



City of Harrisonburg, Virginia
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
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March 3, 2008

Re: **Erosion and Sedimentation Control Ordinance**

To Whom it May Concern:

The Virginia Department of Conservation and Recreation had recently made some requests of the City and our Erosion and Sediment Control Program. First was to update our Erosion and Sedimentation Control Ordinance and the second was to provide better documentation of inspection visits while stepping up our enforcement.

On Tuesday September 11, 2007, City Council approved an updated Erosion and Sedimentation Control Ordinance. The updated Ordinance is essentially a copy of the model ordinance created by DCR. Even though a public hearing was not necessary since the City did not place stricter guidelines than those currently covered in the Erosion and Sediment Control Law and Regulations, a hearing was held on August 30, 2007. The key change from our old Ordinance and this updated one is the addition of Civil Penalties. Civil Penalties allow localities to "ticket" individuals for violations without filing criminal charges.

As part of our effort to keep better documentation of inspection visits, a new procedure has been adopted. Instead of verbal comments, a form has been created that will serve as an Inspection Report to notify the contractor and/or owner if any violations are present. This form will also serve as a Notice to Comply if violations are not fixed within the time frame specified on the original Inspection Report. If items are still not brought up to a satisfactory condition a Stop Work Order will be issued along with a revocation of the Land Disturbing Permit. If items are still not attended to a Summons will be issued with civil penalties dating back to the first Notice to Comply being issued. And finally if needed, a claim on the surety will be made. We do hope that these final stages can be avoided by cooperation on the site.

The City Inspectors have been using these new procedures for several months now and for the most part erosion and sediment control on sites has greatly improved. Thanks for your cooperation. Even though, there have been many questions brought up about Virginia Erosion and Sediment Control Law and Regulations and the State Minimum Standards and Specifications. Some of the most common issues have been:

1. Minimum Standard 4: E&S measures need to be installed and functional as per approved plans before disturbing the site.

2. Single Family Dwellings: All single family dwelling lots within a new subdivision or lots with the potential of disturbing 10,000 square feet or more will be required to fill out an Agreement in Lieu of an Erosion and Sediment Control Plan. An inspector will evaluate the site after construction has begun to determine if the site will be exempt from ongoing inspections. All lots will be required to meet State Minimum Standards, which mainly include:

1. Placing silt fence down slope of stock piles and disturbed areas,
2. Gravel site entrance to limit mud tracked onto road and cleaning sediment off of roadway daily
3. Stabilizing disturbed areas as soon as possible,
4. Achieving permanent vegetative cover at completion.

3. Minimum Standard 1: Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site and to areas that are to remain dormant for longer than 30 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year. Proper seeding and mulching needs to be applied upon reaching final grade. Please make note that using straw mulch requires 1 ½ to 2 tons per acre and should be anchored. If the correct amount of mulch is used, you should not be able to see any soil underneath. There is no exception to this standard for the time of year. The proper addition of seasonal nurse crops along with top soil and mulching is required for all times of the year. Having soil samples done before seeding is also a great way to ensure vegetative growth.

4. Minimum Standard 3: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature enough to survive and will inhibit erosion. Erosion and sediment control bonds will not be released until a permanent cover is established, and all temporary measures are removed and those areas stabilized.

5. Minimum Standard 17: Public streets and privately paved roadways must be kept free of mud, gravel and other debris. Sediment must be cleaned at least at the end of each day. If this becomes a reoccurring issue the construction entrance may need to be rebuilt, a wash rack added or other methods used on site.

6 Maintenance of E&S controls: Silt fence, check dams, construction entrances, diversion, traps, basins and other controls need regular maintenance (and sometimes replaced). Please be aware of controls on site.

While the above listed items are not the only questions that have been addressed in the field, they seem to be the most asked. If needed, please re-familiarize yourself with the State Minimum Standards and Specifications within the Virginia Erosion and Sediment Control Handbook.

Lastly, the State Erosion and Sediment Law was recently modified by provision 10.1-561, which sets criteria for addressing impacts on downstream channels. As this is in the law, the City is obligated to enforce it. If necessary, this provision will be added to the City ordinance.

The City's ordinance and associated documents are accessible on our website at <http://www.harrisonburgva.gov/index.php?id=658>. If you have any questions about the Ordinance or our new procedures, please do not hesitate to call.

Cordially,
City of Harrisonburg, Virginia

Dale Chestnut
Site Development Technician