



*City of  
Encinitas*

September 24, 2012

SC COPY

**RE: REQUIRED SEDIMENT AND EROSION CONTROL**

City of Encinitas Permit Holder:

Please be advised that starting October 1, 2012 and continuing through April 30, 2013, the City will enter into the official wet season as defined by the State Water Resources Control Board. As such, all construction projects (active or inactive) are required to implement sediment and erosion control Best Management Practices (BMPs) to prevent the discharge of sediment and non-stormwater into the stormwater conveyance system and local water bodies.

Ultimately, for permit holders within the City of Encinitas, the wet season brings with it a responsibility for erosion and sediment control as outlined in sections 23.24.370, 23.24.380 and 23.24.390 of the City of Encinitas' Municipal Code. For your reference, a copy of these Municipal Code sections has been enclosed with this letter. The full text of the Municipal Code can also be accessed on the City's website at:

<http://www.encinitasca.gov/municode>

In addition, please be advised that your construction project may be subject to requirements as defined by State Water Resources Control Board Order No. 2009-0009-DWQ, General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (State General Construction Permit). To determine permit applicability and project specific requirements, you may find a complete copy of the General Construction Permit at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

Please feel free to address any questions regarding this required work to your City of Encinitas Engineering Inspector.

Sincerely,

Greg Shields, P.E.

Interim Director of Engineering & Public Works

Cc: City of Encinitas Engineering Inspectors

Encl: North County Storm Water Program Construction Brochure  
City of Encinitas Municipal Code Sections 23.24.370, 23.24.380, and 23.24.390

23.24.360 - Transfer of Responsibility for Approval. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record are changed during the course of the work, the work shall be stopped unless and until: (1) the owner submits a letter of notification verifying the change of the responsible professional; and (2) the new responsible professional submits in writing that all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional have been properly reviewed and all findings, conclusions, and recommendations are appropriate, and the work performed is consistent with standard engineering practices. The new responsible professional may modify or revise recommendations, specifications or work performed if accompanied by supporting data and approved by the City Engineer. The new responsible professional must state that all responsibility within the purview of the area of professional responsibility is assumed as of a specified date. All exceptions must be justified in writing to the satisfaction of the City Engineer. (Ord. 2008-03)

23.24.370 - Wet Season Work.

A. Grading shall be minimized during the wet season to the extent feasible. Grading operations shall be phased as necessary to allow minimal exposure of disturbed soils during the grading operation. If grading does occur during the wet season, the City Engineer may require the applicant to implement additional best management practices for any rain events that may occur. No grading permit shall be issued for work occurring from October 1 to April 30 unless the plans include details of protective measures, including de-silting basins or other temporary drainage control measures, or both, as may be deemed necessary by the City Engineer to protect adjoining public and private property or the Waters of the State from damage by erosion, flooding, or the deposit of mud or debris which may originate from the site or result from grading operations. (Ord. 2008-03)

B. If grading is begun prior to October 1st, all protective measures shall be installed prior to October 1st. If grading is begun on or after October 1st, all protective measures shall be installed before grading is begun. All protective measures shall be maintained in good working order until April 30th of the succeeding year, where grading is done between October 1st and December 31st, or until April 30th of the same year where grading is done between January 1st and April 30th, unless their removal at an earlier date is approved by the City Engineer. (Ord. 2008-03)

C. Where a grading permit is issued and the work is commenced after April 15th and before September 15th of any year, and the permit was issued without an Interim Erosion and Sediment Control Plan, and it appears that the grading and installation of the permanent drainage devices as authorized by the permit will not be completed prior to October 1, then on or before September 15th, the owner of the site on which the grading is being performed shall file or cause to be filed with the City Engineer an Interim Erosion and Sediment Control Plan as provided for in this Chapter and shall implement the measures contained in the approved plan by October 1.

The plan check fee for the Interim Erosion and Sediment Control Plan shall be paid at the time of plan submittal and shall be in the amount provided for in this Chapter.

D. For continuation of grading activities, other than installation, maintenance, or repair of measures on the Erosion Control Plans, during the wet season, Permittee must apply for and receive, every seven days, special permission to proceed.

E. The City Engineer shall grant permission under this section on the basis of weather forecasts, site conditions, experience and other pertinent factors which indicate the activity may commence or continue without excessive erosion occurring.

F. Should the Permittee fail to submit the plans, fail to provide the protective measures or fail to obtain permission for wet season activities as required by this Chapter by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit security. Thereupon the City Engineer may enter the property for the purpose of installing, by City forces or by other means, the drainage and erosion control devices shown on the approved plans, or if there are not approved plans, as may be deemed necessary to protect adjoining property from storm damage, or the City Engineer may cause the owner of the site to be prosecuted as a violator of this code, or both actions may be taken. (Ord. 2008-03)

G. The City Engineer shall have the authority to require implementation of all erosion control systems and requirements at any time of the year.

#### 23.24.380 - Erosion Control System.

A. Erosion prevention shall be considered the most important erosion control measure, with sediment controls as a necessary backup. The faces of cut and fill slopes and the project site shall be prepared and maintained to control against erosion and runoff in accordance with this Chapter. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted only upon approval of the City Engineer. (Ord. 2008-03)

B. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition free of loose soil, construction debris and trash. Street sweeping or other equally effective means shall be used on a regular basis to prevent storm flows from carrying sediment and debris outside the project boundaries. Watering shall not be used to clean streets except for fine material not otherwise removed by sweeping or other mechanical means.

C. The registered civil engineer who prepared the grading plan and designed the erosion control devices shall be responsible for modification of the design of devices, as necessary, during the rainy season.

D. Desilting facilities shall be provided at drainage outlets from the graded site.

E. Desilting basins shall be designed in accordance with City standards. Permanent desilting facilities shall be designed and constructed as to be aesthetically compatible with the surrounding development and terrain.

F. Desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report, prepared by the soil engineer, which includes the type of field testing performed, location and results of testing shall be submitted to the City Engineer for approval upon completion of the desilting basins.

G. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available onsite and stockpiled at convenient locations to facilitate rapid construction of temporary device when rain is imminent.

H. Erosion protection shall consist of effective planting of all cut slopes in excess of three (3) feet high and fill slopes more than three (3) feet high unless otherwise approved by the City Engineer. Slopes exceeding five (5) feet high will require an approved sprinkler system, as determined by the City Engineer. (Ord. 2008-03)

I. Protection for the slopes shall be installed as soon as practicable which may be prior to rough grade approval. Effective planting shall be installed, fully germinated and effectively cover the required slopes prior to final approval unless otherwise approved by the City Engineer.

J. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading throughout the rainy season.

K. All removable protective devices shown shall be in place at the end of each working day when the five (5) day rain probability forecast exceeds forty (40) percent.

L. Unvegetated slopes shall be protected in accordance with the guidelines set forth by the Erosion and Sediment Control Manual or in accordance with other requirements set forth by the City Engineer.

#### 23.24.390 - Erosion Control Maintenance.

A. After each rainstorm exceeding 1/4-inch in a 12 hour period, silt and debris shall be removed from all temporary check berms and desilting basins and the basins pumped dry. The requirement to clean and pump permanent desilting basins will be addressed on a case by case basis. No person shall allow the removed silt and debris to enter the Storm Water Conveyance System. (Ord. 2008-03)

B. After each rainstorm, the performance of the erosion control system shall be evaluated and revised and repaired as necessary.

C. Devices shall not be moved or modified without the approval of the City Engineer.

D. The contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a threat to public health, safety and welfare.

E. The contractor, the Permittee, and project owner shall be jointly and severally responsible for the continued maintenance of the devices during the wet season. In the event of failure or refusal by the contractor, permittee or project owner to maintain the devices, the City Engineer may cause emergency maintenance work to be done to protect adjacent private property, public property or the Waters of the State. The cost shall be charged to the owner and shall include an initial mobilization cost plus the cost of doing the work as provided for in this Chapter. (Ord. 2008-03)

F. In the event the City Engineer must cause emergency maintenance work to be done, the grading permit may be revoked in writing. The permit shall not be renewed until an erosion control system approved by the City Engineer is installed and a fee of one-half the amount required for the original permit is paid by the owner. The City Engineer may waive installation of an erosion control system after April 15. (Ord. 2008-03)

G. If any grading subject to the provisions of this Chapter has commenced on private property without a valid grading permit, the property owner shall be required to prepare and implement an erosion control plan which has been approved by the City Engineer. In the event of failure by the property owner to install an approved erosion control system, the City Engineer may cause emergency work to be done to protect adjacent private property, public property or the Waters of the State. (Ord. 2008-03)

23.24.400 - Dry Season Work. The Permittee conducting any earth moving operations under this Ordinance shall be responsible for controlling dust at all times. Provisions for dry season dust control shall be included in the grading plan. (Ord. 2008-03)

23.24.410 - Import and Export of Materials. Where transport of earth is proposed on public roadways from or to the site of an earth grading operation, the following requirements in A through D shall apply. In those instances where an excess of two thousand (2,000) cubic yards of earth per project site is transported on public roadways, in addition to requirements A through D, requirements E through G shall also apply. (Ord. 2008-03)

A. Either water or dust palliative, or both, must be applied for the alleviation or prevention of excessive dust resulting from the loading or transportation of earth from or to the project site on public roadways. The Permittee shall be responsible for maintaining public rights-of-way used for handling purposes in a condition free of dust, earth, or debris attributed to the grading operation.