

Determination of Applicability for Submittal of Municipal Erosion and Sediment Control Plans /SWPPPs

Based on the annotated RI model ordinance

Introduction

Land disturbance provides unique challenges in stormwater management. The removal of vegetative cover, grading and construction exposes soil and other pollutants associated with equipment and materials. While this phase may be of short duration, the impact of rain on an unprotected site can be disastrous to downstream flooding and water quality. Fortunately, most problems can be anticipated and steps taken to prevent them. The purpose of the municipal erosion and sediment control ordinance is to avoid the disasters.

Because each site and proposed land disturbance varies in the potential for downstream disaster, the municipal building official or his or her designee determines the applicability of the erosion and sediment control ordinance to a land disturbance. Some sites will always need an erosion and sediment control plan, while some activities have been determined by the state legislature to be insignificant. The intent of the following is to clarify what's in and what's out, and to provide guidance on the site/project information needed in order for the building official to determine applicability on other sites.

What's In?

Sites exhibiting the following conditions are automatically subject to the requirements of the erosion and sediment control ordinance:

Site condition	Does condition occur on site?	
	Yes	No
Area of disturbance is one acre or larger		
Slopes of 15% or greater occur on site		
Projects requiring RI DEM or CRMC approval		

Why? Projects that disturb one acre or more are subject to RIPDES Construction General Permit, and coverage under the municipal ordinance provides the opportunity for coordinated review, inspection and enforcement at the state and local level. If the site has steep slopes (noted as "D" on the Soil Survey), the potential for soil erosion is high.

What's Out?

If your project disturbs less than one acre, consists of an exempted activity noted below (addition, excavation, grading, municipal road), and the site meets the criteria of the applicable activity, the erosion and sediment control ordinance does not apply to the proposed project.

No determination of applicability required for:	Does site meet criteria?		
	N/A	Yes	No
Addition to single family or duplex home, provided:			
Addition covers less than 1,000 sf of ground			
Alteration does not occur within 100' of water course or coastal feature			
Slopes at site of disturbance do not exceed 10%			
Excavation for other improvements, provided:			
Total displacement of material is less than 50 cu yds			
Slopes at site of disturbance do not exceed 10%			
All disturbed surface areas are promptly and effectively protected			
Grading on existing developed land, provided:			
All bare surfaces are immediately seeded, sodded or otherwise protected from erosive action			
Aggregate area of activity is does not exceed 2,000 sf			
Change in elevation does not exceed 2' at any point			
Quantity of fill does not exceed 18 cy			
Municipal operations on streets, roads or rights-of-way, provided E&S performance principles are met			

What if my project is none of the above?

For all other sites, you must apply to the municipal building official for a determination of applicability of the erosion and sediment control ordinance. To assist in that determination, please provide the following information:

- Description of the proposed land disturbing activity
- Estimate of the size of the area to be disturbed
- Map of the property showing the area of disturbance and nearest stormwater conveyance system (storm drains, ditches, streams, etc)
- Soils information for the site
- Map illustrating location of site in relation to watersheds of
 - o Natural Heritage Areas
 - o Impaired water (303(d) list)
 - o Cold water fishery
 - o Special Resource Protection Water
 - o Municipal-identified critical area

The information should be of sufficient detail that the building official can determine whether or not "... erosion resulting from the land disturbing activity is insignificant and represents no threat to adjacent properties or to the quality of any coastal feature or watercourse...".