

Revisions

DIVISION 5. LAND DISTURBANCE ACTIVITY

96-19. Purpose.

The purpose of this section is to protect the health, safety, and property of the citizens of the city and waters of the state from pollution resulting from the effects of erosion and sediment deposition from land disturbances. This section establishes uniform requirements for land disturbance activities in order to control the occurrence of erosion and the transportation of sediment to the city municipal separate storm sewer system (MS4).

96-20. Definitions.

For the purposes of this Chapter, the following words shall have the definitions hereinafter set forth:

Accepted or *acceptance* means a determination by the director that the document under review meets the minimum applicable standards.

BMP means best management practices.

Best management practices (BMP) means any physical, chemical or managerial practice that reduces soil erosion or reduces the amount of sediment or other pollutants discharging to or potentially discharging to the MS4. For examples of BMPs, refer to the city's erosion and sediment control guidelines manual.

Certified Erosion and Sediment Control Contractor (CESCC) means an individual who has successfully completed training as specified in Section 96-25.4.

CESCC means Certified Erosion and Sediment Control Contractor.

Certified Preparer of Storm Water Pollution Prevention Plans (CPSWPPP) means an individual who has successfully completed training as specified in Section 96-25.4.

City means the City of Springfield, Missouri.

CPSWPPP means Certified Preparer of Storm Water Pollution Prevention Plans.

Department means the City of Springfield Department of Public Works.

Director means the Director of Public Works of the City of Springfield, Missouri, or the Director's authorized representative.

Discharge means any substance disposed, deposited, spilled, poured, injected, seeped, leached, pumped, dumped, leaked, or placed by any means such that it can reasonably be expected to enter, intentionally or unintentionally, into waters of the city or waters of the state, or on any area draining directly or indirectly into the MS4.

Erosion and sediment control manual (manual) means the manual which establishes minimum requirements, and provides guidance and additional resources to facilitate control of soil erosion on land that is undergoing development for non-agricultural uses, and to preserve the natural terrain and waterways within the boundaries of the city.

Erosion means the wearing away of land due to the action of gravity, wind, water or other mechanical forces.

Land disturbance permit means the document issued by public works approving the SWPPP and authorizing land disturbance activity in accordance with the SWPPP.

Land Disturbance means any activity that exposes soil including clearing, grubbing, grading, excavating, filling and other related activities.

MEP means maximum extent practicable.

MS4 means municipal separate storm sewer system.

Municipal Separate Storm Sewer System (MS4) means those artificial and natural facilities within the city, whether publicly or privately owned, by which storm water may be conveyed to a watercourse or waters of the state, including but not limited to any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, berms, ditches, swales, open fields, parking lots, impervious surfaces used for parking, or storm drains, however, sanitary sewers are not included in the definition of the city separate storm sewer system.

Pollution means any alteration of the quality of waters of the city or waters of the state to a degree that they are rendered harmful, detrimental or injurious to humans, natural life, vegetation or property, to the public health, safety and welfare, or otherwise impairs the usefulness or public enjoyment of waters for any lawful and reasonable purpose, including interference with the proper functioning of the MS4.

Responsible Party means the property owner or person authorized to act on the property owner's behalf; or any person allowing, causing or contributing to a violation of the Code.

Sediment means mineral or organic matter generated as a result of erosion.

Stop Work Order means that upon notice from the Director of Public Works, or the Director's authorized representative, that work on any property that is contrary to the provisions of this division or in an unsafe and dangerous manner, or in conflict with the approved construction documents, such work shall be stopped.

Storm Water means any surface or shallow subsurface flow, runoff, or drainage consisting entirely of water from rainstorm or frozen precipitation events.

Storm Water Pollution Prevention Plan (SWPPP) means a plan developed by a qualified professional engineer, architect, landscape architect, or CPSWPPP person certified in erosion and sediment control to establish controls to limit erosion and transport of sediment and other pollutants from the site. The plan shall include BMPs in accordance with the city's erosion and sediment control guidelines manual, storm water design criteria manual, design standards for public improvements and the general conditions and technical specifications for public improvements.

SWPPP means Storm Water Pollution Prevention Plan.

Water Quality Standards means the standards, required under the Clean Water Act, which Missouri has adopted to control and remedy water pollution (10 CSR 20-7.031). Water quality standards have three parts: water use classifications, water quality criteria, and an antidegradation policy.

Waters of the City means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, sinkholes, springs, wetlands, wells and channels, and other bodies of surface or subsurface waters, natural or artificial, lying within the boundaries of the city.

Waters of the State means any water, surface or underground, lying within the boundaries of the city over which the Missouri Department of Natural Resources has authority with respect to Clean Water Law.

96-21. Scope and Authority.

This section is applicable to all land disturbance activity within the city unless specifically exempted. The provisions in this section shall be administered and enforced by the director. The director shall have the authority to develop and implement procedures, forms, policies, design and construction standards and interpretations for administering the provisions of this section.

96-22. Erosion and Sediment Control.

The responsible party shall control site erosion and the release of sediment and other pollutants resulting from land disturbance activities to the maximum extent practicable (MEP) utilizing best management practices (BMPs). The responsible party shall ensure that BMPs are designed, constructed and maintained during land disturbance activities in accordance with the most recent version of the city's erosion and sediment control guidelines manual, storm water design criteria manual, design standards for public improvements and the general conditions and technical specifications for public improvements.

96-23. When Permit Is Required.

A Land Disturbance Permit is required for all land disturbance activity affecting one acre or greater, cumulatively, throughout the duration of the development. The Responsible Party shall obtain a land disturbance permit from the department prior to commencing land disturbance activity. A land disturbance permit is not generally required for land disturbance of less than one acre, cumulatively, throughout the duration of the development. However, a land disturbance permit may be required if the director determines that there is significant potential for deposition of sediment that is in violation of this section or the land disturbance activity is within close proximity to valuable resource waters. Regardless of land disturbance size, a land disturbance permit is required if the land disturbance is located 25 feet or less from the boundary of a spring, rim of a sinkhole, cave entrance, wetland, watercourse, stream buffer or one hundred 100-year floodplain. The director shall provide written notice of the need for a permit to the responsible party or person conducting the land disturbance activities. The Responsible Party shall obtain a land disturbance permit from the department prior to commencing or resuming land disturbance activity.

96-24. Work Exempt from Permit.

(a) A Land Disturbance Permit shall not be required in the following instances, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur:

1. Grading of land for farming;
2. Nurseries;
3. Gardening or similar agricultural or horticultural use; and
4. Grading activities in quarries and permitted sanitary landfills.

(b) No Land Disturbance Permit is required for the following activities, provided they are less than one acre of cumulative land disturbance, are not located within 25 feet of the boundary of a spring, rim of a

sinkhole, cave entrance, wetland, watercourse, stream buffer or 100-year floodplain and do not cause a violation of Missouri Clean Water Law or water quality standards:

1. Grading and repair of existing roads or driveways;
2. Cleaning and routine maintenance of roadside ditches or utilities;
3. Utility construction where the width of the trench is two feet in width or less ~~disturbed area for trench excavation and backfill is 20 feet or less; and~~
4. Emergency construction required to repair or replace roads, utilities, or other items affecting the general safety and well being of the public; and
5. Land Disturbance for single family residences not part of an overall subdivision plan.

For emergency construction activities which would otherwise be required to obtain a permit and for which remedial construction will take more than 14 calendar days, application for the land disturbance permit must be made within three calendar days from the start of construction.

96-25. Minimum Requirements

The city's erosion and sediment control guidelines manual, as may be updated and modified by the department, sets forth minimum requirements that must be met in order to obtain a land disturbance permit. This document also provides guidance and additional resources to facilitate control of soil erosion and pollutants on land that is undergoing development.

96-25.1. Permit Application and Fees.

An application for a land disturbance permit shall be in writing on forms provided by the department and filed with the department. Each land disturbance permit application shall be accompanied by a Storm Water Pollution Prevention Plan (SWPPP) prepared by a qualified professional engineer, architect, landscape architect, or CPSWPPP person certified in erosion and sediment control ~~meeting the provisions of this section, unless the requirement is specifically waived by the Director.~~ The Responsible Party shall install and maintain BMPs in accordance with the land disturbance permit and SWPPP. The Responsible Party shall maintain a copy of the land disturbance permit and SWPPP on site during normal working hours. The city shall collect a fee for the purpose of recovering administrative costs associated with processing applications, reviewing plans, issuing permits, conducting inspections and enforcing this section.

96-25.2. Stormwater Pollution Prevention Plan Requirements.

The responsible party shall ensure that a certified erosion and sediment control contractor (CESCC) will be present on the site during all working hours to ensure implementation of the approved SWPPP, including inspection and maintenance of BMPs. The responsible party shall submit a SWPPP with the permit application that shall be prepared in accordance with the city's erosion and sediment control guidelines manual, storm water design criteria manual, design standards for public improvements and the general conditions and technical specifications for public improvements. No land disturbance permit shall be issued prior to review and acceptance of the SWPPP by the director. The responsible party shall provide and implement revisions to the SWPPP, as necessary, due to conflicts, omissions, changed conditions or damage resulting in a violation of any part of this section to address and correct the condition causing the violation.

96-25.3. Inspections.

The CESCC shall be responsible for conducting ~~The responsible party shall provide a qualified inspector to conduct inspections as required by the SWPPP. on a weekly basis or within 48 hours of a one-half inch or greater rain event.~~ The log of such inspections shall be maintained on site and available for review by the city upon request. By applying for a grading land disturbance permit, the applicant consents to the city inspecting the proposed development site and all work in progress.

96-25.4. Certification Training.

Certification training for CPSWPPPs and CESCOs will be provided through a partnership with Missouri State University (MSU). Training opportunities will be made available in accordance with a Memorandum of Understanding between the City and MSU. Individuals who successfully complete this training shall be considered certified. Other professional erosion and sediment control accreditations, if approved by the Director, may be used to satisfy the requirements for certification.

96-25.4.96-25.5. Security Requirement.

Upon approval of the storm water pollution prevention plan (SWPPP) and prior to issuance of a land disturbance permit, the department shall require the developer to post a security in the form of a surety bond with one or more corporate sureties engaged in the business of signing surety bonds in the state of Missouri, a cash escrow agreement, letter of credit, or other appropriate security agreement~~a cash bond, cash or equivalent~~ approved by the Director of Finance of not less than 150 percent of the value of all erosion and sediment control measures which are part of the SWPPP. ~~For land disturbance permits where no other security will be required the only type of security which will be accepted will be a cash bond.~~ For land disturbance permits where other security is established for public improvements, the erosion control security may be added to the security for public improvements. If the ~~escrow agreement, bond,~~ letter of credit or other security document is placed in default, or the insurance is terminated or not maintained at a satisfactory level, then no further permits or approvals, including building permits, shall be issued for the developer's property located in the development for which the security was given, until the improvements are completed to the satisfaction of the City. Any portion of the deposit not expended or retained by the city hereunder shall be refunded when soil and drainage conditions are stabilized to the satisfaction of the city and the land disturbance permit is closed.

96-25.5.96-25.6. Failure to Comply.

Enforcement of this division shall be the responsibility of the department. The party or parties responsible and liable for actions or non-action in regards to this division, including responsibility for abating violations of this ordinance, shall be the property owner or person authorized to act on the property owner's behalf; or any person allowing, causing or contributing to a violation of the code. If an investigation or inspection results in a finding of noncompliance with this ordinance, the director is authorized to issue a notice of violation (NOV) that may, at the discretion of the director, include a stop work order. The NOV shall specify the deficiencies, what corrective action is necessary, and a specific timeframe in which the responsible party is to achieve compliance. The written NOV, including a stop work order as applicable, shall be mailed, postage pre-paid, or hand-delivered to both the permittee and owner. Failure to comply with a notice from the director of public works shall result in the issuance of a stop work order. Issuance of a stop work order shall result in a suspension of all construction activity on the site, except for work related to remediation of the violation, until the violation is resolved to the city's satisfaction. The stop work order shall also suspend the right of the permittee, applicant, owner, contractor, developer or any related entity to build or construct any structure or public improvement on any portion of the site. It shall be unlawful for any person or responsible party to fail to comply with a stop work order. The director and the director of building development services, upon issuance of a stop work order, are authorized to suspend the issuance of building permits and occupancy permits for structures on any portion of the site, terminate utility services to the site, and to suspend all inspections and plan review related to any other work that is taking place on the site, until such time as the violation is resolved to the city's satisfaction. Stop work orders shall specifically state the provisions of this division or the land disturbance permit being

violated. Any person, who shall continue any work in or about the site after having been served with a stop work order, except such work related to remediation of the violation, shall be subject to penalties as specified in section 96-25.6~~8~~. Said stop work order may be lifted upon the presentation and construction of an accepted plan to avoid sediment runoff and the removal of any such sediment as ordered. All stop work orders that are issued by the director must be posted on the site on which the grading activity is taking place, and in reasonable proximity to a location where the grading activity is taking place. All stop work orders posted in this manner shall be considered validly delivered. It shall be the responsibility of the owner to ensure that no violation of this chapter occurs on his/her property. If the responsible party fails to comply with an NOV, stop work order, or there is no immediate settlement, a summons to court may be issued to the responsible party. The summons to court shall contain all the information required by the City Code and will be enforced and issued through the municipal court. The director shall have the option of causing a summons to municipal court to be issued immediately upon discovery of a violation, in lieu of a NOV.

~~96-25.6.~~96-25.7. Appeals Process.

Any person who has been served a notice of violation, stop work order, or other order under this chapter or any person who has been denied a land disturbance permit may request in writing an appeal within the time and in the manner as set forth in section 74-38 of the Springfield City Code and the procedures set forth therein shall govern the appeal.

~~96-25.7.~~96-25.8. Penalties for Violation.

Any person who violates the provisions of this division shall be subject to those penalties contained in section 1-7 of the Springfield City Code of \$1,000.00 per day and each and every day shall be deemed a separate offense.

~~96-25.8.~~96-25.9. Remedy to Cause Removal.

The city attorney may seek any appropriate remedy to cause the removal of such sediment including, but not limited to, an injunction, revocation proceedings for any and all permits, licenses, and termination of utility services.

~~96-25.9.~~96-25.10. Conflicts with Other Ordinances or Laws.

This division shall not abrogate or annul any existing city, state or federal law, ordinance, rule or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other regulation, the provision that is more restrictive or imposes a higher standard shall control.

~~96-25.10.~~96.25.11. Permit fee

Each applicant shall pay the applicable fee at the time of application. Such fees shall be established in a schedule adopted by ordinance from time to time.