

10-8-8: CONTROLLING EROSION AND SEDIMENT FROM LAND DISTURBING ACTIVITIES:

(A) Purpose: The purpose of this section is to control or eliminate stormwater pollution along with soil erosion and sedimentation within the city. It establishes standards and specifications for conservation practices and planning activities designed to minimize stormwater pollution, soil erosion and sedimentation.

(B) Compliance: Any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity that involves ninety (90) or more cubic yards of earthwork shall comply with the requirements of this section. The city engineer may require that any land disturbing activity that does not meet the above requirements but has the potential for generating stormwater pollution due to erosion and sediment control issues be required to comply with portions of this section.

The following general criteria are minimum city requirements for controlling erosion and sedimentation from "land disturbing activities". These general criteria do not replace the requirement for individually developed erosion and sediment control plans; however, they do establish minimum standards of soil conservation practice which apply to all land disturbing projects.

Nothing in the general criteria shall limit the right of the city to impose additional or more stringent standards for controlling erosion and sedimentation during the plan approval and construction process up to and including final stabilization. The city may waive or modify any of the general criteria which are deemed inappropriate or too restrictive for site conditions.

(C) Stormwater Pollution Prevention Plan (SWPPP): An SWPPP shall be submitted to the city for approval. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein:

1. Minimum SWPPP Requirements: The SWPPP shall comply with the most recent regulations of the Minnesota pollution control agency's (MPCA's) NPDES/SDS permit program, where applicable. The SWPPP shall include, at minimum, the following information:
 - a. An existing conditions site plan that includes the following:
 - (1) Existing topography and land cover.
 - (2) Identification of all natural and artificial water features, including, but not limited to, lakes, ponds, streams, wetlands, detention areas and stormwater conveyance systems. The normal water level and 100-year flood elevations shall be shown for all water features.
 - (3) Watershed drainage areas.
 - (4) Location of steep and very steep slopes.

(5) Location of utilities and easements.

b. A proposed conditions site plan that includes the following:

- (1) Proposed grading and land cover, including temporary stockpiles and construction limits.
- (2) Location of all proposed stormwater treatment devices, including, but not limited to, ponds, rain gardens, swales, underground systems, pervious pavement and stormwater conveyance systems. The normal water level and 100-year flood elevations shall be shown for all stormwater treatment devices.
- (3) Locations of proposed runoff control, erosion prevention, sediment control, and temporary and permanent soil stabilization measures.
- (4) Proposed watershed drainage areas.
- (5) Location of proposed utilities and easements.

c. Specifications that include the following:

- (1) Identification of individuals responsible for implementation of the SWPPP.
- (2) Description and details of the proposed erosion, sediment and stormwater pollution control devices.
- (3) Schedule indicating the time of the construction activities, implementation, maintenance, and removal of erosion and sediment control measures, and permanent site stabilization measures.
- (4) Information on the type of soils at the site.

d. Additional information as requested by the city engineer.

2. SWPPP Performance Standards And Design Criteria: The erosion and sediment control measures shall conform to the practices as contained in the most recent version of the MPCA's best management practices (BMPs) manual "Protecting Water Quality In Urban Areas" and shall comply with the most recent regulations of the MPCA's NPDES/SDS permit program, where applicable, unless otherwise indicated. The following minimum standards and criteria shall apply:

- a. Construction Scheduling: Construction activities shall be scheduled to lessen the impact on erosion and sediment creation and minimize the amount of exposed soil at any one time. Sediment control measures must be in place and inspected prior to issuance of permits.
- b. Protection Of Adjacent Property: Soil shall be prevented from being deposited onto adjacent properties, rights of way, public storm drainage systems, wetlands and nondisturbed portions of the construction site.
- c. Soil Stabilization: Measures must be taken as soon as practicable to stabilize the soil in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after construction activity in that portion of the site has temporarily or permanently ceased.

- d. Slopes: Slopes shall not be steeper than three to one (3:1).
 - e. Off Site Sediment Tracking And Dust Control: Measures must be taken to minimize off site vehicle tracking of sediment onto paved surfaces and the generation of dust. Sediment that is tracked off site must be removed at the end of each day or more frequently as determined by the city. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment controlled disposal area.
 - f. Soil Stockpiles: Soil stockpiles must be a minimum of twenty five feet (25') from all roads, water features, drainage channels, or stormwater inlets. Stockpiles must also be stabilized and protected with erosion and sediment control measures to prevent soil loss.
 - g. Storm Sewer Inlet Protection: All storm drainage inlets receiving runoff from the construction site shall be protected with sediment control measures. The inlet protection shall remain in place until final stabilization of the site has been achieved.
 - h. Storm Sewer Outlet Protection: All required energy dissipation measures must be installed within twenty four (24) hours of connection to a surface water.
- 3. Inspection And Maintenance: The applicant shall be responsible for the inspection and maintenance of the site. All inspection and maintenance practices shall comply with the most recent regulations of the MPCA's NPDES/SDS permit program.
 - 4. Modification Of Plans: The SWPPP may be amended as necessary upon submittal of a written application to the city and written approval from the city.

(D) Financial Securities: The applicant shall provide securities as required by city policy number 2.050. If the applicant fails to comply with the approved SWPPP, or in the event of an emergency, the city may take such action as it deems appropriate to control erosion and sediment and charge the costs to the applicant. If the applicant does not reimburse the city for any cost incurred for such work to remedy erosion and sediment concerns within ten (10) days, the city may draw down the required security to pay the costs.

(E) Right Of Entry And Inspection: The applicant shall allow the city and its authorized representatives, upon presentation of credentials to:

- 1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
- 2. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
- 3. 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.
- 4. Inspect the stormwater pollution control measures.

5. Sample and monitor any items or activities pertaining to stormwater pollution control measures.
6. Correct deficiencies in erosion and sediment control.

(F) Notification Of Noncompliance: The city shall notify the permit holder of any complaints per city policy number 2.050.

(G) Failure To Comply: Should an applicant fail to comply with any requirement of this section, the city may take the following actions:

1. Withhold the scheduling of inspections and/or the issuance of a certificate of occupancy.
2. Revoke any permit issued by the city to the applicant for the site or project in question.
3. Follow established procedures on issuing warnings or violation summons as deemed appropriate by the city.
4. Correct the deficiency or hire contractors to correct the deficiency and draw down the required security to pay for the costs and to assess the property for any deficiency between the costs of correction and the amount of financial security.

(H) Abrogation And Greater Restrictions: It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. (Ord. 1162, 5-19-2009)