



Oregon City
Erosion Control Enforcement
Standard of Practice

December 1, 2023

Section 1: Background

Protecting the City of Oregon City stormwater system is critical to the health of the City and its surrounding water ways. The City reviews Erosion Prevention and Sediment Control (EPSC) plans and inspects construction sites to ensure plans are being followed. The City works with applicants to best prevent erosion, and control sediment and construction site waste discharges before they become a violation. This review process assists the City to meet and/or exceed its permit requirements. In some circumstances, additional steps may be required to enforce City codes and ordinances and comply with the permit requirements.

This Standard of Practice (SOP) provides guidance in enforcing EPSC. Using established procedures helps ensure fairness (with permit holders) and protection of the City's stormwater system.

Section 2: References

The following documents provide the City's governing codes, to assist with enforcement procedures for permitted projects. Enforcement officers shall be familiar with:

1. Oregon City Municipal Code Chapter 17.47
2. Oregon City Erosion Prevention and Sediment Control Manual

Section 3: Standard of Practice

Every effort should be made to work with developers, contractors, consultants, and permit holders during the construction process. The City strives to achieve mutual success in meeting EPSC requirements. This can be achieved through standard communication channels, either verbally or by notations in inspection reports. When these efforts fail to generate the required action (to correct or implement EPSC measures) the following steps shall be taken.

Step 1. Notice of Non-Compliance

When a routine inspection identifies deficiencies requiring corrections, written notice shall be given using the Notice of Non-Compliance (N-O-N) form (Attachment A). This form will be given to the onsite responsible EPSC person when verbal direction and/or notations of the inspection report (to correct or implement new measures to prevent erosion or discharges of construction site wastes) have not been followed. The responsible person is the "Site Steward" listed on the Erosion Control Permit Application.

The intent of this notice is to alert the responsible person that corrective action must be taken within the time frame indicated on the N-O-N. If there is an imminent threat of sediment or other construction site wastes leaving the site, and entering a waterway or stormwater system, a Stop Work Order (SWO) will be issued as noted in Step 2.

Step 2. Stop Work Order

This notice will be given after Step 1 has been issued and no satisfactory results have been achieved – OR- if there is an imminent threat of sediment or construction site wastes leaving the site thus violating OCMC 17.47 and the OCEPSC Manual. The SWO form (Attachment B) will be issued in accordance with OCMC 17.47 and the OCEPSC Manual. Once the SWO is issued to the responsible person on the site, all work shall cease immediately EXCEPT for the work necessary to achieve compliance with the EPSC permit requirements.

A copy of the SWO form shall also be sent to the EPSC Permit holder. The SWO will be lifted from the site when the inspector reports that all EPSC measures have been brought into compliance.

For inactive sites, a SWO is inconsequential and does not protect the City's resources.

Proceeding to Step 3 is the next course of action when Step 2 does not produce a compliant situation.

Step 3. Civil Penalties for Violation

OCMC 1.20 "Civil Infractions", provides for civil penalties to be issued to the EPSC Permit holder (by the City's Code Enforcement Department) when there are EPSC violations. Civil penalties will be imposed in accordance with established timelines and processes in the amounts dictated per code.

Typically, civil penalties will not be issued unless the SWO does not achieve the desired results. However, if the Non-Compliance issue is a repeated offense and/or the violation is serious enough, civil penalties may be imposed.

Attachments

- A. Notice of Non-Compliance Form
- B. Stop Work Order Form

Attachment A: Notice of Non-Compliance Form

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NOTICE OF NON-COMPLIANCE

Erosion Control

LOCATION: _____ DATE: _____

CONTRACTOR: _____ **TIME:** _____

You are hereby notified that a field inspection on _____ indicated that the on-site Erosion and Sedimentation Control Measures DO NOT CONFORM to Oregon City Municipal Code (OCMC) Chapter 17.47 requirements and the City of Oregon City's Addendum to the Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual (EPSC). Noncompliance will result in the City issuing a STOP WORK ORDER if responsible party fails to take corrective action within _____ HOURS OF NOTICE. Responsible party of violation shall be subject to the enforcement procedures of OCMC Chapter 1.20, Civil Infractions.

It is your responsibility to determine the necessary corrective action and promptly remedy the violations noted below. For assistance, refer to the OCMC, Oregon City's EPSC Manual (www.orcity.org/publicworks/erosion-and-sediment-control-requirements) or contact the inspector identified below.

PUBLIC WORKS INSPECTOR INFORMATION

Signature

Phone No.:

Signature

Printed Name

E-mail:

Noncompliance notice was posted at the property and is visible from adjacent public way.

Violation of the Oregon City EPSC Manual and/or OCMC 17.47 noted below:

<input type="checkbox"/> EPSC 1.2, 6.4, 6.8 & OCMC 17.47.070.B.2	Effective erosion control measures shall be properly installed and maintained from construction start to finish.
<input type="checkbox"/> EPSC 1.2, 6.4, 6.5 & OCMC 17.47.080.B	Erosion control measures shall be installed prior to excavation or stripping. Owner shall call for City inspection (prior to foundation inspection) to certify that erosion control measures are installed.
<input type="checkbox"/> EPSC 6.4, 6.8 & OCMC 17.047.080.D	Owner shall be responsible for maintenance, repair and replacement of erosion control measures to ensure uninterrupted functioning.
<input type="checkbox"/> EPSC 4.1.3, 4.1.4, 4.1.5, 4.1.6	Disturbed soil exposed for 21 days or more during dry weather (May 1 - Sept 30) and 7 or more during wet weather (Oct 1 - April 30) shall be protected from erosion by placing ground cover.
<input type="checkbox"/> EPSC 2.3 & OCMC 17.47.080	Runoff containing sediment shall be filtered before leaving the site. Resulting sediment shall be retained on site.
<input type="checkbox"/> EPSC 4.3.2	A gravel pad shall be installed and maintained at all site entrances and exits to keep debris from tracking off-site. No other vehicle access points allowed.
<input type="checkbox"/> EPSC 1.3.5, 1.3.6	Sediment shall be promptly removed from sidewalks, pavements, off-site areas, storm drains and ditches. Do not wash sediments into storm drains, wetlands, or streams.
<input type="checkbox"/> EPSC4.1.8	Owner is responsible for vegetation restoration and survival.
<input type="checkbox"/> EPSC4.1.2	Dust control measures shall be implemented.
<input type="checkbox"/> EPSC 5	Management of other construction site pollutants.

Comments

Attachment B: Stop Work Order Form

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Public Works Department

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7892

LEGAL NOTICE

WHEREAS, violations of Oregon City Municipal Code(s) have been observed, IT IS HEREBY ORDERED in accordance with Oregon City Municipal Code 1.20 "Civil Infractions" that all parties cease, desist from, and

STOP WORK

at once pertaining to construction, alterations, additions or installations on these premises identified as:

All persons receiving this order and/or acting contrary to this order are subject to conviction of the infraction and the Oregon City Municipal Court may impose a maximum civil penalty of three hundred dollars (\$300.00) each day of the violation.

Required corrective action: _____

Continuation of this violation may result in legal action and Municipal Court proceedings. To request a compliance inspection, contact the inspector by the means listed below between the hours of 8:00 AM and 4:00 PM, Monday through Friday (except legal holidays).

POSTED DATE: _____ CORRECTION DEADLINE: _____

INSPECTOR INFORMATION

Signature

Phone No.: _____

Printed Name

E-mail: _____