

Topic:	Erosion & Sedimentation Control
Resource Type:	Regulations
State:	Alabama
Jurisdiction Type:	Municipal
Municipality:	City of Vestavia Hills
Year (adopted, written, etc.):	1999
Community Type – applicable to:	Urban; Suburban
Title:	City of Vestavia Hills Soil Erosion Best Management Practices
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Abstract

This erosion and sedimentation control statute provides that there shall be no “land-disturbing activity” within the city unless there is a permit or authorization for it. In order to obtain such a permit or authorization Best Management Practices must be used as specified.

Resource

Sec. 5.5-90. General requirements.

No land-disturbing activity shall be conducted within the city until either (i) a permit shall have been issued by the official allowing such activity pursuant to the provisions of this article or (ii) an authorization issued by ADEM under the ADEM NPDES permit, any relevant notice of intent and a copy of the BMP plan has been submitted to the official. The ADEM NPDES permit, notices of intent and BMP plans shall be kept on file by the official and shall be on the job site, or other reasonable location, for inspection by the official until the project has been completed and notice of termination of the relevant NPDES permit has been sent to ADEM. The ADEM NPDES permits shall be required in addition to any building permits or other local permits required for land-disturbing activities or other activities on the site. The following are BMP approval requirements:

(a) Persons conducting land-disturbing activities shall take all reasonable measures referred to, or provided for, in this article to protect all public and private property from damage caused by such activities and to reduce stormwater pollution to the maximum extent practicable.

(b) No land-disturbing activities subject to this article shall be undertaken except in accordance with the following requirements:

1. The person(s) proposing to conduct any land-disturbing activity or an agent, contractor or other representative of such person must contact the official at least five (5) business days

before commencement of the land-disturbing activity to advise the official of the commencement of such land-disturbing activity, unless, for good cause shown, the official permits such person, contractor, agent or other representative to contact him nearer to the date of the commencement of such land-disturbing activity.

2. Other than land-clearing activities required to install the appropriate BMP in accordance with BMP plans, any downslope erosion and sediment control measures, on-site stream channel protection and upslope diversion of drainage required by the BMP plan shall be in place and functional before any clearing or earth-moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but shall be replaced at the end of the workday.

3. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. Any slope or fill which has been graded shall, within fourteen (14) days of the completion of such grading or the completion of any phase of grading, be planted or otherwise provided with ground cover, materials, devices or structures sufficient to restrain erosion. The BMPs shall remain in place in accordance with the BMP plan until the graded slope or fill is stabilized.

4. Adequate protective measures shall be provided for the containment of hazardous substances and any other materials which may pollute the MS4, including petroleum products, lubricants and paint.

5. All control measures shall be checked, and repaired as necessary, monthly in dry periods and within twenty-four (24) hours after any rainfall at the site of .75 inch within a twenty-four-hour period. During prolonged rainfalls, daily checking and, if necessary, repairing shall be done. The permittee shall maintain written records of such checks and repairs, which records shall be subject to the inspection of the official at any reasonable time.

6. The BMP plan shall show the size of disturbed area and a schedule of the projected starting and completion dates of the land-disturbing activity.

7. A site plan, accompanied by a written description of BMPs which are shown on the site plan, and a schedule of implementation during land-disturbing activities and construction shall be furnished to the official prior to the commencement of any land-disturbing activities.

8. A description of, and procedures for, proper storage, handling and disposal of construction materials stored on site which could contribute to the pollutant loading to the MS4, shall be furnished to the official prior to the commencement of any land-disturbing activities.

(Ord. No. 1782, § 5.01, 7-7-99)

Sec. 5.5-91. Design and performance standards.

The following are required for all land-disturbing activities except those related to the construction of individual single-family residences.

All applications for a permit must contain, or be accompanied by, the materials and information necessary to satisfy the requirements of sections 5.5-90 and 5.5-91 and must be accompanied by a soil erosion and sediment control plan ("control plan"). The control plan shall be prepared by a qualified credentialed professional and shall include the following:

(a) The control plan shall be accompanied by a map or plot of the property upon which land-disturbing activities are to be conducted, prepared by a registered land surveyor, showing the present contour lines of such property, and the present contour lines of at least the nearest twenty-five (25) feet of the properties immediately adjacent to such property and the existing grades and elevations of all streets which abut such property. Such map or plot shall show all existing drainage facilities and all natural drainage on such property and on such adjacent property.

(b) All proposed contours, the proposed temporary and permanent disposition of surface water and the proposed drainage structures; provided, however, the control plans for utility projects, except sewer projects, shall not be required to show the proposed contours.

(c) The proposed contours in the map or plot shall be depicted in contour intervals of two (2) or fewer feet; provided, however, the control plans for utility projects, except sewer projects, shall not be required to show the proposed contours. All maps, plots and plans submitted shall be on a sheet of paper at least twenty-four (24) inches by thirty-six (36) inches and drawn to a scale of not less than one (1) inch equals one hundred (100) feet. Contour intervals of more than two (2) feet and maps, plots or plans which are smaller than the required size may be approved by the official, upon written request and for good cause shown.

(d) The control plan shall contain a description of the existing site conditions, a description of adjacent topographical features, the information necessary to determine the erosion qualities of the soil on the site, potential problem areas of soil and erosion and sedimentation, soil stabilization specifications, stormwater management considerations, a projected time schedule for the commencement and completion of the land-disturbing activity, specifications for BMP plan maintenance during the project and after the completion of the project, clearing and grading limits, and all other information needed to depict accurately the solutions to potential soil erosion and sedimentation problems to the MS4. The control plan shall include the series of BMPs and shall be reviewed by, and subject to the approval of, the official prior to the issuance of the permit.

(e) Where appropriate, in the opinion of the qualified credentialed professional who prepares the control plan, to the maximum extent practicable, the control plan shall include measures to reduce erosion and other adverse impact to MS4 drainage which would result from an increase in the volume of water and the rate of runoff of water during the conduct of land-disturbing activities.

(f) Whenever the official determines that a control plan does not comply with this article, he shall notify the applicant in writing of the ways in which the control plan does not comply with this article.

(g) To the maximum extent practicable, sediment in runoff water must be minimized by using appropriate BMPs.

(h) Structural controls shall be designed and maintained as required to minimize erosion and pollution to the maximum extent practicable. All surface water flowing toward the construction area shall, to the maximum extent practicable, either be passed through the site in a protected channel or diverted by using berms, channels or sediment traps, as necessary. Erosion and sediment control measures shall be designed, according to the size and slope of the disturbed areas or drainage areas, to minimize erosion and to control sediment, to the maximum extent practicable. Discharges from sediment basins and traps must be conducted in a manner consistent with good engineering practices. Sediment-laden, or otherwise polluted, water discharged to MS4 must be addressed in a manner consistent with good engineering practices and the requirements of this article.

(i) Control measures shall be maintained as an effective barrier to sedimentation and erosion in accordance with the provisions of this article.

(j) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. The stormwater discharge to an MS4 must not cause an unnatural color (except dyes or other substances discharged to an MS4 for the purpose of environmental studies and which do not have a harmful effect on the bodies of water within the MS4) or odor in the community waters. The stormwater discharge to the MS4 must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life or fish and aquatic life in the community waters.

(k) When the land-disturbing activity is finished and stable vegetation or other permanent controls have been established on all remaining exposed soil, the owner of the land where the land-disturbing activity was conducted, or his authorized agent, shall notify the official of these facts, and request a final inspection. The official shall then inspect the site within five (5) working days after receipt of the notice, and may require additional measures to stabilize the soil and control erosion and sedimentation. If additional measures are required by the official, written notice of such additional measures shall be delivered to the owner, and the owner shall continue to be covered by the permit issued with respect to the land-disturbing activity until a final and complete inspection is made and the official approves the project as having been satisfactorily completed and delivers to the owner, within ten (10) days of the date of such approval, a certification of completion showing that the requirements of the permit have been fulfilled. At that time the site and/or the project constructed thereon may come under the operation of other ordinances of the city.

(l) The control plan must be accompanied by a letter of credit, a surety bond or a cash bond, with the city having the right to determine which type of security shall be furnished. A letter of credit, a surety bond or a cash bond (a letter of credit, a surety bond and a cash bond

shall be herein collectively referred to as "security") shall be furnished to the city in accordance with the following provisions:

1. The official shall require a letter of credit, a surety bond or a cash bond in such amount as specified herein to assure that the work, if not completed or if not in accordance with the permitted plans and specifications, will be corrected to eliminate hazardous conditions, erosion and/or drainage problems. In lieu of a letter of credit or a surety bond required by the city, the owner may file a cash bond with the city in an amount equal to that which would be required in the letter of credit or the surety bond.

2. The security shall contain, or have attached to it as an exhibit, a legal description of the site. The security shall remain in effect for such reasonable period of time as may be required by the official.

3. The security for clearing operations only shall be in the amount of one thousand dollars (\$1,000.00) per acre for each acre, or fraction of an acre, disturbed or affected by such operations.

4. The security for earthwork or clearing and earthwork operations shall be in the amount of three thousand dollars (\$3,000.00) per acre for each acre, or fraction of an acre, disturbed or affected by such operations.

5. Security equal to double the amounts required in subsections 3. and 4. herein, shall be required where clearing or earthwork is performed in areas designated as floodways, floodplains or areas susceptible to landslides.

6. Each letter of credit must be issued by a bank which has its principal office in Jefferson County, Alabama.

7. Each letter of credit must be issued by a bank which is reasonably satisfactory to the city and each surety bond must be issued by a surety company which is qualified to do business in Alabama and which is otherwise reasonably satisfactory to the city.

(Ord. No. 1782, § 5.02, 7-7-99)

Secs. 5.5-92--5.5-109. Reserved.