

POLICIES & PROCEDURES



City of Wilsonville
Engineering Division
29799 SW Town Center Loop E
Wilsonville, OR 97070
503.682.4960
www.ci.wilsonville.or.us

Erosion Control Enforcement Standard Operating Procedure	Adopted: June 30, 2023
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Summary

This Standard Operating Procedure (SOP) outlines the steps for escalating enforcement action on active construction sites that disturb more than 500 square feet of area.

Policy

Wilsonville recognizes the importance of protecting the environment and providing for the long-term stewardship of our natural resources. In an effort to protect our water resources (i.e., receiving waters such as rivers, streams and wetlands), erosion control permits are required for all construction projects that measure more than 500 square feet in area.

Through its plan review, permit issuance and inspection process, the City's erosion control program is intended to focus on outreach and education to best prevent erosion and control sediment before it becomes a problem. Ensuring erosion control plans are adequately prepared and reviewed and best management practices are installed, inspected and approved by City staff prior to other permits being issued, helps to meet these program goals. There are circumstances, however, where additional steps may be necessary to correct erosion and sediment control issues to protect water resources and the City's stormwater system.

This Standard Operating Procedure provides guidance in administering and enforcing the Wilsonville Code and complying with the City's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Phase I permit.

Applicable Code, Permit and Standards

Wilsonville Code

- Section 8.317 — Erosion Prevention and Sediment Control ([Link](#))
- Section 8.318 – Stormwater – Violations ([Link](#))

NPDES MS4 Phase I Permit

- Schedule A.3.d. – Construction Site Runoff Control ([Link](#))
- Stormwater Management Program 2021 ([Link](#))

City of Wilsonville Public Works Standards

- Section 101.9.00 – Environmental Protection, Erosion Prevention, and Sediment Control ([Link](#))

Erosion Prevention and Sediment Control Planning Design Manual

- Planning and Design Manual – June 2020 ([Link](#))

Procedures

The process below will be followed for erosion control plan review, inspections and escalating enforcement action responses.

Erosion Control Permits

Permit Types

All construction projects that disturb more than 500 square feet in area are required to obtain an erosion control permit. The City issues four types of permits, depending on the size and complexity of the project. All permits can be obtained through the City's online permitting portal: www.ci.wilsonville.or.us/online-portal.

1. EC-1 – Erosion control sites > 500 square feet and < 1 acre of disturbance
2. EC-1200CN – Erosion control sites > 1 acre and < 5 acres of disturbance
3. EC-1200C – Erosion control sites > 5 acre
4. EC-1200CA – All City capital projects > 1 acre

Plan Review

For every erosion control permit type, the application shall include an erosion and sediment control plan (ESCP). The ESCP contains site specific measures and best management practices (BMPs) to be implemented during all phases of construction to prevent visible and/or measureable sediment or sediment-laden runoff from the site. For projects between 1 and 5 acres, the ESCP shall comply with the DEQ NPDES 1200-C ESCP requirements, but a DEQ-issued NPDES 1200-C permit is not required. For projects over 5 acres, both a DEQ-issued NPDES 1200C permit and a City-issued EC-1200C permit are required. The ESCP for all City capital projects, disturbing more than 1 acre, shall comply with the DEQ-issued NPDES 1200-CA requirements.

ESCPs and proposed BMPs for erosion and sediment control are reviewed according to the general site characteristics (i.e., slope, cover, vegetation, etc.), the construction schedule, and the proposed drainage of the site. Implementation of the erosion and sediment control measures is required prior to and concurrent with construction activities. It is the applicant/contractor's responsibility to ensure that all erosion control measures remain in good working order throughout the duration of the project.

Permit Issuance

Once the ESCP has been reviewed and approved by City staff, the erosion control permit can be issued. For sites larger than 1 acre, a pre-construction meeting will be required prior to issuance of the permit. For sites greater than 5 acres, a City-issued EC-1200C permit will not be issued until after the City receives a copy of the DEQ-issued NPDES 1200C permit.

Inspections

The City conducts a minimum of three (3) inspections during the construction period and more frequently if general site characteristics, weather conditions, and/or results of previous inspections indicate that structural and non-structural erosion control measures are in need of maintenance or may not perform as expected. Inspections are intended to determine if the approved ESCP is being adequately implemented and effective in preventing erosion and sediment from the construction site.

Tree Protection Fencing

Prior to any other work onsite, including the installation of erosion control BMPs, tree protection fencing shall be installed, inspected and approved by City staff.

Initial Inspection

Once tree protection fencing has been approved by City staff, erosion control measures shall be installed in accordance with the approved ESCP. No other work can occur onsite including demolition, grubbing, stump removal or grading, until erosion control measures have been installed, inspected and approved by the City. No other City permits shall be issued until erosion control measures have been approved by the City.

Mid-Project Inspection

For single-family home construction, around the time that a project requests a framing inspection, the City should perform a mid-project inspection. For all other projects, the City should perform at least one mid-project inspection to assure that the existing BMPs are still being maintained and functioning as intended.

Final Inspection

Prior to final project close-out, after the site has been stabilized and all construction activities have ceased, the City will perform a final inspection. Final occupancy permits will not be issued until the site has been stabilized, inspected and approved by the City.

Other Inspections

In addition to the inspections listed above, the City may perform additional inspections to respond to complaints from the public or other agencies or to follow up on previous inspections that identified erosion control measures that needed to be corrected.

Escalating Enforcement Action Responses

The City's erosion control program is designed to work with developers, consultants, contractors and other permit holders during the development process to achieve the mutual goal of meeting erosion and sediment control requirements and to protect the environment to the maximum extent possible. This is achieved through standard verbal communication or through inspection reports. When these efforts fail to ensure compliance, the following enforcement steps will be taken.

Step 1. Inspection Notice of Correction

Deficiencies in erosion control best management practices (BMPs) will be documented on the City's inspection form. Permittees will be given a verbal notice of the deficiencies as well as an electronic inspection report. For initial inspections, no other permits will be issued by the City until all deficiencies have been corrected. For mid-project and other inspections, the deficiencies will be documented and the permittee will be given three (3) business days to make corrections. If corrections are not made within three (3) business days, enforcement will escalate to the next step. If there is a confirmed or imminent threat of significant sediment leaving the site and entering a water resource or the City's stormwater system, a Stop Work Order may be issued as noted in Step 3.

Step 2. Notice of Violation

If the permittee does not correct the deficiencies noted in Step 1 within the three (3) business days allowed, the City will follow up with a formal Notice of Violation (Appendix A), as well as documenting the remaining

deficiencies in an electronic inspection report. The formal Notice of Violation will be given to the permittee to formally notify them that they are not compliant with the permit conditions and/or city codes and ordinances. The purpose of this notice is to provide a warning that clearly outlines that more serious consequences will result if deficiencies are not corrected within three (3) business days of this notice.

Step 3. Stop Work Order

If Steps 1 and 2 above do not ensure compliance, or if there is an imminent threat of sediment leaving the site and violating Wilsonville Code (WC) Section 8.317, a Stop Work Order (Appendix B) will be issued. The Stop Work Order will be issued by the City Manager, or designee, in accordance with WC 8.318(4). Upon issuance of the Stop Work Order, all work on the development site shall halt except work necessary to correct the violations. The Stop Work Order shall not be lifted until mitigation measures are implemented, inspected and approved by the City.

Other Compliance Measures

Wilsonville Code (WC) Section 8.318 provides for additional measures if Steps 1-3 do not produce a compliant situation. It is assumed that these measures will be used sparingly and only in extreme cases.

- Termination of Permit(s)
WC Section 8.318(5) allows the City to revoke any and all other site permits associated with a specific site development to ensure compliance.

- Civil Penalties and associated actions
WC Section 8.318(6) allows the City to impose civil penalties, as well as any other enforcement measures allowed in Wilsonville Code. Civil penalties, when imposed, will be levied in accordance with the established amounts dictated by Wilsonville Code.

Appendixes

- A. Notice of Violation form
- B. Stop Work Order



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NOTICE OF VIOLATION

Date/Time: _____

Address: _____

EC Permit No: _____

Location of non-compliance (use nearby address if non-compliance off-site):

Description of non-compliance:

Corrective action needed:

Issue date: _____

Date/Time

Posted by: _____

Print Name: _____

Title: _____

Contacted someone non-site regarding non-compliance? Yes No

CORRECTION REQUIRED WITHIN 3 BUSINESS DAYS OF NOTIFICATION

APPENDIX B



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STOP WORK

ADDRESS: _____

EC PERMIT NO: _____

This site has been inspected and an order to stop work issued for the following reasons:

You are in violation of Wilsonville Code Section 8.317 – Erosion Prevention and Sediment Control. Therefore, by authority of Wilsonville Code Section 8.318(4) you are required to immediately stop all work except work directly related to correction the erosion and sediment control violations. Work shall not resume until such time as the City Manager or designee provides specific approval in writing.

This order is dated _____

By _____

City Manager or Designee

Posted: _____

Date/Time

Posted by: _____

Print Name: _____

Title: _____

**DO NOT REMOVE THIS NOTICE UNTIL AUTHORIZED BY
THE CITY ENGINEER**