

COLD SPRING**PERMIT#** _____**STORMWATER MANAGEMENT PERMIT**

APPLICANT NAME: _____ MAILING ADDRESS: _____
 CONTACT PERSON: _____ CITY, STATE & ZIP: _____
 ADDRESS OF SITE: _____ DAYTIME PHONE: _____

The City has experienced specific problems in holding contractors and property owners accountable for inadequate erosion control efforts. Section 340 of City Code (the "*Erosion Control Ordinance*") contains various requirements governing such construction activity; this form is intended as a tool in the implementation of those requirements. Accordingly, the following procedure shall be followed for all construction of new houses or placement of houses on vacant property; and construction related to new or expanded commercial or industrial structures. Review the information below very carefully and make every effort to ensure that your application meets the requirements. **Note: These requirements in no way alter the Permittee's obligations for weekly inspections of their own site, as is likely required by their Storm Water Pollution Prevention Plan!**

1. **Site plan.** The Applicant must submit a site plan with the building permit showing the planned erosion control measures; including, but not limited to, silt fence that will be installed, rock driveway entrances and the like. It's suggested that the Applicant utilize a duplicate of the site plan submitted for the building permit for this information.
2. **Security Deposit.** Prior to issuing a building permit and prior to construction, the Applicant shall make a deposit of \$500 with the City, referred to as the "Security Deposit." The Security Deposit shall serve as the City's security that the Applicant conforms to their Erosion Control Plan. The Applicant's Security Deposit shall earn no interest for the duration of the time that it is held by the City.

In the event that the amount of the Security Deposit was reduced by the City as a result of violations by the Applicant to an amount equal to or less than \$250, the Applicant shall make payment of an amount required to bring the Security Deposit back to \$500. The supplemental payment shall be made within seven days after the City issued the notice that brought the amount of the Security Deposit to or below \$250.

3. **Inspection.** The City is obligated by federal and state regulations to ensure proper erosion control measures are being taken with any significant land disturbance. Additionally, the City has adopted policies designed out of its responsibility to protect the expensive infrastructure (including ponds, stormsewer pipes, ditches, manholes and the like) that was paid for by the taxpaying public. At a minimum, the City will make an effort to conduct an investigation of all open, and recently completed construction sites throughout the city **within 24 hours** after a rainfall event of **one-half inch or greater** (as required by the NPDES Phase II regulations). The City will make its best effort to keep photographs of the violations as documentation.
4. **Violations.** Your Security Deposit **will** be reduced if any site conditions constituting a violation of the Erosion Control Plan or obvious Best Management Practices are found during an inspection. Please understand that the purpose of this policy is to prevent erosion, and therefore prevent such reductions of your Security Deposit. The list below is only a partial listing, but it does represent the most frequent violations found on sites.
 - a. Silt fence has not been installed according to the approved Erosion Control Plan, or additional as required to prevent erosion.
 - b. Silt fence is not being maintained. Sediment must be removed from the fence to keep the proper "storage" for future sedimentation.
 - c. Rock entrances were not properly placed, are not being utilized for accessing the site, or have become filled with sediment to the point that their effectiveness is compromised.
 - d. An unreasonable amount of debris has accumulated on the streets.
 - e. The seed and sod work is not being done in a manner to minimize the risk of erosion.
5. **Amount of deduction.** The City shall be consistent and equitable in the manner in which it deducts from the Security Deposit as a result of violations. The standard deduction shall be \$100 for each violation, but nothing shall preclude the City from making larger or smaller deductions provided that said decisions are based upon the following:
 - a. The severity of the specific violation for which the deduction is being made.

- b. The cumulative severity of the violations that have occurred on the specific project for which the permit was issued.
 - c. The failure of the Applicant to improve their compliance efforts on the project for which the permit was issued, *and* prior projects for which the Applicant was permitted by the City.
6. **Notification.** The City will notify the Applicant in writing by regular US Mail to the address that appears above of any deductions made to the Security Deposit, with a statement showing the balance that remains.
 7. **Street sweeping.** The City is committed to employing as much common sense as possible in enforcing its *Erosion Control Ordinance*, but this necessitates that contractors do the same. You are expected to make all reasonable efforts to ensure that debris is not tracked onto public streets. This is not a completely avoidable situation, but you are expected to then make every reasonable effort to remove that debris at the end of each construction day.
 8. **Stop work order.** The City has the right to stop all construction on the site, including subcontractors of the Applicant. This may occur for a variety of reasons, but will generally be because the Applicant must make a supplemental Security Deposit, or because a violation is of a serious nature. The City may impose a stop work order *and* reduce the Applicant's Security Deposit for the same violation.
 9. **Refund of Security Deposit.** The remaining balance of the Security Deposit shall be refunded to the Applicant within 21 days after the City determines that all conditions of the permit have been met.
 10. **Report of activity.** The City commits that it shall provide the Applicant with a report of the activity pertaining to this permit, including: dates and times that inspections were conducted and the findings; and, all deductions made to the deposit and the circumstances pertaining to each deduction. This information shall be provided to the Applicant upon closure of the permit, and may be requested at all reasonable times by the Applicant. The City will provide a statement that it deems the permit to be closed once all conditions of the permit have been met.
 11. **Seeding.** The Applicant shall have the discretion to seed or sod the site. However, all City boulevards must either be sodded or there must be some form of effective means by which to prohibit erosion from the site. The City may extend this requirement to all or other portions of the site if there is an unusual danger of erosion.
 12. **Permanent vegetation.** This permit will not be considered closed until the City has found that permanent vegetation has been established on all potentially erodible areas of the site. The vegetation must be of a type and concentration that is acceptable relative to specific standards, or generally accepted standards in the absence of such specific requirements.
 13. **Transfer of this permit.** From time to time ownership of a project will change during construction. The City wishes to accommodate an Applicant's wish to transfer this permit to another party, and will release the applicant of these obligations provided that another *responsible* party is named by the Applicant and approved by the City in writing. The remaining Security Deposit will not be refunded in such cases, so be sure that the arrangements you've made with the party to whom you assign this permit take this fact into account.
 14. **Appeals.** The Applicant may appeal the decisions of the City Administrator to deduct from the Security Deposit, provided that the basis for the appeal is made in writing to the City Administrator within ten days after the violation. The City Administrator shall forward the appeal to the City Council. A final decision on an appeal shall be made within 21 days after the written appeal has been received by the City. The Applicant need not appear before the City Council, but it is generally a wise idea to do so.
 15. **Applicant's responsibility.** The Applicant is ultimately responsible for the condition of the site. The City will have no sympathy for the Applicant's claims that violations are the responsibility of other parties accessing the site (subcontractors, delivery drivers, customer/owner, etc.). Be vigilant and be diligent with these parties...*their* negligence **will** cost you *your* money!

By virtue of the Applicant's signature below, they are agreeing to all terms of this permit. You are also granting the City and its representatives the right to enter the site to determine whether the proper erosion control measures are being taken. The City encourages input on this policy; we need for contractors and the City to have the same erosion control objectives in mind, so tell us if there's a way to better achieve these objectives. Communication is key...if there's activity on the site that could jeopardize *your* Security Deposit keep open communication to make all our lives easier!

APPLICANT

Applicant Signature

Date Submitted