

STORMWATER ADVISORY GROUP
December 15, 2009
PUD # 1 of Asotin County
1500 Scenic Way, Clarkston
5:30 - 7:30 p.m.

Overview of Construction Ordinance

- This ordinance deals with land disturbing activities and permanent stormwater facilities.
- Authorizes permit fees, inspections and penalties.

1. Definitions (pages 1-8)

- ◆ Staff spent considerable time trying to refine definitions.
- ◆ Tried to stay consistent with IDDE ordinance, E WA Stormwater Manual and generally accepted practices.
- ◆ Focused on the term “land disturbing activities” rather than “construction”.

2. Identified the need to address smaller projects (< 1 acre disturbance) (Pages 8 – 10)

- ◆ Spent considerable effort defining small, medium and large projects.

1.3.4 The jurisdictional authority may require any land disturbing project of any size obtain a local stormwater permit and be subject to developing an ESC or SWPPP if any of the following conditions are met:

- A design that does not adhere to the criteria specified in this ordinance,
- Slopes with surface water flow,
- Slopes greater than 2:1,
- **In areas of questionable soils conditions**
 - **Soils with low infiltration or high runoff potential**
 - **Soils with moderate or severe building site development limitations, including limited area for containment or control**
 - **Occasion or frequent flooding with long or very long duration**
 - **Shall water table depth**
 - **Problematic bedrock conditions**
- When extensive fill is proposed,
- Where the length of the slope requires terracing,
- ~~➤ When unusual conditions are encountered,~~
- In other situations where slope stability could be in question, as determined by the County, or
- In cases where the project may negatively affect down stream or neighboring parcels.

- ◆ Took SWAG comments into consideration for exemptions.

➤ **1.4.8 Small projects exemptions:**

- Gardens – single family, non-commercial
- Fencing
- Raised decks, patio covers, awnings
- Sprinkler system as a stand alone project, small disturbance
- Minor landscaping – tree & shrub planting, flower beds

3. Permit Requirements/Application Requirements

- ◆ Considerable effort defining streamlined criteria for most medium projects (ESC Plan) (Pages 12 – 14)
- ◆ Large projects and qualifying medium projects automatically require SWPPP (Pages 14 – 20)
 - SWPPP headings
 - Construction inspections (page 21)
 - Post-construction monitoring (Page 22 – 24)
 - Surety for post-construction stormwater facilities – generally accepted is a 2 year performance bond
- ◆ **Section 5 – Procedures and Requirements (page 20)** – develop procedure that includes local stormwater permit application, submittal of plans, site visits, plan review and approval.

4. Inspection, Enforcement

- ◆ **Section 6 – Inspection for Permanent Stormwater BMPs (page 21)** – develop procedure for final review and approval (Stormwater Certificate of Completion), including submittal of as-builts.
- ◆ **Section 10 – Violations, Enforcement and Penalties** - Different than IDDE – regulating potential discharge, not actual discharge (pages 25-30)
 - ◆ Ground disturbance has occurred
 - ◆ No in inadequate BMPs installed
 - ◆ BMPs selected are inadequate
 - ◆ Applies to permits and work that should have a permit

Process:

- ◆ Verbal notification (warning) – 24 hours to install or fix BMPs
- ◆ Notice of violation or stop work order – 48 hours to fix or install BMPs
- ◆ Continued noncompliance – fine issued, escalates every 48 hours
 - 1st violation - \$100
 - 2nd violation - \$200
 - 3rd and subsequent violation - \$300 - \$1000
- ◆ Appeal of penalties
- ◆ Denial of Permit – additional recourse. Eliminated surety on construction. Deny future building and stormwater permits until issues unresolved.