

ORDINANCE NO. 2613

AN ORDINANCE repealing Chapter 15.32 of the Camas Municipal Code and adopting a new Chapter 14.06 relating to Erosion and Sediment Control.

The Council of the City of Camas do ordain as follows:

Section I

Chapter 15.32 of the Camas Municipal Code is hereby repealed.

Section II

A new Chapter 14.06 entitled "Erosion and Sediment Control" is hereby adopted as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

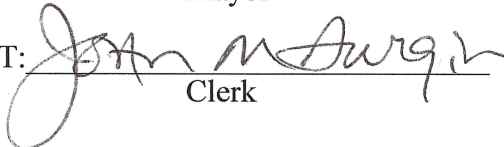
Section III

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 7<sup>th</sup> day of

March, 2011.

SIGNED:   
Mayor

ATTEST:   
Clerk

APPROVED as to form:

  
City Attorney

## Exhibit "A"

### Chapter 14.06

#### EROSION AND SEDIMENT CONTROL

##### Sections:

<b>14.06.010</b>	<b>Findings</b>
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<b>14.06.050</b>	<b>Adoption of Manuals</b>
<b>14.06.060</b>	<b>General Requirements</b>
<b>14.06.070</b>	<b>Liability</b>
<b>14.06.100</b>	<b>Erosion and Sediment Control Plans</b>
<b>14.06.200</b>	<b>Bonds and Insurance</b>
<b>14.06.300</b>	<b>Enforcement</b>

##### **14.06.010 Findings**

Each year tons of sediment deposits are washed and blown from land-disturbing activities. These sediment deposits bring about detrimental effects to our society in the following ways:

- A. Excessive input of sediment deposits in local stormwater collection and conveyance systems reduces their capacity to contain and convey water and increase the likelihood of flooding.
- B. Sediment deposits in local storm drainage systems cause an increase in public expenditures for maintenance;
- C. Sediment deposits in stormwater facilities increase home owners association's expenditures for maintenance;
- D. Increased public expenditures for cleaning and maintaining roadway surfaces that receive excessive sediment;
- E. Excessive sediment deposits can cause damage to occur to adjacent properties and rights-of-way;
- F. Damages occur to fisheries due to the input of sediment deposits which clog spawning beds and increase turbidity levels, impairing the feeding ability of aquatic animals;
- G. Runoff of sediment deposits promotes the transport of nutrients to lakes, causing algal blooms and oxygen depletion; and
- H. Sediment deposits have been found to cause detrimental water quality problems in the Washougal River, Lacamas Creek, Lacamas Lake, Round Lake, Fallen Leaf Lake and, ultimately, impacts the water quality in the Columbia River.

#### **14.06.020 Definitions**

“BMP” means Best Management Practice, which is the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

“Camas SDSM” means the latest edition of the City of Camas’ Stormwater Design Standards Manual.

"Director" means the City of Camas public works director, or designee.

"Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

"Land-disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) or existing soil topography, including, but not limited to, demolition, construction, reconstruction, clearing, grading, filling, excavation and landscaping.

"New development" means land-disturbing activities, including Class IV General Forest Practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; the creation of impervious surfaces; and any subdivision, short plat and binding site plans, as defined in RCW Chapter 58.17. All other forest practices and commercial agriculture activities are not considered new development.

“Project site” means that portion of a property, properties, or right of way subject to land disturbing activities, new impervious surfaces or replaced impervious surfaces.

"Redevelopment" means, on an already developed site, the creation or addition of impervious surfaces; structural development including construction or installation of a building or other structure; and/or replacement of impervious surfaces that are not part of a routine maintenance activity; and land-disturbing activities associated with structural or impervious redevelopment.

"Small parcel" means any development project which involves land-disturbing activities of less than one acre and adds less than five thousand square feet of impervious surface.

“Stormwater Collection and Conveyance System” means the drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface and stormwater to a

receiving water or infiltration facility. The natural elements of the conveyance system include, but are not limited to, small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the collection and conveyance system include, but are not limited to, gutters, inlets, ditches, pipes, channels, and retention/detention facilities.

“Stormwater Manual” means the 2005 Stormwater Management Manual for Western Washington, which is the 5-volume technical manual (Publication Nos. 05-10-29 through 05-10-33) prepared by the Washington State Department of Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.

“SMMWW” means the Stormwater Manual (see definition above)

#### **14.06.030 Applicability**

Any person proposing to undertake any land-disturbing activity, with the exception of any small parcel development, shall be required to meet the following standards:

- A. Submit an erosion prevention/sediment control plan in compliance with this chapter which shall set forth the proposed erosion prevention/sediment control measures and shall further satisfy the criteria of the standard details and specifications for erosion prevention/sediment control plans. The plan shall be submitted and approved by the city prior to the commencement of any land-disturbing activity. In addition, an erosion prevention/sediment control plan shall be submitted and approved by the city prior to the commencement of clearing, grading, fill, excavation, demolition, or construction related to any land development which requires a city permit, requires city approval, or is otherwise subject to SEPA review including, but not limited to, the following:
  1. Subdivisions;
  2. Short plats;
  3. Planned residential developments;
  4. Site plan approvals; and
  5. Street cuts.
- B. Project sites one acre or larger or sites under one acre that add five thousand square feet or more of impervious surface must meet the requirements of Minimum Requirement 2, as specified in the Stormwater Manual.
- C. A Construction Stormwater Pollution Prevention Plan (SWPPP) is required for all project sites over one acre where the new, replaced, or new plus replaced impervious surfaces total 2,000 square feet or more or where 7,000 square feet or more of land is disturbed. The Construction SWPPP shall be submitted before undertaking any land-disturbing activity. The Construction SWPPP shall be stamped by an engineer licensed in the state of Washington and submitted with the final stormwater plan and shall meet the requirements in Chapter 2.03 and Chapter 3 of the Camas SDSM.
- D. Small parcels must meet the small parcel requirements listed in Chapter 3.03 of the Camas SDSM and must submit an Erosion and Sediment Control Plan as specified in Chapter 2.02 of the Camas SDSM.

#### **14.06.040 Exemptions**

The following are exempt from compliance with this chapter:

- A. Forest practices regulated under Title 222 WAC, except Class IV General Forest Practices that are conversions from timber land to other uses.
- B. Commercial agriculture practices involving working the land for production. However, the conversion from timber land to agriculture, and the construction of new impervious surfaces are not exempt.
- C. Oil and gas field activities or operations; such as construction of drilling sites, waste management pits, access roads, transportation and treatment infrastructure for natural gas treatment plants and compressor stations, and crude oil pumping stations. However, operators are encouraged to implement and maintain BMPs to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.
- D. Emergency fire response activities; such as house fires, forest fires, brush fires, and car fires. However, responsible parties are encouraged to implement and maintain BMPs, after the fact, to help ensure protection of surface water quality during storm events. Controlled burns, for purposes of training individuals, are not exempt.
- E. General landscape maintenance activities which are limited in scope, including mowing, gardening, mulching, and bark-dusting. The director shall have discretion in the determination of water quality impacts caused by such activities and may require the installation of BMPs.

#### **14.06.050 Adoption of Manuals**

The latest edition of the SMMWW as modified by the City's Design Standards Manual is adopted by reference, and the recommendations and requirements contained therein will be the minimum standards for this chapter except as modified in this chapter.

To supplement the minimum standards set forth above to regulate activities subject to this chapter, and to provide technical guidance, the city hereby adopts by reference the most current version of the following manuals:

- A. Latest edition of the Department of Ecology's Stormwater Management Manual for Western Washington.
- B. Latest edition of the City of Camas Stormwater Design Standards Manual.

The Stormwater Design Standards Manual is intended to supplement and clarify the SMMWW to provide guidance for, and tailor to, local conditions. The Design Standards Manual may also adopt measures that are deemed equivalent by the Washington State Department of Ecology.

- C. Latest edition of the City of Camas Design Standards Manual.

At least one copy of each manual adopted in this section, shall be filed in the Office of the Finance Director for use and examination by the public. The manuals may also be made available for use and examination by the public at the Public Works Department, the Camas Public Library, or on the City website.

#### **14.06.060 General Requirements**

- A. Compliance with this chapter shall be the joint and several responsibility of both the property owner on whose parcel the land-disturbing activity occurs and the person undertaking such activity. In addition, if the land-disturbing activity concerns a federal, state or city issued permit, the permit holder is also responsible for meeting the requirements of this chapter.
- B. If the BMPs approved and applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public rights-of-way, then additional BMPs shall be implemented.
- C. Maintenance. All erosion and sediment control BMPs shall be regularly inspected and maintained to ensure continued performance of their intended function. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location.
- D. Idle Construction Sites. Uncompleted construction sites shall be inspected no less frequently than once a week and after each rainfall and shall be repaired, if needed.
- E. Underground Utility Construction. The construction of underground utility lines shall be subject to the following requirements:
  - 1. A trenching and utility placement schedule and an erosion control plan specifically related to underground work shall be submitted and approved prior to beginning work. On-site pre-construction meetings are highly recommended.
  - 2. The length of trench opened at one time shall be minimized.
  - 3. Excavated material shall be placed to minimize runoff into trenches and adjacent roadway consistent with safety and space considerations.
  - 4. Trench dewatering devices shall discharge into a sediment trap, sediment pond, or other approved BMP.
  - 5. BMPs shall be used to control erosion during and after construction.
  - 6. BMPs damaged during construction shall be replaced or repaired on the day the damage occurred.

#### **14.06.070 Liability**

Nothing in this chapter shall be deemed to impose any liability upon the City of Camas or upon any of its officers or employees, or to relieve the owner or occupant of any property from the duty to keep their property in a safe and healthy condition.

#### **14.06.100 Erosion and Sediment Control Plans**

Erosion Control plans shall comply with the requirements of this chapter, and the adopted manuals as referenced in Section 14.06.050. Plans shall be submitted to the city for all activities subject to regulation under this chapter.

#### **14.06.200 Bonds and Insurance**

For all land-disturbing activities of an acre or more, furnish to the city an approved form of security in the amount of two hundred percent of the engineer's estimated cost of the erosion prevention/sediment control measures, including associated labor, shown on the approved erosion prevention/sediment control plan.

#### **14.06.300 Enforcement**

- A. Any violation of any provision or failure to comply with any of the requirements of this chapter, or a violation of or failure to comply with any of the terms and conditions of any approval issued under the provisions of this chapter shall be subject to the Enforcement provisions of CMC Sections 18.55.400 through 18.55.460.
- B. The severity of enforcement shall generally correspond to the degree of actual or potential impact of erosion and sediment from a site on natural and man-made water bodies, adjacent property, stormwater collection and conveyance systems, and stormwater facilities. The director of public works, or his authorized designee, is directed and authorized to implement and enforce all provisions of this chapter. In enforcing this chapter, the public works director shall have the following duties and powers:
  - 1. To require the submission of erosion prevention/sediment control plans, and to review and approve such plans;
  - 2. To inspect all construction activities to assure compliance with the provisions of this chapter;
  - 3. To issue a stop work order for the site upon notice of any construction activity being conducted in violation of this chapter or in violation of an approved erosion prevention/sediment control plan;
  - 4. To require any person violating the provisions of this chapter or an approved erosion prevention/sediment control plan to undertake all cleanup, corrective, and any other remedial measures necessary to remedy such violation.
- C. Enforcement--Stop Work Order.

1. The issuance of a stop work order indicates that all work of every type, make and description on the site shall cease, except for erosion prevention/ sediment control measures.
2. A stop work order will be in effect until such time as the director establishes that all the necessary erosion prevention/ sediment control measures are in place, functioning, and the site is stabilized.
3. Upon the written request of the person ordered to stop work, the director may authorize the resumption of work on the site prior to completion of all directed mitigation efforts. The director shall only authorize the resumption of work where the aggrieved person is actively pursuing directed mitigation efforts, the resumption of work will not create additional hazards, and the work will in no manner diminish the ability of the aggrieved person to finalize directed mitigation efforts.

D. Enforcement--Civil Infraction.

1. Any person, firm or corporation which violates any provision of this chapter or which undertakes any construction activity in violation of an approved erosion prevention/sediment control plan as outlined in this chapter or who violates the terms of any stop work order issued pursuant to this chapter, shall be guilty of a civil infraction punishable by a fine of not more than five hundred dollars a day. Each separate day or any portion thereof during which any violation occurs or continues constitutes a separate offense.

E. Continued Duty to Correct Violation. Payment of a monetary penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered.

F. Appeal. Any appeal to the decision of the Camas municipal court shall be governed by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).

G. Accrual of Penalty. The city is authorized to collect the monetary penalty by use of appropriate legal remedies. Seeking legal redress by the city shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues.