

## **Chapter 8**

### **ENVIRONMENTAL PROTECTION, EROSION PREVENTION, AND SEDIMENT CONTROL RULES**

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## **Chapter 8**

### **ENVIRONMENTAL PROTECTION, EROSION PREVENTION, AND SEDIMENT CONTROL RULES**

#### **8.00 Introduction**

This chapter identifies requirements for erosion prevention and sediment control (EPSC). The provisions of this chapter are intended to prevent and reduce adverse impacts to the drainage system and water resources of the Tualatin River basin. In combination with other state, federal, and local laws and ordinances, these requirements are intended to protect the beneficial uses of waters within the Tualatin River Basin and within the Clean Water Services service district.

#### **8.01 General Policy**

##### **8.01.1 Erosion Prevention and Sediment Control Policy**

In order to meet the stringent water quality requirements of the Tualatin River Basin, the use of erosion prevention techniques shall be emphasized, rather than sediment control measures. This shall be especially important on larger construction sites immediately before and during the rainy season. Erosion prevention techniques are designed to protect soil particles from the force of rain and wind so that they will not erode. These techniques include, but are not limited to, such things as construction scheduling, ground cover, and matting. Sediment control measures are designed to capture soil particles after they have been dislodged and attempt to retain the soil particles on-site. These measures include, but are not limited to, silt fences, sediment barriers, and settling basins. Both erosion prevention techniques and sediment control measures have appropriate uses; however, numerous case studies have shown that sediment control measures are less effective in preventing soil movement than erosion prevention techniques.

##### **8.01.2 Existing Vegetation**

- a. As far as is practicable, the existing vegetation shall be protected and left in place, in accordance with the clearing limits on the approved Erosion Prevention and Sediment Control plans. Work areas shall be carefully located and marked to reduce potential damage. Trees shall not be used as anchors for stabilizing working equipment.

- b. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation established, as soon as practicable.

## 8.02 District Enforcement

Failure to comply with any provision of this Chapter or with any term of an Erosion Prevention and Sediment Control Permit shall be deemed a violation of this ordinance and subject to enforcement action pursuant to applicable District and City Ordinance and Resolutions and Orders, including all implementing rules and regulations.

## 8.03 Erosion Prevention and Sediment Control

### 8.03.1 Application and Purpose

- a. It is a District requirement to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion, to the limits prescribed in this Chapter.
- b. It is the policy of the District to require temporary and permanent measures for all construction projects to lessen the adverse effects of construction on the environment. All projects shall include properly installed, operated, and maintained temporary and permanent erosion control measures as provided in this section and/or in an approved plan, designed to protect the environment during the term of the project. Additionally, compliance with the measures prescribed in this Chapter and/or in an approved plan do not alleviate or diminish the necessity to provide effective and comprehensive erosion prevention and sediment control, as described in Section 8.03.2. These erosion control rules apply to all properties within the CWS boundary, regardless of whether that property is involved in a construction or development activity.
- c. Nothing in this section shall relieve any person of the obligation to comply with the regulations or permits of any federal, state, or local authority.

### 8.03.2 Erosion Prohibited

- a. Visible or measurable erosion as defined in Chapter 1, which enters, or is likely to enter, the public or private storm and surface water system or other properties, is hereby prohibited, and is a violation of these rules. The owner of the property, permittee under a Site Development Permit,

together with any person or persons, including but not limited to the Contractor or the Engineer causing such erosion, shall be held responsible for violation of these rules.

- b. No person shall create physical erosion by dragging, dropping, tracking, or otherwise placing or depositing, or permitting to be deposited, mud, dirt, rock or other such debris upon a public street or into any part of the public storm and surface water system, or any part of a private storm and surface water system which drains or connects to the public storm and surface water system. Any such deposit of material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into any part of the storm and surface water system until all mechanical means to remove the debris have been exhausted and preventative sediment filtration is in place. The owner of the property, permittee under a Site Development Permit, together with any person or persons, including but not limited to the Contractor or the Engineer who causes such erosion, shall be held responsible for violation of these rules.

#### 8.03.3 Maintenance

The permittee shall maintain the facilities and techniques contained in the approved Erosion Prevention and Sediment Control Plan so as to continue to be effective during the construction phase, post construction phase, establishment of permanent vegetation, or any other permitted activity. If the facilities and techniques approved in an Erosion Prevention and Sediment Control Plan are not effective or sufficient as determined by the District or City site inspection, the permittee shall submit a revised plan within three working days of written notification by the District or City. Upon approval of the revised plan by the District or City, the permittee shall immediately implement the additional facilities and techniques included in the revised plan. In cases where erosion is likely to occur, the District or City may require the applicant to install interim control measures prior to submittal of the revised Erosion Prevention and Sediment Control Plan.

#### 8.03.4 Inspection

- a. District or City Initial Inspection

On a site development or any other type of project, the erosion prevention and sediment control measures shall be installed prior to the start of any permitted activity. The permittee shall call the District or City prior to the foundation inspection of a building for an inspection of the erosion prevention and sediment control measures for that property.

b. Owner Inspections and Inspection Logs

The owner shall be required to inspect Erosion Prevention and Sediment Control measures and provide information on log forms provided by the District. Inspections shall be completed as required by the Erosion Prevention and Sediment Control Planning and Design Manual or the approved plans. Logs are to be maintained on-site and available to District inspectors upon request.

c. Final Inspection

A final erosion control inspection shall be required prior to the sale or conveyance to new property owner(s) or prior to the removal of Erosion Prevention and Sediment Control measurements.

#### 8.03.5 Erosion Prevention Techniques and Methods

The techniques and methods contained and prescribed in the latest addition of the Erosion Prevention and Sediment Control Planning and Design Manual, adopted by Clean Water Services, must be used with the following additional requirements:

a. Gravel Construction Entrance

A gravel construction entrance is required. If there is more than one vehicle access point, a gravel construction entrance shall be required at each entrance. The responsibility for design and performance of the driveway remains with the permittee. Vehicles or equipment shall not enter a property adjacent to a stream, watercourse, or storm and surface water facility, or wetlands unless adequate measures are installed to prevent physical erosion into the water or wetland.

b. Sediment Filters/Barriers

- 1) The use of straw bales as a sediment barrier is not allowed.
- 2) A filter system may not be used on catch basins in public streets as a part of single family erosion prevention and sediment control plans.

c. Plastic Sheeting

Plastic sheeting shall generally not be used as an erosion control measure for single family house construction. Plastic sheeting may be used to protect small, highly erodible areas, or temporary stockpiles of material. If plastic sheeting is used, the path of concentrated flow from the plastic

must be protected.

d. Protection Measure Removal

The erosion prevention and sediment control measures shall remain in place and be maintained in good condition until all disturbed soil areas are permanently stabilized by installation and establishment of landscaping, grass, mulching, or otherwise covered and protected from erosion.

e. Wet Weather Measures

On sites where vegetation and ground cover have been removed, vegetative ground cover shall be planted and established by October 1, or as approved by the District. If ground cover is not established by October 1, the open areas shall be protected through the winter with straw mulch, erosion blankets, or other method(s) approved by the District/City.

f. Exceptions to Sediment Barrier Requirements

Sediment barriers are not required on a site:

- 1) Where there are no concentrated flows and the slope being protected has a grade of less than two (2) percent.
- 2) Where flows are collected through the use of temporary or permanent grading or other means such that the flows are routed to an approved settling pond, filtering system, or sediment barrier.
- 3) Where there are no concentrated flows, slopes are less than 10 percent, and where the run-off passes through a grassed area which is either owned by the applicant, or such use is allowed, by written agreement, by the owner of the grassed area. The grass area shall be at least equal in dimensions to the project area.
- 4) Where the surface is protected by District approved ground cover or matting.

#### 8.03.6 Dust

Dust shall be minimized to the extent practicable, utilizing all measures necessary, including, but not limited to:

- a. Sprinkling haul and access roads and other exposed dust producing areas with water.

- b. Applying District-approved dust palliatives on access and haul roads.
- c. Establishing temporary vegetative cover.
- d. Placing wood chips or other effective mulches on vehicle and pedestrian use areas.
- e. Maintaining the proper moisture condition on all fill surfaces.
- f. Prewetting cut and borrow area surfaces.
- g. Use of covered haul equipment.

#### 8.04 Contaminated Soils

In the event the construction process reveals soils contaminated with hazardous materials or chemicals the Contractor shall stop work immediately, ensure no contaminated material is hauled from the site, remove the contractor's work force from the immediate area of the contaminated area, leaving all machinery and equipment, and secure the area from access by the public until such time as a response team has relieved them of that responsibility. The Contractor shall immediately notify an emergency response team, the District/City, and DEQ of the situation.