

SECTION 6 –EROSION CONTROL STANDARDS

6.1 INTRODUCTION

The policies of this section shall apply during construction and until permanent measures are in place following construction as described herein, unless otherwise noted.

6.1.1 Erosion Control Measures

It is the policy of the District to require temporary and permanent measures for all construction projects to lessen the adverse effects of site alteration on the environment. The owner or his/her agent, contractor, or employee, shall properly install, operate and maintain both temporary and permanent works as provided in this section or in an approved plan, to protect the environment during the useful life of the project. These erosion control rules apply to all parcels within the authority of the District.

Nothing in this section shall relieve any person from the obligation to comply with the regulations or permits of any Federal, State, or Local authority.

6.2 EROSION CONTROL

6.2.1 Sediment and Pollutants

It is the District's policy to prevent erosion and to minimize the amount of sediment and other pollutants reaching the public storm and/or surface water system resulting from development, construction, grading, filling, excavating, clearing, and any other activity which accelerates erosion as required by water quality standards set forth in OAR 340-41-445 through 340-41-470.

6.2.2 Erosion Prohibited

No visible or measurable erosion shall leave the property during construction or during activity described in Section 6.2.1. The owner of the property, together with any person who causes such action from which the visible or measurable erosion occurs, shall be responsible for clean up, fines, and damages. Clean up responsibilities involve public facilities and sensitive areas including, but not limited to: creeks, drainageways, wetlands, catch basins and storm drains, and sensitive areas, impacted by a project.

6.2.3 General Requirements

Site Plans for storm drainage, grading and erosion control will be required for all development, construction, grading, filling, excavating, cleaning, and any other activity which accelerates erosion as required by water quality standards set forth in OAR 340-41-445 through 340-41-470. Such activities impacting areas of 800 square feet or greater must obtain an erosion control permit. Activities impacting areas less than 800 square feet which result in erosion from a site do not need to obtain an erosion control permit but still must comply with the requirements of Section 6.2.2. All sites shall submit an erosion control plan for review, regardless of size. The plans shall use the techniques and methods prescribed in the current WES erosion prevention manual. If the applicant desires to use erosion prevention and sediment control measures different than those contained in the manual, supporting calculations and/or information must be submitted to WES for approval prior to construction. At a minimum the Erosion Control Plan shall include:

- 6.2.3.1 The methods and/or facilities to be used to prevent erosion and pollution created from the activity both during and after construction. Site specific considerations shall be incorporated.
- 6.2.3.2 Limits of clearing by flagging boundaries in the field before starting site grading or construction. Staging areas shall be included.
- 6.2.3.3 An analysis of source controls such as detention and storage during construction as an alternative method to control erosion from storm water runoff.
- 6.2.3.4 A drainage plan during construction.
- 6.2.3.5 Show existing contours as well as all sensitive areas, creeks, streams, wetlands, and open areas.
- 6.2.3.6 A description of historic localized flooding problems resulting from surface water runoff, FEMA or flooding problems known to the community or the District.
- 6.2.3.7 Erosion control plan shall include a schedule for implementation of erosion control measures. The schedule shall include:
 - Measures to cover exposed soil if unworked for 14 days or more.
 - Implementation of wet weather measures between October 1st and May 31st, unless otherwise approved by the District.

On sites where vegetation and ground cover have been removed, District approved ground cover shall be re-established by seeding and mulching on or before September 1 with the ground cover established by October 15. As an alternative to seeding and mulching, or if ground cover is not established by October 15, the open areas shall be protected through the wet season with straw mulch, erosion blankets, or other approved method, where appropriate, in accordance with the approved plan.

- 6.2.3.8 Water containing sediment shall not be discharged into the surface water management system, wetlands or streams without first passing through an approved sediment filtering facility or device. Discharge from temporary sedimentation ponds or detention facilities used for sedimentation during construction shall be constructed to District standards to provide adequate sediment filtration.
- 6.2.3.9 Re-inspection fees may be charged for those sites that are notified of deficiencies and fail to complete corrective actions in full by the time of the next inspection.

6.2.4 Site Plan

A site-specific plan prepared by an engineer shall be required and additional erosion control measures may be required for sites having one or more of the following characteristics:

- 6.2.4.1 Sites greater than five acres disturbed;
- 6.2.4.2 Sites with slopes greater than 15 percent on any portion of the site;
- 6.2.4.3 Sites with highly erodible soils;
- 6.2.4.4 Sites adjacent to sensitive areas;

6.2.4.5 Sites where grading and clearing activities are likely between October 1 and May 31.

Refer to current WES erosion prevention manual for additional measures. Additional measures may include, but are not limited to, one or more of the following:

1. Limited area cleared at any one time;
2. Additional drainage requirements during construction;
3. Additional water quality treatment, such as filtering or treatment of runoff;
4. Cover portions of the site;
5. Maintain a vegetated buffer strip between site and sensitive area;
6. Additional facilities to reduce volume and velocity of water runoff;
7. If there are no workable alternatives, limit clearing and grading in some areas between October 1 and May 31;
8. No soils shall remain exposed for more than 14 days in the wet weather season unless an advanced sedimentation or filtration process is used. WES must approve such processes prior to implementation.

6.2.5 NPDES Permit

All construction activities disturbing an area that is one (1) or more acres of land shall obtain an NPDES 1200-C erosion control permit for construction activities issued by the District.

6.2.6 Performance

The District may require the Applicant to submit a bond, cashier's check or irrevocable letter of credit from an acceptable financial institution to secure performance of the requirements of this section. Upon default, the District may perform work or remedy violations and draw upon the bond or fund. If the District does not require a bond and the Developer does not perform the erosion control plan in whole or in part, the District may, but shall not be obligated to, perform or cause to be performed corrective work and charge the Developer. Such amount shall bear interest at 9% per annum and shall be a lien upon the property foreclosable in accordance with ORS Chapter 88.

6.2.7 Erosion Control Certification

1. Developers/contractors of building activities requiring erosion control permits who have a certified individual on staff with authority over erosion control and who is responsible for erosion control of the site, are eligible for a discount of their erosion control fees. See Surface Water Management Fees and Administrative Rules for implementation of the discount. On large or complex sites, the District may require an individual certified in erosion control to be on site at all times. Developments with certified erosion control staff are subject to all of these Standards. Violation of these Standards resulting in enforcement procedures described in Section 6 of the District Rules and Regulations will result in revocation of the certification and payment of the full erosion control fee. Recertification is required following erosion control violations resulting in enforcement actions. If certification is revoked, then

there may be additional inspection fees. See Administrative Rules for details on the certification program.

2. Certification shall involve training in erosion control techniques, issues, and implementation strategies. A minimum of 4 hours of classroom instruction shall be required every 2 years.

6.2.8 Maintenance

The applicant shall maintain the facilities and techniques contained in the approved Erosion Control Plan so as to continue to be effective during construction or other permitted activity. If the facilities and techniques approved in an Erosion Control Plan are not effective or sufficient as determined by the District's site inspector, the permittee shall submit a revised plan within three working days of written notification by the District. In cases where erosion is occurring, the District may require the applicant to implement interim control measures prior to submittal of a revised Erosion Control Plan and without limiting the District's right to undertake enforcement measures. Upon approval of the revised plan by the District, the permittee shall immediately implement the revised plan. The developer shall implement fully the revised plan within 3 working days of approval by the Director, or his designee.

6.2.9 Initial Inspection

The erosion control measures in accordance with the approved plans and these Standards shall be installed by the owner or their representative and shall be inspected by the District prior to the start of any land disturbance.

6.2.10 Deposit of Sediment

No person shall drag, drop, track, or otherwise place or deposit, or permit 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, including natural drainage systems, or any part of a private storm and surface water system which drains or connects to the public storm and surface water system, with the exception of sanding for ice and snow and maintenance such as crack or chip sealing. Any such deposit of material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into the road/street or any part of the storm and surface water system without erosion control measures installed to the satisfaction of the District, and any such action shall be an additional violation.

6.2.11 Permit Fee

The District may collect all fees for the review of plans, administration, enforcement, and field inspection(s) to carry out the rules contained herein as established and amended by the District.

6.2.12 Permit Duration

- 6.2.12.1 Development or construction must be initiated as per the approved final development plans within one (1) year of the date of erosion control permit issuance or the permit will be null and void. When the Hearings Officer or Director specify a time period for commencement of a development, that time period shall supersede.

6.2.12.2 Erosion Control permits (excluding 1200-C permits) shall expire and become null and void 24 months after the date of permit issuance unless extended by the Director. If the work authorized by such permit has not received final inspection approval prior to the permit expiration date, and the permit has not been extended by the Director, all work shall stop until a new permit is obtained that conforms to the erosion control regulations in effect at the time of re-application. The Director may extend the time for action by the permittee for a period not exceeding 12 months on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. Failure on the part of the District to notify the permittee by mail prior to the original date of expiration shall result in an automatic 12-month extension. No permit shall be extended more than once.

6.2.12.3 NPDES 1200-C permits shall expire and become null and void if the permit is not renewed annually or as per the general permit schedule set forth by the Oregon Department of Environmental Quality (DEQ).

6.3 AIR POLLUTION

6.3.1 Dust.

Dust and other particulate matter containing pollutants may settle on property and be carried to waters of the State through rainfall or other means.

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

- 6.3.1.1 Sprinkling haul and access roads and other exposed dust producing areas with water.
- 6.3.1.2 Establishing temporary vegetative cover.
- 6.3.1.3 Placing wood chips or other effective mulches on vehicle and pedestrian use areas.
- 6.3.1.4 Maintaining the proper moisture condition on all fill surfaces.
- 6.3.1.5 Pre-wetting cut and borrow area surfaces.
- 6.3.1.6 Use of covered haul equipment.

6.4. MAINTAINING WATER QUALITY

6.4.1 Waterways

Construction within waterways shall be pursuant to permits issued by State and Federal agencies having jurisdiction and applying their regulations.

6.4.2 Discharge of Pollutants

Pollutants such as, but not limited to, fuels, lubricants, asphalt, concrete, bitumens, raw sewage, and other harmful materials shall not be discharged into rivers, wetlands, streams, impoundments, undisturbed Buffers or any storm drainage system, or at such proximity that the pollutants flow to these watercourses.

6.4.3 Use of Water from a Stream or Impoundment

The use of water from a stream or impoundment, wetland or sensitive area, shall not result in altering the temperature or water quality of the water body in violation of Oregon Administrative Rules, and shall be subject to water rights laws.

6.4.4 Sediment-Laden Water from Construction

All sediment-laden water from construction operations shall be routed through sedimentation basins, filtered, or otherwise treated to remove the sediment load before release into the surface water system.

6.5 FISH AND WILDLIFE HABITAT

6.5.1 Minimize Adverse Effects

Construction shall be done in a manner to minimize adverse effects on wildlife and fishery resources pursuant to the requirements of Local, State, and Federal agencies charged with wildlife and fish protection.

6.6 NATURAL VEGETATION

6.6.1 Vegetation Protected

As far as is practicable, natural native vegetation shall be protected and left in place in undisturbed Buffer areas. Work areas shall be carefully located and marked to reduce potential damage. Trees shall not be used as anchors for stabilizing working equipment.

6.6.2 Disturbance Outside the Work Area

During clearing operations, trees shall not be permitted to fall outside the work area. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place.

6.6.3 Revegetation

Where natural vegetation has been removed, or the original land contours disturbed, the site shall be revegetated per a submitted and approved seeding and maintenance plan from a list approved by the District as soon as practicable after construction has commenced, but not later than September 1. After that date a reseeded and stabilization plan approved by the District must be used.

6.7 PESTICIDES, FERTILIZERS, CHEMICALS

6.7.1 Use of Hazardous Chemicals

The use of hazardous chemicals, pesticides, including insecticides, herbicides, defoliant, soil sterilants, and the use of fertilizers, must strictly adhere to Federal, State, County, and Local restrictions.

6.7.2 Hazardous Materials Protected from the Weather

All materials defined in Section 6.7.1 delivered to the job site shall be covered and protected from the weather. None of the materials shall be exposed during storage. Waste materials, rinsing fluids, and other such material shall be disposed of in such a manner that pollution of groundwater, surface water, or the

air does not occur. In no case shall toxic materials be dumped into drainageways.

6.8 CONTAMINATED SOILS

In the event the construction process reveals soils contaminated with hazardous materials or chemicals, all parties shall stop work immediately to ensure no contaminated materials are hauled from the site; remove work forces from the contaminated areas, leaving all machinery and equipment; and secure the areas from access by the public until such time as a mitigation team has evaluated the situation and identified an appropriate course of action. The Owner and the Contractor shall notify OSHA and DEQ of the situation upon discovery. The Owner and the Contractor must comply with OSHA and DEQ statutes and rules.