Permit #_____

Erosion Control Permit Application
Jurisdiction of Washington County, Nebraska
(see page 2 for directions)

Following information is required

2.1 Job Address:_____Tax Lot:_____Lot/Blk/Subdivision:_____
Owner: _____Address:_____Phone:_____Email:_____
Owner responsible for erosion control: ____Install _____Maintenance ____Site Stabilization (signature required below)
Contractor:_____Address:_____Phone:_____Email:_____
Contractor responsible for erosion control: ____Install _____Maintenance ____Site Stabilization (signature required below)

2.2 Construction Project description: _____
_____
_____

2.3 Site maps attached: ___drainage paths ____boundaries ___disturbed areas ____final site stabilization
2.4 Anticipated Area for soil to be disturbed _____ Sq. Ft. Lot Area_____ Sq. Ft. (if under 576 ft^2 no permit required)
2.5 Site slope in direction of drainage _____ft drop per _____ft horizontal (measured or estimated – circle one)
2.6 Distance to property boundary line in direction of drainage flow: _____ Ft.
2.7 Erosion Control Plan for disturbed soils:_____
_____
_____
2.8 Contingency measures if not able to meet proposed erosion control plan:_____
_____
_____
2.9 Anticipated final site soil stabilization methods at final inspection:
____Sod exposed areas____ Mulch/erosion mat and seed_____ Rock/gravel/concrete
____Landscape /Other_____

2.10 **Requested permit:** ___ Standard Permit $150 ___Short-term Permit $40 ___ No Permit Required $0

2.11 Justification for not doing a Standard Permit (if applicable)_____
_____
_____

2.12 **Signature(s) required if responsible for any of the erosion control process:**
Contractor:_____ Date:_____

Owner:_____ Date:_____

Planning Department use only:
Plan reviewer notes, comments or clarified requirements:_____
_____
_____

Inspections required:
_____Initial_____ Monthly _____ After Storm Event _____Final _____Scheduled

Permit granted: _____Standard Permit $150 _____Short-term Permit $40 _____ No Permit Required $0

Approved for issuance by:_____Date:_____

Application Form Instructions

The form is arranged in three areas. The first section is general project and site information detailing who is responsible for the action to be later specified. The middle section is where the details of the soil erosion prevention and mitigation plan are developed. Here is where the applicant can be as brief as "we are putting silt fence around the entire site as shown on attached map, will send picture monthly…" to a detailed analysis demonstrating why no additional measure are required for a site to minimize the risk of soil erosion leaving the site. The last section is where the building inspector reviews the plan and provides any clarification of requirements or expectations and determines which permit will be issued (if any is required). Once approved for permit issuance, the plan, including any notes and clarification provided by the inspector and any contingency action listed, become a binding commitment by the applicant to implement in a timely and effective manner. For clarity, the following details are provided for each line item to ensure a clear expectation is communicated.

2.1 Name and address: Define who is responsible for implementing and maintaining the erosion control measures and overall plan.
2.2 Project description: Provide a short summary, in general terms, of project and sequence to be completed including soil storage location, size of excavations including over excavations, material storage areas, finished impermeable areas, etc.
2.3 Site Maps: If an engineering drawing is not available, another option is to utilize satellite imagery such as google maps to print out a site map. On the printout, highlight property boundaries and construction site area. If the picture does not provide scale, label at least one obvious dimension to provide a sense of scale. Hand draw either site contours or site drainage pathways around the construction area to show affected areas and expected drainage pathways. Hand draw the outline of proposed structures and drives to be added by the project. If necessary, make copies for the next steps. Sketch the proposed soils storage and disturbed soils areas. Finally draw and label proposed erosion control measures and affected areas. If not provided in construction documents, use a copy of imagery to show the final stabilized site- show structure outlines, driveways, and finishes, retaining walls, and landscape and site stabilization finishes.
2.4 Anticipated Area for Soil Disturbance: Calculate the total area disturbed, not just the structural area of the building. Provide the property size to get a sense of the relationship of relative sizes.
2.5 Site slope in direction of drainage: If survey data or site estimates are not available, the county GIS map can help provide this information: www.co.washington.ne.us - County GIS map/Base Maps/TOPO. This data is used to understand the relative risk of potential soils polluted drainage reaching the property boundary.
2.6 Distance to property boundary in direction of drainage flow: Combined with slope information, this provides information towards a decision as to relative risk of soils polluted drainage reaching the property boundary.
2.7 Erosion control plan for disturbed construction soils: This item is where the applicant details what management practices, control measures or mitigation actions (if any) will be implemented to minimize the risk of construction site soil erosion leaving the property. A graveled construction entrance will be required to keep sediment from being deposited into or upon the street, alley, sidewalk, or public way.
2.8 Contingency measures if not able to meet proposed erosion control plan: This section provides the applicant's commitments to be implemented when some significant unanticipated event occurs that causes a substantial deviation from the original plan or schedule.
2.9 Final Site stabilization: If a map is not provided, supply a description of how the site will be left in its final condition.
2.10 Requested permit type: This item is where the applicant states what they believe is the appropriate permit level, based on the data and information presented, to appropriately minimize the risk of construction soil erosion leaving the property. **See descriptions on page 4.**
2.11 Justification for not doing a standard permit: This is where the applicant can provide the technical basis as to why an alternative to "simply installing silt fence around the entire site" should be acceptable. The strongest justifications will state why the construction site is not likely to erode and when erosion does occur, the reasons the soil polluted drainage will likely not reach the property boundary. The justification must support the conclusion that the risk of eroded soils leaving the property is reasonably minimized.
2.12 Signature: Any party listed above, with a responsibility in implementation of the plan, will sign the application confirming their commitment and knowledge of responsibility to completing the plan.

Once all the information has been completed, the application and documents are submitted to the planning department to process. The Building Inspector will review the application and documents and provide any clarification or modifications as necessary. He will then establish the required inspections and determine the level of permit to be issued. Once the application has been paid for, the Planning department will then issue the required permit for implementation by the applicant, as provided in the application.

The responsible party (Contractor and/or Owner) will be 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.

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 actions are completed on the erosion control measures.

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 (person who submitted the application)** will be responsible for paying the additional inspection fee of $30.00. However, all parties may 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, and to avoid the need and cost for a site inspection.

Erosion Control Plan

The overall intent of this program is to minimize the potential for construction site erosion and soil erosion pollution leaving the property. Washington County Board resolution 2023-03 details the general program requirements and expectations for the Erosion Control program.

Erosion control best management practices generally focus on mitigation measures such as silt fence intercepting all construction site runoff, berms and settling basins. These practices are the easiest requirements to implement and administer and least likely to fail. In short, silt fence is the “gold standard” of erosion control measures. However, “gold standards” are often relatively expensive to install, a hassle to maintain, require site restoration at the end of the project, and are unnecessarily burdensome for many noncomplex projects. This form is intended to allow contractors and property owners a method to provide justification and reasonable alternatives to simply installing silt fence on every project based on project and site-specific criteria. These alternative criteria can include site topography, distance to boundaries, slopes, layout, short schedule, erosion preventative measures, dense vegetation, natural collection basins, and similar features.

Erosion control measures are focused on bare and disturbed construction site soils as they are exponentially more susceptible to erosion than undisturbed, highly organic topsoil covered in vegetation. Erosion prevention is generally preferred to mitigation. It is fully recognized that as a project size and complexity increase, the overall economics can move toward favoring mitigation activities. Rather than being prescriptive requirements focused, this program is more performance based. This potentially allows utilizing the specific skills, talents, and preferences of the construction team to achieve the performance-based goal of reasonably minimizing the risk of construction site soils erosion leaving the property.

Successful projects generally start with good planning and good communication. Erosion control is no different. Good planning starts with the applicant thinking through the construction steps and understanding how weather and precipitation could negatively impact the site by causing erosion of disturbed site soils. Next the applicant will figure out the measures necessary to substantially prevent erosion and any additional mitigations required to prevent erosion from reaching the property boundary. Finally, a summary of these concepts, measures and mitigations will be written down and captured in the erosion control plan for submittal with the permit application for execution.

The Erosion control permit will summarize the existing features, the active control measures, and the schedule necessary to minimize the risk of soil erosion on the construction project. Implementation of alternatives to the “silt fence standard” will require a commitment from the responsible parties (Contractor and/or Owner) to take actions in a timely fashion per the submitted schedules and plans to ensure the risks of erosion are minimized. Specific contingency actions will be implemented in the event critical measures within the plan are not achieved per schedule. The plan will also detail the expected final site stabilization conditions at the final permit inspection and who is responsible for each step of the process.

There are three levels of erosion control permits and associated fees based upon the level of oversite expected.

No permit required (no fee): If the site can be shown to be passively protected from construction erosion leaving the site, then the determination can be made that no erosion control permit is necessary. Typical considerations include relatively small soil disturbance areas, relatively extended distances to site boundaries with drainage flow through dense vegetation, or all site drainage goes to an existing site pond or settling basin or similar type situations.
There are too many situations to individually list all that will not require a permit. However, a sampling of specific construction sites that will not require an Erosion Control Permit include, but are not limited to:

a. Construction sites with less than 576 ft^2 total of disturbed soils.
b. Construction sites that receive a stormwater discharge permit from NDEE.
c. Construction sites with less than 3000 ft^2 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.

Short-term Erosion Control Permit required - $40.00: If the project site soil disturbance can be demonstrated to be relatively short term in schedule implementation, and the consequences of an unanticipated precipitation event shown to be of minimal risk, with or without additional erosion control preventative or mitigation measures, then the determination can be made that a short-term permit is appropriate.

1. Soil disturbance scheduled for a relative short period (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.

Standard Erosion Control Permit required - $150.00: For more complex, larger projects that are longer term in nature with a lot of soil disturbance such as installing basements, inground swimming pools and significant leveling of sites, a standard permit is required. In general, silt fences, berms, and settling basins tend to be the most cost-effective solution for extended length projects if site features are not conducive to passively minimizing the potential for soil erosion.

1. Permit based on Erosion Mitigation Techniques such as silt fence, berms, settling basins or other pollution management practices.
2. Not schedule dependent.

It should be noted that projects that disturb soils **over 1 acre require a storm water discharge permit from the NDEE.** If the NDEE issues a permit for a project, such as a subdivision development, a separate permit from the county is not required if the permit number is listed on the county permit application form.

Site inspections are intended to occur after initial site mitigation measures are installed, periodically not more than 60 days apart, after major precipitation events, and when final site stabilization has occurred. After the initial site inspection, it is intended that most site inspections will occur in conjunction with other regularly scheduled construction inspections. Although a couple of interim inspections are included in the base permit fee, there are typically not enough routine construction inspections scheduled frequently enough to cover all the expected erosion plan inspections of a long project schedule. Ultimately, the permit holder can be charged additional fees for additional inspections. It is highly recommended to avoid additional fees, that the responsible party periodically (monthly and after storm events) takes photographs or site video of the properly maintained silt fence and control measures and email them to the planning office to satisfy the inspection expectation.

Site Final Stabilization: **Erosion control permit requirements do not end until the site is restabilized** to a permanent state regardless of the state of the structure construction. Final site stabilization can occur either before or after completion of the structure construction. If the contractor is the party responsible for the permit, and he plans to transfer the permit responsibility to the owner or another party while the permit is active, both parties will sign the plan acknowledging expectations for erosion control plan implementation, and each party's responsibilities in minimizing construction erosion. The erosion control permit will not be final inspected until the entire construction site is stabilized. Accessory permits may not be finaled and home permits may not be granted occupancy until the erosion control permit passes final inspection. The area is considered stabilized by one or more of the following criteria:

- Permanent vegetation is provided covering over 70% of the bare soils.
- Areas to be landscaped are protected by interim erosion prevention measures such as mulch or cover cropping and the property owner is committed to completing the landscaping.
- Sod is used to cover the bare soils. (Silt fence can be removed when sod is placed without an inspection)
- Erosion control matting or retained mulch is in place. The site is seeded for permanent vegetation growth (seeds do not need to be germinated).
- Site is planted to a cover crop which has at least 70% soil coverage developed.

Unless site is sodded, silt fence and other erosion mitigation features must be maintained until a successful final inspection is achieved.