery.

(v) Inlet protection devices must be cleaned weekly or more frequently as necessary. Sediment and other debris captured in these devices must be deposited in appropriate locations or containers.

(j) SWPPP Implementation Components

(1) Minimize exposed soil - Land shall be developed in increments of workable size such that adequate erosion and sedimentation control can be provided as construction progresses. At no time shall more than 20 acres be exposed. Special consideration shall be given to the stabilization of steep slopes. Development shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation and structural damage.

(2) Restabilization - The area exposed shall be covered by an approved ground cover within fourteen (14) days after work is completed. When construction work is completed, a minimum depth of four (4) inches of topsoil meeting current MnDOT specifications shall be spread over the developed area and turf establishment started.

(3) Reduce Compaction - To reduce soil compaction and enhance vegetation establishment all compacted soil shall be tilled to a depth of at least six inches before revegetation.

(4) Perimeter sediment controls - Perimeter sediment control measures shall be properly installed before construction activity begins. These control measures shall be designed to contain sediment on site and control the quality and quantity of stormwater leaving a site before, during, and after construction. Control measures may include sit fence, compost logs, berms, or other approved methods.

(5) Channel protection - Channels shall be diverted around disturbed areas if practical, or other channel protection measures will be required. The normal wetted perimeter of any temporary or permanent drainage channel must be stabilized within 200 lineal feet of the property edge, or from a point of discharge to any surface water. Stabilization must be completed within 24 hours of connecting to surface water. Sediment control is required along channel edges to reduce sediment reaching the channel. Stabilization of all waterways and outlets shall conform with the stipulations of this ordinance.

(6) Outlet Protection - Pipe outlets must have approved energy dissipation measures installed within 24 hours of connection to a surface water.

(7) Slope Protection - The following control measures shall be taken to control erosion during construction.

(a) No exposed slopes shall be steeper in grade than four (4) feet horizontal to one (1) foot vertical.

(b) Exposed slopes steeper than ten (10) feet horizontal to one (1) foot vertical shall be stabilized to minimize erosion.

(c) At the foot of exposed slopes or slopes with long runs a channel and berm may be required to be constructed to control erosion. The channeled water shall be diverted to the sedimentation basin (debris basin, sediment basin, or silt trap) before being allowed to enter the natural drainage system.

(d) Along the top of exposed slopes or slopes with long runs a berm may be required to be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. These methods shall be approved by the City Engineering Department. At the base of the slope, an energy dissipater shall be installed to prevent erosion.

(e) Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils materials, and expected length of exposure. Slope protection shall consist of mulch, burlap, jute netting, sod blankets, fast growing seeds or temporary plantings or annual grasses. A mulch shall consist of hay, straw, or other approved protective materials. Mulch must be anchored to the slopes by an approved method to provide additional slope stability.

(f) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will effectively protect exposed slopes and are approved by the Engineering Department.

(g) Wind Erosion. Snow fences or other wind reducing means shall be employed during construction on-site to reduce wind erosion of the soil. These measures shall be employed as soon as construction has started on-site and shall be extended as needed throughout the development.

(h) All exposed soil areas with a continuous positive slope that are within 200 lineal feet of any surface water, or any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year round. The area shall be stabilized if it has not been worked for seven (7) days on slopes greater than three feet horizontal to one foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for flatter slopes. On sensitive sites or sites with special waters, exposed soil areas with a greater than three feet horizontal to one foot vertical (3:1) must be stabilized within three (3) days and slopes flatter than 3:1 must be stabilized within seven (7) days. All exposed soil areas must have temporary erosion protection or permanent cover no later than November 1st regardless of the stabilization requirements listed above. All exposed soils from construction activities taking place after November 1. must provide temporary erosion protection or permanent cover by the end of the work day if conditions warrant.

(i) If more than 10 acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips can be included.

(j) For disturbed areas less than ten (10) acres, temporary sedimentation basins are encouraged, but not required. The applicant shall install erosion and sediment controls at locations that result in maximum protection and sediment capture. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences, rock check dams, etc. must be regularly inspected and maintained.

(8) Silt fence – Silt fence shall be properly installed by being trenched and buried at least six inches into the soil. Generally, sufficient silt fence will be required to contain sheet flow runoff generated at an individual site. This method is used to prevent sediment damage to adjacent properties and sensitive environmental areas such as water bodies, plant communities, rare, threatened and/or endangered species habitat, wildlife corridors, greenways, wetlands, etc. Provide that all silt fences used for erosion and sedimentation control and all other temporary controls shall not be removed until the city and other permitting agencies have determined that the site has been permanently stabilized and shall be removed within 30 days thereafter.

(9) Soil stockpiling - Temporary stockpiling of one hundred (100) cubic yards or more of excess soil on any lot or other vacant area will not be allowed without issuance of a permit for the earth moving activity in question. Stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the down gradient side or otherwise effectively protected from erosion in accordance with the amount of time the material will be on site and the manner of its proposed use. No stockpiling is allowed in the street.

(10) Stockpile protections - For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or stormwater inlet. If left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with perimeter control devices such as silt fence. If for any reason a soil stockpile is located closer than twenty-five (25) feet to a road, drainage channel or stormwater inlet, it must be covered with tarps or a more permanent protection and controlled with perimeter control devices immediately.

(11) Vehicle exits/entrances - Vehicle tracking of sediment from the construction site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street. The exit must be at least 50 feet long (15 foot minimum on single family residential sites), and the exit must be graded so runoff does not enter the adjacent street. Place a geotextile fabric under a layer of aggregate at least 6 inches thick. The aggregate size must be a minimum of 1 to 3 inches or an approved equal. Direction should be given to use the designated construction exits.

(12) Street cleaning - Streets and outlying roads shall be cleaned and swept within 24 hours whenever tracking of sediments occurs and before sites are left idle for weekends and holidays.

(13) Dewatering treatment required – Sediment laden water that is being removed from the site by pumping or trenching shall be treated to remove a minimum of 80 percent of suspended solids before discharge. Water may not be discharged in a manner that causes erosion to receiving channels or flooding of the discharge site.

(14) Storm drain protection - All storm drain inlets shall be protected during construction with control measures as approved by the city. These devices shall remain in place until final stabilization of the site. A regular inspection and maintenance plan shall be developed and implemented to assure these devices are operational at all times, providing protection of storm sewer infrastructure from sediment loading/plugging. Silt fence fabric under catch basin grates will not be considered appropriate protection. Protective devices shall be removed prior to freeze up and replaced when temperature permits.

(15) Waste Containment – Appropriate on-site containment must be provided for all trash, solid waste, construction debris, floating debris, and hazardous materials. Disposal of collected sediment shall be deposited only in approved locations.

(16) Special Precautions – Extra precautions must be taken to contain sediment when working in or crossing water bodies.

(k) Review – The city shall complete a review of the SWPPP concurrent with other submittals. City approval is contingent on issuance of all other permits required by other agencies having jurisdiction on the project. There shall be no work on the site until the requirements are met and approval has been granted.

(1) Compliance – A SWPPP will be considered compliant when the City determines that the SWPPP meets the requirements of this ordinance and all other requirements for project approval. Compliance assumes implementation and maintenance of the SWPPP components.

(2) Non-compliance - If the City determines that the SWPPP does not meet the requirements of this ordinance the City shall not issue approval for the land disturbance activity. The SWPPP must be resubmitted for approval before the land disturbance activity begins.

(3) City inspections and enforcement - Inspections are required before any land disturbing activity begins, at the completion of the project and prior to the release of financial securities. The City shall also conduct inspections on a regular basis during the course of construction to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld or applicant fails to achieve compliance, enforcement proceedings will be applied as outlined in Chapter O.4. below. An inspection must be conducted before any work is allowed to restart.

(l) Modification of Plan. The applicant must amend the SWPPP as necessary to include additional requirements such as additional or modified BMPs designed to correct problems identified or address situations whenever:

(1) A change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge of pollutants to surface waters or underground waters.

(2) Inspections indicate the SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedances.

(3) The SWPPP is not achieving the general objectives of controlling pollutants and sediments or is not consistent with the terms and conditions of the approved project plans.

(m) Financial Securities. The applicant shall be subject to the financial security provisions of the City of Blaine Development Agreement and/or Site Improvement Performance Agreement.

(n) Emergency Action. If circumstances exist such that non-compliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the city, the city may take emergency preventative action. The city shall also take every reasonable action possible

to contact and direct the applicant to take any necessary action. Any cost to the city may be recovered from the applicant's financial security.

(o) Notification of Failure of the SWPPP. The city shall notify the project contact of the failure of the SWPPP's measures.

(1) Initial contact. The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, forty-eight (48) hours after notification by the city or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the city at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the city has been unable to establish contact, the city may proceed with corrective work. If there are conditions when time is of the essence in controlling erosion, the city may take immediate action, and then notify the applicant as soon as possible. Any cost incurred by the City may be recovered from the applicants financial security.

(2) Erosion off-site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the city, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required. Any cost incurred by the City may be recovered from the applicants financial security. When restoration to wetlands and other resources are required, the applicant will be required to work with the appropriate agency to ensure that the work is done properly.

(3) Erosion into streets, wetlands or water bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

(4) Failure to do corrective work. When an applicant fails to conform to any provision of this policy within the time stipulated, the city may take one or more of the following actions:

(a) Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy

(b) Correct the deficiency or hire a contractor to correct the deficiency. Project approval constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.

(c) Require reimbursement to the city for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after costs are incurred by the city, payment will be made from the applicant's financial securities.

(p) Right of Entry and Inspection.

(1) Powers. The applicant shall allow the City and their authorized representatives, upon presentation of credentials, to:

(a) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.

(b) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.

(c) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.

(d) Inspect the stormwater pollution control measures.

(e) Sample and monitor any items or activities pertaining to stormwater pollution control measures.

(Section Amended 05-20-10. Ord. 10-2203)

