



911 North 7th Ave P O Box 4169  
 Pocatello, Idaho 83205-4169  
 (208) 234-6225  
 www.pocatello.us



## Engineering Department and Environmental Division Policy

Erosion & Sediment Control (ESC) Fees, Inspection & Enforcement Policy, based on City Code 8.44 and the Portneuf Valley Stormwater Design Manual (2016)

### Intent:

To provide clearer guidelines, for the public and City employees, on which projects require a Site Specific ESC plan, residential grading plan, site preparation inspection, documented self-inspections, re-vegetation bond, concrete washout, and the enforcement process.

### Policy:

Project site location and type triggers requirements for project plan submittal, inspections, bonding, Best Management Practice (BMP) requirements, and enforcement. See Table 1 for a summary.

Table 1: ESC Permit Matrix

ESC Permit Type	Construction Type	Site Location *	City Inspection Priority
<b>General</b> ✓ Sign provided ESC drawing.	Single family/ duplex construction & demolition; Trenching	<u>Valley floor</u> (i.e. 0-4% slope fee schedule).	<b>Low</b> ✓ City does first inspection within 1 month ✓ Contractor self-inspect at least weekly.
		<u>East and West Bench areas</u> (i.e. 4-15% slope on fee schedule).	<b>Moderate</b> ✓ City does first inspection within 1 month ✓ Contractor self-inspect at least weekly.
<b>Site Specific **</b> ✓ Submit stamped Site Specific ESC plan & narrative. ✓ Submit stamped grading plan if >50cy cut/fill. ✓ Revegetation Surety Agreement required	Multifamily/ commercial construction & demolition; Subdivision site development	<u>Anywhere</u>	<b>Moderate</b> ✓ ESC Site Preparation Inspection required. ✓ Contractor shall provide City with proof of self-inspections upon request (inspect at least weekly).
<b>Special Site **</b> ✓ Submit stamped site specific ESC plan & narrative. ✓ Submit stamped grading plan if >50cy cut/fill. ✓ Revegetation Surety Agreement required	Any	Slopes >15% on site; within 50' of stream; >50 cy cut/fill on a SFH/duplex; or within any other site designated as environmentally sensitive.	<b>High</b> ✓ ESC Site Preparation Inspection required. ✓ Contractor shall provide City with proof of self-inspections upon request (inspect at least weekly).

\* Site location is based on slope designation layer on the official City GIS map. Valley Floor designation is the 0-4% slope on fee schedule. Bench designation is the 4-15% slope on fee schedule. Location within any Special Site Area supersedes Valley Floor or Bench designation.

\*\* All Special Site Grading and ESC plans and narratives must be stamped and signed by an Idaho licensed Engineer.

### ESC Permit Remains Effective after CO, until Final Landscaping is in Place

All construction sites must have an Erosion & Sediment Control (ESC) permit in place through final landscaping. If final landscaping (i.e. final stabilization) is not in place at site CO, the ESC permit remains in place. CO will not be issued unless the site has temporary stabilization measures in place (e.g. straw wattles above the sidewalk). The ESC permit may be transferred to the property owner at this time.

### Revegetation Plan Required for Site Specific or Special Site Projects

The preliminary revegetation plan/report submitted with the permit application shall identify the areas to be revegetated, existing vegetation, slope preparation, top soil conditioning and placement, seed mix and application rate, mulch application rate, time of seeding, and proposed method of providing moisture for germination of seed and plant growth. The plan/report shall be prepared by an Idaho-registered professional competent to practice in the subject matter and with knowledge of vegetation, soils, and climate of the Portneuf Valley.

### Surety Agreement/Revegetation Bond Required for Site Specific or Special Site Projects

A bond and surety agreement or a cashier's check in an amount of 125% of the cost estimated by the Project Engineer is required to enable restoration of the site if the project is not completed as approved. The bonding shall be provided prior to the issuance of a certificate of occupancy (CO) or signing of the final plat by the Engineer for the City. The bond shall remain in effect until the revegetation is established to City standards.

### Inspection Types ESC Plan compliance, City Code compliance, discharge occurring?

- **Self-inspections must be conducted per ESC Plan or at least weekly:** *Site Specific and Special Site Projects shall provide documentation of self-inspections to City inspectors upon request. All sites must conduct self-inspections per ESC plan or at least weekly (may be reduced to monthly during frozen ground/inactive periods) and, based on those inspections, maintain and repair all BMPs to assure continued performance of their intended function.*
- **Site Preparation Inspection:** *Required for all Site Specific and Special Site Permitted Projects. New projects that do not require a site preparation inspection will be inspected for ESC within the first month to check for compliance with Permit conditions. Requires 24 hrs' notice.*
- **Trade Inspections:** *ESC inspections may occur alongside regular trade inspections. Results only entered into Naviline if there are corrective actions required.*
- **General Inspections:** *Subdivisions inspected during weekly meetings. Other sites scheduled for a general inspection, based on Inspection Priority level and seasonal/site conditions.*
- **Complaint Inspections** *Inspections/follow-up occur within 2 business days of complaint.*
- **Site Final/CO Inspection** *Site must be fully revegetated and/or temporarily stabilized (depending on permit type). Requires 24 hours' notice.*

### ESC permit & plan compliance and modifications

Continuous compliance with Permit conditions and the approved ESC plan is required. For Site Specific and Special Site Permits, City inspectors will compare conditions on the ground to ESC plans. Minor plan modifications can be signed off by City inspectors. Significant modifications require resubmitting plans for City approval.

### Concrete Washout

It is prohibited to rinse and wash concrete chutes and equipment without leak-proof containment (except for under driveways). **ESC permit holders are required to provide a concrete washout facility, arrange to have the concrete delivery provider or pump truck washout at their own facility, bring a portable washout of their own, or washout in the future driveway space.** Washout is never permitted in the ROW. Washout containment includes:

- Deep basin wheelbarrow
- Cardboard lined wooden box
- Sturdy plastic/metal tub
- Visqueen/poly lined (> 10 mil) pit

Enforcement Response Policy (ERP)

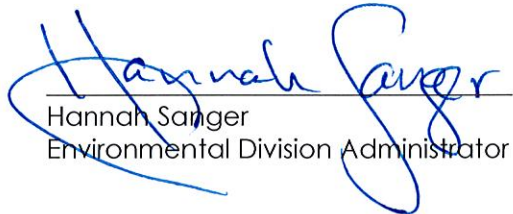
The City's ERP addresses repeat violations through progressively stricter responses as needed to achieve compliance. If the severity of the situation warrants the inspector may escalate the ERP as quickly as needed per City Code 8.44.

- Verbal warning, with specifications of corrections and a deadline. May include a warning about the consequences of noncompliance.
  - Issued for most violations and conducted through in person conversation, phone call, phone message, and/or text message.
  - Timeframe is usually 1-2 days or before the next precipitation/runoff event, whichever is sooner.
- Written Notice of Violation (NOV), with specifications of corrections, a deadline, and a warning about the consequences of noncompliance;
  - Generally issued for serious violations where a stop-work order will not be effective/is not appropriate, or to better document a significant violation.
  - Timeframe varies.
- Stop-work order, with specifications of corrections and a warning about the consequences of noncompliance.
  - Issued for sites without valid permits, or for sites where the contractor has failed to address previous verbal warning(s) or written NOV(s).

All enforcement actions are documented in the City's inspection database. If the corrective action asked for in a verbal warning or written NOV is not completed in time, a Stop Work Order may be issued. Written NOVs do not need to be signed by the Inspector and are not required prior to issuing a Stop-Work Order. Additionally, a Stop Work Order may be issued at any time if work is being done without a valid, current permit. Stop Work Orders are issued through the Building Official and are signed by the ESC inspector.

Additional enforcement options:

- Violations are considered misdemeanors and may be punishable by a fine up to \$1,000.
- Violations are deemed public nuisance and may be abated by the City with a lien placed upon the property, if necessary, for abatement costs.
- Civil action may be taken by the City to recoup costs related to non-compliance.

  
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Hannah Sanger  
Environmental Division Administrator

  
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Merrill Quayle  
Public Works Development Engineer

10/1/2020  
Effective Date

