

## **TC-11-09 Soil and Sedimentation Control**

Proposes revisions to the City's Erosion and Sediment Control Regulations, as recommended by the City's Stormwater Management Advisory Commission

- Increases the current 10-year design standard for design of sediment control measures to a 25-year design storm.
- Limits the time frame for expiration of grading permits to 2 years with allowable 6 month extensions.
- Requires construction site operators for disturbed areas of 1 acre or greater to submit information required by their NPDES permits to the City.
- Increases the detention during construction requirement from the current 2-year design storm as follows:
  - For construction sites where the disturbed area is between 5 acres and 15 acres, the runoff from the 2-year and 10-year storms would be detained to pre-development rates during construction.
  - For construction sites where the disturbed area is equal to or greater than 15 acres, the runoff from the 2-year, 10-year and 25-year storms would be detained to pre-development rates during construction.
- Decrease the amount of days required for site stabilization from 21 to 14 calendar days.
- Increases the design standard for settling efficiency of sediment control devices from 70% to 85%.

**CORRECTED**  
**ORDINANCE NO. (2010) 739 TC 332**  
**TC-11(A)-09**

**AN ORDINANCE TO REVISE THE CITY'S SOIL EROSION  
AND SEDIMENT CONTROL CODE AND STORMWATER  
CONTROL AND WATERCOURSE BUFFER REGULATIONS**

**WHEREAS**, the Raleigh City Council finds that the existing Soil Erosion and Sediment Control Code stormwater control and watercourse buffer regulations should be strengthened; and

**WHEREAS**, the City's "Guidelines for Land Disturbing Activities Manual" have been strengthened to increase the settling efficient of sediment basins be increased from 70% to 85% for the 40 micron (0.04mm) size soil particle.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** Raleigh City Code Section 10-5003 is hereby amended to insert in proper alphabetic order three new definitions which shall read as follows:

***NPDES.*** *NPDES* is an acronym for National Pollutant Discharge Elimination System. An NPDES stormwater permit for construction activity is required for sites of one (1) acre or more under Section 401 of the Federal Clean Water Act regulating discharge of pollutants to the nation's waterways.

***Moderate slope.*** *Moderate slope* means an inclined area, the inclination of which is less than or equal to three (3) units of horizontal distance to one (1) unit of vertical distance.

***Steep slope.*** *Steep slope* means an inclined area, the inclination of which is steeper than three (3) units of horizontal distance to one (1) unit of vertical distance.

**Section 2.** The definition of Completion of Construction or Development of Raleigh City Code Section 10-5003 is hereby amended to insert the words "*site*, a portion of a *site* or a" between the words "a" and "phase".

**Section 3.** The second sentence of Raleigh City Code Section 10-5006(a)(2) is hereby amended to delete the words "will, within twenty-one (21) calendar days of completion of any *phase of grading*, be planted or otherwise" and insert the words "*shall be*" between the words "exposed" and "provided", and add a new last sentence which shall read as follows: "For all areas of *moderate and/or steep slopes*, temporary *ground cover shall* be provided if the slope has not been disturbed for a period of fourteen (14) days. "

**Section 4.** The first sentence of Raleigh City Code Section 10-5006(a)(3) is hereby amended to delete the word “permanent” between the words “such” and “*ground cover*” and to insert before the period the words “at all times”. The second sentence of Raleigh City Code Section 10-5006 (a)(3) is hereby amended to delete the word “permanent” between the words “with” and “*ground cover*”; said second sentence is further amended and to delete the words “twenty-one (21) calendar days following completion of construction except in a *high-quality-water zone*”, and in lieu thereof, substitute the words “fourteen (14) calendar days of temporarily or permanently suspending the *land disturbing activity*”. Section 10-5006(a)(3) is further amended to add two new last sentences which shall read as follows: “Permanent *ground cover shall* be installed within fourteen (14) calendar days following *completion of construction or development.* ”.

**Section 5.** Raleigh City Code Section 10-5006(a)(4) is hereby amended to include a new subparagraph d. which shall read as follows:

**“d. NPDES stormwater permit for construction activity.**

Documentation required under the *site NPDES* stormwater permit for construction activity *shall* be submitted to the *City*”.

**Section 6.** The first sentence of Raleigh City Code Section 10-5006(a)(13)b. is hereby amended to delete the words “with HQW zones” between the words “basins” and “*shall*”, and to delete the words “seventy (70) per cent” and insert the words “eighty-five (85) percent” between the words “least” and “for”.

**Section 7.** Raleigh City Code Section 10-6032(g)(6) is hereby amended to add after the language “upon which further *land disturbing activity* is not being undertaken *shall* expire after thirty (30) working days or one hundred twenty (120) calendar days whichever period is shorter has elapsed.”, and the following language is inserted: “ and *shall* expire two (2) years from the date of issuance. If the project is not completed within that time, additional six-month extensions *may* be granted without charge if:

- a. *Land-disturbing activities* have occurred on the site, and there are no violations of Chapters 4, 5 and 10 of Part 10 of the City Code on the permitted *tract* at the time of the requested extension.
- b. All outstanding *City* penalties assessed pursuant to Chapters 4, 5 and 10 of Part 10 of the City Code associated with the permitted site have been paid or the penalty amount is under active appeal, provided that all underlying violations that gave raise to the penalty are corrected at the time of the requested extension.

- c. All undisturbed portions of the permitted site will conform to all ordinances, rules and regulations in effect at the time of the requested extension.
- d. The permitted site complies with all State rules and regulations adopted pursuant to the North Carolina Sedimentation pollution Control Act.

Requests for extensions must be made in writing and submitted to the Public Works Department, Stormwater Management Division not less than thirty (30) days prior to expiration of the land-disturbing permit. The Stormwater Management Division will respond to the submittal in writing within thirty (30) days of receipt or the extension is automatically granted.”.

**Section 8.** The last sentence of Raleigh City Code Section 10-6032(m) is hereby amended to replace the referenced Code Section 10-6032(g)(7) with §10-6032(g)(6).

**Section 9.** The definition of two-year, ten-year and one hundred-year storms contained in Raleigh City Code Section 10-9002 is hereby amended to insert, in the caption between the word “ten-year” and the word “and”, the following language, “, ***twenty-five-year***”, and to insert, in the text of the definition between the word “years” and the word “or”, the language “, *twenty-five (25) years*”.

**Section 10.** The first sentence of the second paragraph of Raleigh City Code Section 10-9023(a) is hereby amended to delete the language, “, as defined in Part 10 Chapter 5,” and in lieu thereof, insert the following language: “on *sites*, as defined in Part 10 Chapter 5, between 5 and 15 acres in size”; said sentence is further amended to insert the language “and *ten-year storm*” between the words “*storm*” and “*shall*”. The second paragraph of Raleigh City Code Section 10-9023(a) is amended to add a new sentence between the first and second sentences which shall read as follows: “For any *land disturbing activity* on *sites*, as defined in Part 10 Chapter 5, greater than 15 acres in size the peak stormwater runoff leaving the site at each discharge point for the *two-year storm, ten-year storm, and twenty-five-year storm shall* be no greater during construction than for *pre-development conditions*.”.

**Section 11.** The first sentence of Raleigh City Code Section 10-9023(b)(1) is hereby amended to insert the words “*and twenty-five-year*” between the words “year” and “storms”.

**Section 12.** The first sentence of Raleigh City Code Section 10-9023(b)(4) is hereby amended to insert the words “*and twenty-five-year storm*” between the words “storm” and “runoff”.

**Section 13.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 14.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**Section 15.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the Stormwater Management Advisory Commission following a recommendation of the Stormwater Management Advisory Commission.

**Section 16.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 17.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 18.** Except Section 7, all sections of this ordinance shall become effective on August 1, 2010. Section 7 shall become effective on January 1, 2011.

**ADOPTED:** May 18, 2010

**EFFECTIVE:** August 1, 2010  
January 1, 2011 (Section 7)

**DISTRIBUTION:** Planning – Silver, Hallam, Brandon  
Stormwater Management – Bowden, Brown  
Inspections – Strickland  
City Attorney – Hargrove  
Transcription Svcs – Taylor

**ORDINANCE NO. (2010) 745 TC 334  
TC-11(B)-09**

**AN ORDINANCE TO REVISE THE CITY'S SOIL EROSION  
AND SEDIMENT CONTROL CODE AND STORMWATER  
CONTROL AND WATERCOURSE BUFFER REGULATIONS**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** The first sentence of Raleigh City Code Section 10-5006(a)(5) is hereby amended to delete the words "in any high quality water zone".

**Section 2.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 3.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**Section 4.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the Stormwater Management Advisory Commission following a recommendation of the Stormwater Management Advisory Commission.

**Section 5.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 6.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 7.** This ordinance shall become effective on August 1, 2010.

**ADOPTED:** June 1, 2010

**EFFECTIVE:** August 1, 2010

**DISTRIBUTION:** Planning – Silver, Hallam, Brandon  
Stormwater Management – Bowden, Brown  
Inspections – Strickland  
City Attorney – Hargrove  
Transcription Svcs – Taylor