



# Erosion and Sedimentation Control

# BP-19

Department of Building and Planning

When construction activities disturb land, erosion and sedimentation can occur. Requirements and performance standards have been established to control soil erosion and sedimentation through the use of temporary and permanent erosion and sedimentation control practices.

This brochure is designed to help understand what erosion and sedimentation requirements you need to follow when applying for a building permit.

## What is Erosion and Sedimentation Control?

When elements such as running water, ice, or wind, continually batter the surface of the land erosion occurs. Sedimentation occurs when materials get deposited by flowing or standing water.

The purpose and intent of the Erosion and Sedimentation Control requirements is threefold:

- To protect and prevent damage to Spokane County's stormwater management infrastructure.
- To minimize the effects of land-disturbing activities, including: erosion, sedimentation, and the impact of increased runoff onto private property, public roads, right-of-ways, and bodies of water.
- To protect the health, safety and welfare of the general public.

## When do the Requirements Apply?

The Erosion and Sedimentation Control requirements and provisions apply to "major" and "minor" land-disturbing activities.

A land-disturbing activity is one that results in a change in the existing soil cover (either vegetative or non-vegetative) and/or the existing soil topography. Examples include demolition, construction, clearing, grading, filling, logging, and excavation.

## What is a major land-disturbing activity?

**Major** land-disturbing activities are those activities that disturb an area equal to or greater than one acre, or create additional impervious surface area greater than or equal to 5,000 square feet.

An **Erosion and Sedimentation Control plan** is required to be submitted to Spokane County with your permit application when you are planning a **major** land-disturbing activity. This needs to be done prior to any land-disturbing activities and must address the area of land to be disturbed. The permit applicant is responsible for ensuring that all requirements are addressed in the Erosion and Sedimentation Control plan. If your project requires an Erosion and Sedimentation Control plan, Spokane County can not issue you the permit unless your Erosion and Sedimentation Control plan is submitted.

**Major** land-disturbing activities that do not require a permit, license or approval from Spokane County are not required to submit an Erosion and Sedimentation Control Plan. However, these activities are still required to meet the **performance standards** and enforcement provisions do apply. Property owners should realize that although a land-disturbing activity may not require a permit from Spokane County, a permit may be required from state and/or federal agencies.

## What is a minor land-disturbing activity?

A land-disturbing activity is considered **minor** if less than one acre of land is disturbed, a single family residence or duplex is constructed, or less than 5,000 square feet of impervious surface area is created. You do not need to submit an Erosion and Sedimentation Control plan for these **minor** activities. However, you are required to meet all performance standards and requirements of Erosion and Sedimentation Control **regardless** of whether a permit is required or not.

## Erosion and Sedimentation Control Performance Standards

By now you might be wondering what the performance standards are. Essentially, the five **performance standards** indicated below are intended to provide a minimum threshold for controlling soil erosion and sedimentation caused by land-disturbing activities:

### 1. *Minimize tracking onto public, private and future public roads:*

Tracking should be prevented from occurring using Erosion and Sedimentation Control best management practices, or a reasonable effort must be made to clean up the area if soil, dirt, mud, or debris is tracked onto public, private or future public roads.

### 2. *Protection of public roads and stormwater facilities:*

Performance standards are not being met if more than 2 gallons per day of soil, dirt, mud, or debris is deposited, other than tracking, from the project site onto adjacent public roads and/or a stormwater system within a public right-of-way.

### 3. *Proper washout of concrete trucks and equipment:*

Performance standards are not being met if there is observable evidence of concrete washout material within a drainage area, stormwater facility, body of water, or a proposed stormwater facility area.

### 4. *Protection of private properties:*

Spokane County does not presently have the resources to enforce the provisions of this Ordinance for violations that affect private properties. Therefore, no performance standards have been established with regard to depositing soil, dirt, mud, or debris from a project site onto adjacent private property. However, private property owners may have the ability to seek judicial redress for such actions.

### 5. *Protection of bodies of water and wetlands:*

Performance standards have not been met if there is deposition of soil, dirt, mud, or debris from the project site to adjacent bodies of water.

## Erosion and Sedimentation Control Best Management Practices

Erosion and Sedimentation Control best management practices are used to help property owners to meet the above requirements. Examples of best management practices can be obtained from the *Spokane County Erosion and Sediment Control Best Management Practices Manual*,

available at the Spokane County Public Works building. The Best Management Practices Manual provides property owners with examples that help meet erosion and sedimentation control requirements.

If you want to experiment with new techniques to control erosion and sedimentation, do so. However, the experimental management practices are required to meet the performance standards.

## What happens if I don't meet the performance standards?

If your project does not meet the performance standards outlined by the performance standards or in an Erosion and Sedimentation Control plan, a Notice of Non-Compliance may be issued to the permit applicant or property owner. The Notice of Non-Compliance contains information on the location and description of the construction project, a description of the non-compliance and the corrective action that needs to be taken within 24 hours, the amount of the penalty that will be imposed if corrective action is not taken, and information regarding the appeal process.

Failure to stop the activity noted in the Notice of Non-Compliance or take corrective action can result in a fine of \$1,000 a day for major land-disturbing activities or \$250 a day for minor land-disturbing activities. Each day of violation will be counted as a separate violation.

Spokane County Public Works can only impose penalties on permit applicants if the project is related to public facilities. Violations related to private property are a civil matter and are not enforceable by Spokane County.

If you have any further questions regarding the Erosion and Sedimentation Control requirements please call 477-3604. If you have any questions regarding the permit process call 477-3675.

## Other Brochures that may be helpful

BP-19a *Erosion & Sedimentation Control Techniques*

BP-19b *Erosion & Sedimentation Control Plan Requirements*

For more information or an appointment contact:

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