

Resolution No. 2023 - 03

A resolution providing for Erosion Control for Construction activities in Washington County.

The Board of Supervisors of Washington County, Nebraska, hereinafter the "Board" recognizes that:

1. This resolution supersedes and repeals Resolution 2008-25 in its entirety.
2. Soil erosion from construction sites precipitation events, if not properly managed, can become a major source of environmental damage and site degradation. These requirements are applicable to all construction activities within the jurisdiction of Washington County, Nebraska.
3. Rich topsoil that is high in organic matter (carbon content), and noncompacted, has been shown to absorb an inch of precipitation in as little as 16 seconds. With very high absorption rates there is likely very little runoff during a precipitation event. Therefore, these soils are very resistant to erosion.
4. When topsoil is removed the resulting bare soils, deprived of organic matter, become exposed. These soils readily compact and are highly desirable from a building structural viewpoint. However, these soils may take hours, to days, to simply absorb an inch of precipitation. These soils tend to rapidly disperse and suspend in moving water creating high erosion potential. Construction site erosion can result in pollution of neighboring properties and drainage facilities.
5. Property owners make a considerable investment in their properties. It is the intent of these requirements to keep their soils on their property utilizing best management practices for stormwater erosion control.
6. The preferred best management practices focus on methods of preventing erosion, including mulching, sodding, matting, cover cropping and short exposure durations. Crushed rock and gravel on roadways and rapid site stabilization following soil disturbing activities are also good practices to prevent erosion. When project size, scope, duration or other factors make erosion prevention activities impracticable, erosion mitigation practices become necessary. Mitigation practices generally include utilization of silt fences, settling basins, berms and similar pollution prevention features. Good erosion control plans often utilize both prevention and mitigation practices to be effective.
7. The Nebraska Department of Environment and Energy (NDEE) regulates storm water discharges from construction sites of land disturbance of equal to or greater than one (1) acre. These requirements include disturbance of less than one acre of total land area that is part of a larger common plan of development of sale if the larger common plan will ultimately disturb equal to or greater than one acre. These regulations are summarized in the Nebraska Stormwater Discharge General Permit.
8. Whereas each construction site is unique in its topography, layout, slope, duration and distance to borders, so too are the specific needs and actions to prevent erosion and site degradation from Stormwater precipitation events. The county will rely on detailed planning and prompt execution of plans to implement these requirements. It is the intent of this program to minimize (not necessarily totally eliminate) the risk of soils unintentionally leaving the construction site property whether it be by stormwater soil erosion, vehicle tracking onto roadways or other means.
9. This program will be administered by the Washington County Planning and Inspection Department. The department will develop and publish forms and instructions to incorporate this program into the standard building permit process. This initial process will include:

- a. When a construction project is initiated, before any soil is disturbed, the initiator (owner or contractor) will submit an application for a building permit. As part of the application forms they will include an erosion control plan for the project.
 - b. At a minimum the plan will include site details, anticipated soil disturbance area, plans to mitigate soil erosion including best management practices (if any), and contingency actions to be implemented if specific critical action or schedules are not met.
 - c. The Building Inspector will review the plan to determine if the plan will minimize the risk for soils to unintentionally leave the construction site property. The inspector will work with the applicant as necessary to get to an approved plan.
 - d. When the plan is approved, the appropriate construction permit issued will be based on one of the following three options:
 - i. No additional erosion controls measures required thus no erosion control permits will be issued.
 - ii. A short-term erosion control permit.
 1. Soil disturbance scheduled for a relative short period (i.e. 3 months or less).
 2. Erosion control measures focused on erosion prevention techniques.
 3. Low probability of need for specific site visits for erosion control inspections.
 - iii. Standard Erosion control permit.
 1. Permit based on Erosion Mitigate Techniques such as silt fence, berms, settling basins or other pollution management practices.
 2. Not schedule dependent.
10. Construction sites that will not require an Erosion Control Permit include but are not limited to:
- a. Construction sites with less than 576 square feet total of disturbed soils.
 - b. Construction sites that receive a stormwater discharge permit from NDEE as noted above.
 - c. Construction sites with less than 3000 square feet of disturbed soils AND the entire disturbed site will be restabilized within 10 days from the time of the initial site disturbance. (i.e. septic systems, digging wells, trenching electrical, water and sewer lines)
 - d. Soil disturbance for horticultural or agricultural crop or livestock growing activities not related to anticipated construction activities.
 - e. Construction sites that utilized existing natural features to minimize risks of soils leaving the property. An example would include a relatively flat site with relatively long distances to property boundaries covered in thick grasses and a short construction schedule.
11. The permit holder is responsible for maintaining erosion control measures in accordance with the approved plan, schedule, and contingency actions. The Building Inspector, or his designee, will make an initial site inspection before soil disturbance activities commence and after any erosion mitigation features (silt fences) are installed. The inspector may also inspect the erosion control measures at any time, such as when he is on-site for other construction inspection activities and after significant precipitation events.

12. Upon identification of any inadequate, degraded, damaged or missing erosion control measures, the building inspector is authorized to require any repair, replacement or additions as necessary to bring the site back into compliance with the approved erosion control plan. The inspector may suspend all other site construction activity until remedial action are completed on the erosion control measures.
13. The erosion permit fee includes both the initial and final inspections as well as up to two additional interim inspections such as after major storm events. Should more inspections specific to the erosion control measures be required, the permit holder will be responsible for paying the additional inspection fee per the standard inspection fee schedule. However, the permit holder will be allowed to periodically submit current photographs or videos of the specific site and erosion control measures via email or other means in lieu of having the inspector visit the site to document plan compliance to avoid the need and cost for a site inspection.
14. The inspector will make a final inspection of the site reviewing the final site stabilization measures before any erosion mitigation controls are removed or abandoned.
15. The Planning and inspection Department is expected to recover the cost of this program via permit fees similar to the rest of the permit and inspection fees administered by the department. Initially fees will be set at \$40 for a short-term permit and \$150 for a standard permit and will be adjusted based on experience with the overall department fee structure at a later date.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, NEBRASKA, that this resolution is hereby adopted and shall be in full force and affect from and after its adoption, publication, and filing as provided by law and all resolutions or parts of all resolutions in conflict herewith are hereby repealed.

APPROVED AND ADOPTED THIS 14th DAY OF FEBRUARY, 2023

WASHINGTON COUNTY BOARD OF SUPERVISORS, WASHINGTON COUNTY, NEBRASKA

BY:

Bob Ambler *via* _____, CHAIRPERSON

Attest:



Barbara Sullivan _____, COUNTY CLERK