

Erosion and Sediment Control Manual

CITY OF
SOUTHLAKE



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Introduction

This Erosion and Sediment Control Manual is for the construction community for assistance in complying with environmental regulations regarding pollution prevention at a construction site.

Environmental regulations can be complicated, and pollution prevention requirements at Construction Sites are no exception. This manual is intended to assist you in complying with the regulations. You are encouraged to contact the City of Southlake if you have any questions or concerns at any time. **The Public Works Department can be contacted at 817-748-8098 and the Planning Department can be contacted at 817-748-8069.**

State Regulations

Several environmental regulations have resulted from the EPA's efforts to protect waterways, as required by the Clean Water Act. Two affecting Construction Sites are the Texas Construction General Permit and the Municipal Separate Storm Sewer System (MS4) Permit.

Construction General Permit

The Construction General Permit is issued through the Texas Commission on Environmental Quality (TCEQ) and covers all construction sites in Texas. An application for coverage under the General Permit is required for all construction sites that disturb more than five (5) acres of land, however, other requirements must be met by those disturbing more than one (1) acre of land. By applying for the Permit, the construction site owner/operator is agreeing to meet all requirements of the permit.

For a complete understanding of the Construction General Permit, go to the TCEQ website at www.tceq.com or call the TCEQ Small Business and Local Government Assistance (SBLGA) Hotline at 1-800-447-2827. The SBLGA is separate from the Enforcement Division of TCEQ and the Division has some very knowledgeable people who can assist you with the Permit. They also have a helpful website with plenty of information, including worksheets for developing a SWPPP at www.sblga.info.

MS4 Permit

The MS4 Permit is issued to all entities that own or operate a municipal storm sewer system, like the City of Southlake. Like the Construction General Permit, this is a general permit issued through the TCEQ and applicants must meet all requirements of the permit. The intent of this permit is to require the municipality to prevent pollution from going through the storm sewer and entering Waters of the State.

One major component of the MS4 Permit is for the City to develop a program for reviewing documentation and inspecting erosion and sediment controls at construction sites. In addition, the program must be enforced through an ordinance.

City of Southlake Ordinance

In response to these regulations, the City of Southlake has adopted an Erosion and Sediment Control Ordinance, Ordinance No. 946, with the intent to receive pollution prevention and erosion and sediment control plans, review the plans, inspect construction sites for compliance, and enforce the City's requirements.

The following outlines major components of the City of Southlake's ordinance. It is recommended that you read the entire ordinance to become familiar with all aspects of the requirements you must meet. You may find the ordinance online at www.cityofsouthlake.com or contact the City Secretary at 817-748-8015 for a copy.

Requirements Based on Size of the Construction Site

All construction sites are required to meet the intent of the storm water regulations – regardless of size. This intent is to reduce the potential for pollutants to enter the municipal separate storm sewer system to the maximum extent practicable. It is possible, despite taking action to the maximum extent practicable, to have some sediments leave a site due to erosion and other means. However, if sediments do leave the site, the Owner and/or Operator of that site will remove lost sediments from the MS4 to the best of their ability.

The following, from the City of Southlake Erosion and Sediment Control Ordinance, Ordinance No. 946, states the additional requirements for construction sites based on size. Following this are a few examples and a flow chart illustrating the text.

Sec. 9.5-403 Applicability of Ordinance and Compliance Requirements.

- 1) This ordinance shall apply to all *Construction Sites* within the city limits of the City of Southlake.
- 2) *Requirements for Sites Disturbing Less Than One (1) Acre or within a Common Plan of Development that is Disturbing Less Than One (1) Acre.*
 - a) All *Construction Sites* disturbing less than one (1) acre of land or within a *Common Plan of Development* that is disturbing less than one (1) acre of land shall comply with all sections of this ordinance except Sections 9.5-408 and 9.5-409.
 - b) Any *Construction Site* disturbing less than one acre may be required, if directed by the Director of Public Works, to comply with Sections 9.5-408 and 9.5-409.
- 3) *Requirements for Sites Disturbing More Than One (1) Acre or within a Common Plan of Development that is Disturbing More Than One (1) Acre.*
 - a) All *Construction Sites* disturbing more than one (1) acre of land or within a *Common Plan of Development* that is disturbing more than one (1) acre of land shall comply with all sections of this ordinance.

- b) The Owner or *Operator* shall ensure that copies of the *Notice of Intent (NOI)*, *Notice of Change (NOC)*, *Notice of Termination (NOT)*, and *Construction Site Notice (CSN)* are provided to the City of Southlake when appropriate.

Examples:

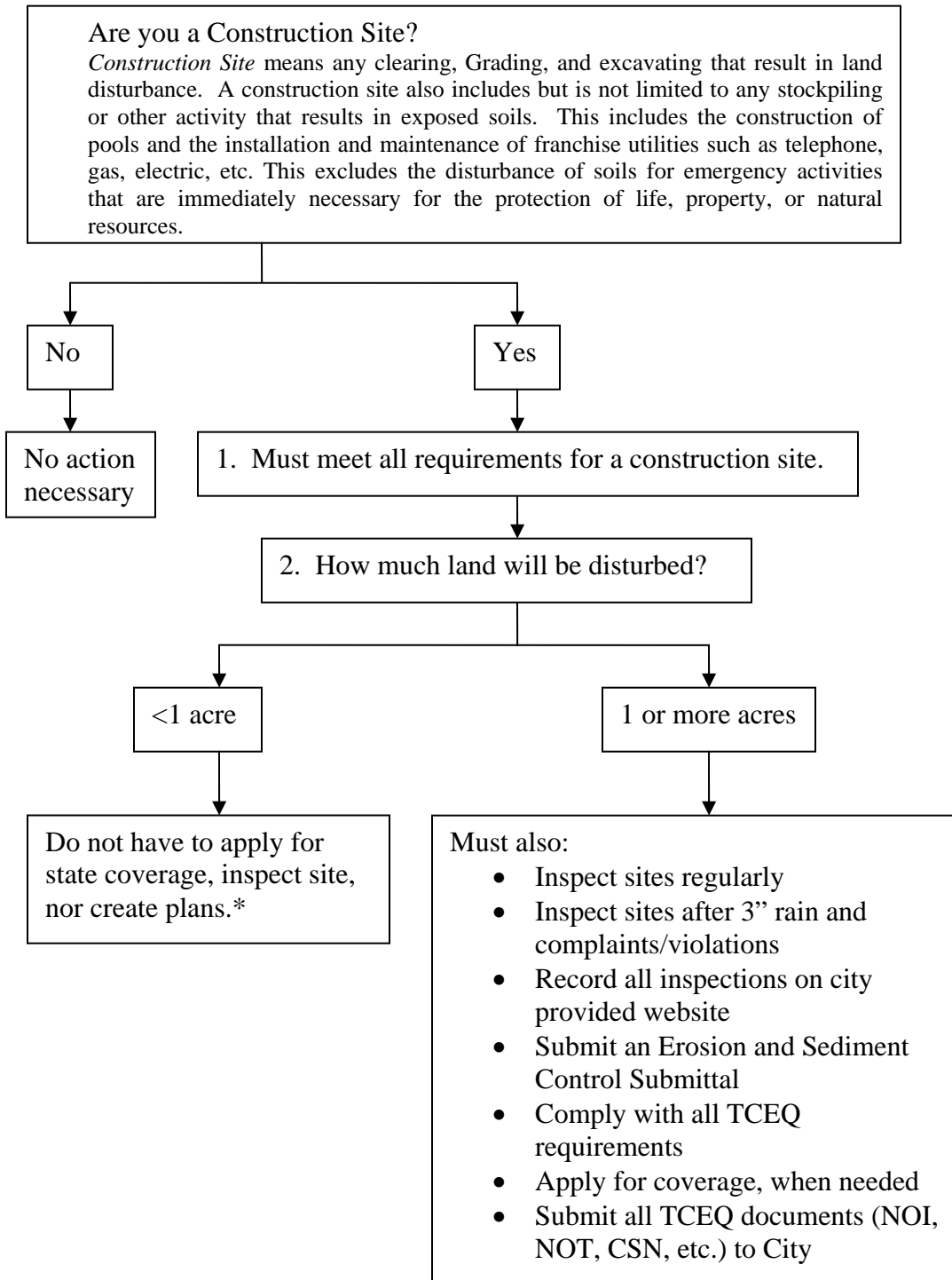
- A home builder will be building a house on a lot that is not part of a common plan of development. The construction of the home will not disturb more than 1 acre of land.
 - The builder does not need to turn in an Erosion Control Submittal or file any notices with TCEQ or the City.
 - The builder may need to get an earth disturbance permit and other related permits.
 - The builder is expected to follow all responsibilities, as outlined in the ordinance.

- A home builder will be building a house on a lot that is part of a common plan of development. The lot is less than an acre; however, the common plan of development is greater than one acre, but less than five.
 - The home builder does not have to file an NOI for the Construction General Permit, however,
 - will have to post a Construction Site Notice
 - and comply with requirements for a Small Construction Site, per the Construction General Permit.
 - The home builder must turn in an Erosion Control Submittal and a Construction Site Notice to the City.
 - The home builder could choose to work with the developer and/or other home builders to create a common SWPPP for the development.

- A home builder will be building a house on a lot that is part of a common plan of development. The lot is less than an acre; however, the common plan of development is greater than five acres.
 - The home builder does have to file an NOI for the Construction General Permit and comply with the requirements of a Large Construction Site, per the Construction General Permit.
 - The home builder must turn in an Erosion Control Submittal, NOI and a Construction Site Notice with the City.
 - The home builder could choose to work with the developer and/or other home builders to file a common NOI and create a common SWPPP for the development.

- A utility contractor will be installing new utility. The construction activity will result in disturbing more than five acres over a course of many months. Not all disturbances will be contiguous but is related.
 - The owner and/or the operator must file an NOI for the Construction General Permit.
 - The owner and/or the operator must turn in an Erosion Control Submittal

Flow Chart Illustrating the Responsibilities of a Construction Site



*If general construction requirements are repeatedly not met, the owner/operator may be directed by the City to comply with some or all requirements for larger sites.

Owner/Operator's Responsibilities

It is the responsibility of the owner and/or operator of a construction site to prevent pollution of the environment, including preventing sediments from leaving the site. The following are highlights of the standards in the City of Southlake for each construction site, as adopted by the Erosion and Sediment Control Ordinance, Ordinance No. 946. You are encouraged to read the Ordinance in full for a complete understanding of the requirements.

- All Construction Sites that disturb one acre or greater will comply with all requirements of the Construction General Permit (CGP).
- All Construction Sites are to be inspected for evidence of or potential for violations of the ordinance. Those who must comply with the CGP must report inspections on the City's inspection tracking website. More information about this can be found below in the section "Inspections are to be Documented on City's Inspection Tracking Website".
- Plans for Erosion and Sediment Control BMPs must be designed to minimize erosion and prevent sediment loss to the maximum extent practicable. BMPs in the iSWM manual produced by the North Central Texas Council of Government are to be considered when designing plans. More information about the iSWM manual can be found below in the section "Acceptable BMPs".
- An important aspect of preventing erosion and sediment loss is to preserve existing vegetation as much as possible and stabilizing the site as soon as possible.
- BMPs must be maintained and repairs made within 48 hours of discovery of the failure.
- If sediments are lost from the sight, the accumulated sediments must be removed within 48 hours or before the next rain event. This includes street sweeping and other means of removing the sediments.
- Wastes (including sanitary waste) and chemicals must be contained and prevented from entering the storm drain system to the maximum extent practicable.
- Concrete wash-out water should be contained within a washout pit. A sign must be posted as to where the washout pit is located.
- Parking on vacant lots is prohibited. Signs will be posted stating such.

Acceptable BMPs

The City of Southlake has adopted the Integrated Storm Water Manual (iSWM) for Construction, produced by the North Central Texas Council of Governments. This Manual is free to the public and can be accessed online at <http://iswm.nctcog.org/Documents/Construction.asp>. BMPs in the Manual must be considered for use in the design of Erosion and Sediment Control plans.

Erosion Control Submittal Packet

The Erosion Control Submittal Packet must be submitted for review 10 days prior to any commencement of construction at the site. Commencement of any activity prior to submitting plans and approval of those plans is a violation.

Submittals should be given, preferably electronically on CD format, to the Storm Water Planner at 1400 Main Street, Suite 310, Southlake, TX 76092.

The Construction General Permit requires that a Storm Water Pollution Prevention Plan be developed according to permit specifications. While many of the items listed in the City of Southlake's Erosion Control Submittal are the same as those required to be in an SWPPP, the City of Southlake does specify some differences. Please make note of those items the City of Southlake will require in the Submittal Packet.

At a minimum, the Erosion Control Submittal must contain:

1. Detailed BMP map used on Site. The map must have:
 - a. North Arrow
 - b. Location of Inlets and Outfalls
 - c. Water Bodies Near Site
 - d. Direction of Flow—Topography/Contour Lines
2. If any of these items will be located or utilized on Site, the item must be mapped:
 - a. Erosion and Sediment BMPs utilized
 - b. Phases of Development
 - c. Location of all Stock Piles
 - d. Location of all activities in support of the site (off-site activities within ½ mile of the construction site)
 - e. Location of potential concrete contaminant areas
 - i. Washout Pit
 - ii. Temporary Batch Plant
 - f. Construction Entrances
 - g. Portable Toilets
 - h. Dumpster or Trash Receptacle
 - i. Hazardous Materials Storage Area and Types
 - j. Any other Storm Water Pollution Prevention Practices
3. A detailed map showing Final Stabilization measures planned.
4. Details of BMPs (iSWM at a minimum)
5. Maintenance Plan for all BMPs listed
6. Delegation letters
7. Inspector Qualifications (inspector working for site, not City inspector)
8. NOI (when appropriate)
9. CSN
10. Type of Inspections being conducted (every 2 weeks and ½" rain or every 7 days)
11. Type of Chemicals and quantity stored on Site
12. Chemical storage description and Spill Response Plan
13. Signed permission from land owner for off-site stockpiles
14. Email address

Review Process – What to Expect

Review of the Submittal by City staff will be completed within 10 days of submitting the documents. If the Submittal is complete and no further action is needed, you will receive an email at the email address you have provided. This email will contain a number for the construction site and access code for the website portal. The email will contain instructions on how to access your account on the website. More information on this is provided in the next section “Inspections are to be Documented on Inspection Tracking Website”.

If City staff find that the submittal is not complete and more information is needed, the City will contact you by the email address you have provided to notify you of the deficiencies found. You must respond to this email for the review of the Submittal to continue. Efforts will be made to review the changes to the Submittal; however, the review process may be delayed. Staff reserve the right to complete the review within 10 days of the date changes were made or a re-Submittal was made. When City staff are satisfied you have provided all information needed for release of the Submittal, the City will send the email described above.

In some cases the plans associated with the Submittal will be released with comments. It is the responsibility of the Owner and/or Operator to ensure that the plans and conditions of the plan shall be met by the Owner and/or Operator.

It is the responsibility of the Owner and/or Operator to meet the intent of the law. By approving a Submittal, the City is approving the use of the BMPs listed in the plans. The City is not to be held liable for failure of the BMPs, damage that may be caused, or liability of the Owner and/or Operator to mitigate damages caused.

Inspections Are to be Documented on Inspection Tracking Website

The Erosion and Sediment Control Ordinance, Ordinance No. 946 Section 9.5-403 (4)(b), states that all construction projects that meet the size requirement below will require that the Owner and/or Operator document their inspections:

- b) *Inspections.*
 - i) All *Construction Sites* shall be inspected or cause to be inspected by the *Owner* or *Operator* of the *Site* for evidence of or potential for violations of this ordinance. *Construction Sites* subject to the *CGP* shall be inspected at the frequency required by the *CGP* or more frequently if directed by the Director of Public Works.
 - ii) All *Construction Sites* shall be inspected within 24 hours after all rain events exceeding 2” in addition to inspection requirements in this section. Rain events are determined by the measurement documented by the City of Southlake.

- iii) All *Owners* or *Operators* of a *Construction Site* disturbing more than one (1) acre of land or within a *Common Plan of Development* that is disturbing more than one (1) acre of land shall document inspections. When such a project is released for construction by the City of Southlake, as described in Sections 9.5-408 and 9.5-409, the City of Southlake will provide the applicant with a number and access code for that job on the website. The applicant shall:
- (1) Within ten (10) working days of receipt of the permit number and access code, enter the website and create and/or confirm a list of *Erosion and Sediment Control* practices that are proposed on the approved plan.
 - (2) Within ten (10) working days of the actual start of work – enter the website and document that the practices have been installed in accordance with the approved plan.
 - (3) Provide an electronic version of inspection documentation at the frequency indicated by the Erosion Control Submittal Packet and of event driven inspections. Documentation will be of the condition of the practices and will note any repairs needed and action taken.
 - (4) Within ten (10) working days of installation of *Final Stabilization* enter the website and note that the project has been terminated and a *Notice of Termination (NOT)* has been submitted to the TCEQ and the City of Southlake, when appropriate.
 - (5) Upon written notice by an agent of the City of Southlake to the applicant or the applicant's designated representative regarding an *Erosion Control* action or repair needed to bring the *Site* into compliance, the *Owner* or *Operator* shall comply with noted actions or repairs, and record such actions within 48 hours of the notification and prior to the next rain event. Failure to record such actions within 72 hours of notification shall be a violation of this ordinance.

Instructions on how to document inspections can be found on the City of Southlake's website at www.cityofsouthlake.com.

If there is a 3rd party that the Owner/Operator plans to have complete the inspection and reporting requirements they can be set up as the authorized inspector with their own login and password. To do this you will need to provide an email, fax or letter from the Owner/Operator indicating who the authorized inspector will be along with the inspector's address, email and telephone number so they can be properly set up in the system. Please note that even with a 3rd party inspector completing the inspection and reporting requirements the original Owner/Operator is still ultimately responsible for any erosion control violations that may occur.