

Erosion and Sediment (E&S) Control Policy

Procedures for Plan Submission and Review, On-site Inspection and Ordinance Enforcement

1. Submission of Plan/Agreement, Application and Fee for E&S Plan Review

- A. E&S Plan Review: \$100.00 (1st acre of land disturbance + \$50 for each additional acre or portion thereof of land disturbance)
 - a) As part of a Major Site Plan Review: \$250.00 + \$.01 per square ft. of land disturbance (includes stormwater management plan review)
- B. Agreement In Lieu of an E&S Plan for a Single Family Residence: \$50.00 (only allowed up to ½ ac. of land disturbance)
- C. Upon review, the applicant shall receive written notice of disapproval with reasoning or a Certificate of Compliance approving the plan (within 45 days).

2. Prior to Issuance of a Land-Disturbing Permit

- A. No person may engage in any land disturbing activity until he has submitted an E&S plan and the plan has been reviewed and approved by the plan-approving authority.
 - a) If land disturbing activity is detected for which no approved E&S plan or permit has been obtained a Stop Work Order will be issued and remain in effect until an approved plan and permit have been obtained (and if required necessary corrective actions have been implemented).
- B. A Responsible Land Disturber must be designated to carry out the plan and has certified that he will properly perform the control measures included in the plan.
- C. At the Land Use Administrator's discretion, a performance bond must be submitted to and accepted by the County. An engineer's or qualified contractor's estimate must be submitted to determine the appropriate amount required for the bond. An additional 10% is added to the estimate for the total bond required.

3. Upon Issuance of a Land-Disturbing Permit

- A. The plan preparer may be responsible for guiding the contractor toward properly implementing the plan on all land-disturbing projects where the cost of implementation is expected to exceed \$25,000.
- B. Before any land disturbing project has commenced, the applicant must schedule an initial E&S inspection by a County Official within 24 hours of implementing the initial controls as indicated on the approved plan and/or in coordination with the County E&S Inspector. This requirement must be met prior to scheduling any inspections with the County Building Official.
- C. Inspections will occur throughout the project; once every two weeks and/or within 48 hrs of a significant rain event.
- D. Inspection Reports will be logged and issued (verbal or written) to the Responsible Land Disturber and/or the property owner with a description of any necessary corrective actions and a completion deadline of 5 working days. Failure to complete the necessary corrective action(s) outlined in the inspection report may result in a second Inspection Report being issued with a completion deadline of 3 working days or a formal written Notice to Comply may be issued to the property owner with a deadline of 48hrs for completion.

- E. A Notice to Comply shall also be used without first issuing an Inspection Report where the non-compliance is severely impacting or threatening water quality or adjoining property. Failure to comply with the terms of the notice will result in a Stop Work Order, Permit Revocation, Use of Performance Bond or Criminal Proceedings.
 - a) Any person found in violation of this ordinance shall be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.
- F. An approved plan may be changed by the Land Use Administrator in the following cases:
 - a) Where inspections have revealed that the plan is inadequate to satisfy applicable regulations, plan changes can be required without approval of the person responsible for carrying out the plan; or
 - b) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this Ordinance, are agreed to by the Land Use Administrator and the person responsible for carrying out the plan.

4. Upon Completion of a Land Disturbing Project

- A. Schedule a final E&S inspection at the completion of the land disturbing project.
- B. Where the Plan Preparer is responsible for oversight of the project, the developer shall furnish a statement prepared by a certified surveyor or engineer, to the effect that all construction is in substantial conformity to the regulations and requirements of this Ordinance, and the plans as approved by the County.
 - a) Within 60 days of the above submittal being approved by the County, the bond or other legal arrangement shall be refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or sections thereof. The County may retain up to 25% of the bond or other obligation for use in repair of improvements as may be necessary within one year of completion.
- C. The issuance of a permit clearly defines the land disturbance as a separate activity from building construction therefore a land disturbing permit is not permitted under other building permits and does not terminate in conjunction with any other permit associated with the project.
- D. A land disturbing project deemed to be satisfactorily complete by the County shall be issued a Certificate of Completion.