

**City Commission Policy 417 - Stormwater, Sediment and Erosion Controls for City Employees, City Contracts, City Utility Developer Agreements, and City-issued Building and Environmental Permits**

DEPARTMENTS: Growth Management; Public Works; Parks, Recreation, and Neighborhood Affairs; Underground Utilities; Electric Utility; Airport; and Others

DATE ADOPTED: November 22, 2005

DATE OF LAST REVISION: May 11, 2011

**417.01 Authority:** The City Commission.

**417.02 Scope and Applicability:** This policy shall apply to all City employees who are construction site workers, construction site supervisors, equipment operators, irrigation technicians, and/or inspectors on projects that have the potential for soil erosion; to all people or business entities that contract with the City to do construction on projects that have the potential for soil erosion; to all developers who enter into utility development agreements with the City for projects that have the potential for soil erosion; and to all permittees and their contractors executing work that has the potential to result in soil erosion on projects authorized by a Building and Environmental permit from the City. This policy is supplemental to any other regulations promulgated by the federal, state, or City of Tallahassee governments related to sediment and erosion control.

**417.03 Policy Statement:** It is the intent of the City Commission that any City employee doing construction work that disturbs more than 1000 square feet of earth or has the potential for soil erosion, or any City employee inspecting and/or supervising such work for the City shall be trained in proper stormwater, sediment and erosion control rules, regulations, and standards. In addition, non-City employees that contract with the City to do construction work that disturbs more than 1000 square feet of earth or has the potential for soil erosion shall also be required to be trained in proper stormwater, sediment and erosion control rules, regulations, and standards. Developers who enter into development agreements with the City for development that disturbs more than 1000 square feet of earth within the City shall be required to have their employees trained in proper stormwater, sediment and erosion control rules, regulations, and standards. Builders who are issued Building and Environmental permits within the City for projects that disturb more than 1000 square feet of earth shall also have employees trained in proper stormwater, sediment and erosion control rules, regulations, and standards.

**417.04 Definitions:**

**City Manager:** The City Manager of the City of Tallahassee, or his/her designee.

Stormwater, sediment and erosion control rules, regulations, and standards: Those provisions of the City's Environmental Management regulations that impose stormwater, sediment and erosion control requirements, including Section 5-88, Tallahassee Land Development Code, and any applicable State or federal standards, as any of these may be amended from time to time.

**417.05 Administration:** The City Manager is responsible for the administration of this policy.

**417.06 Procedures:**

**1. Training Requirements:**

**A.** The department head of any City department employing workers requiring training under this policy is responsible for ensuring those employees are properly trained. Employees requiring training include the following:

**(1)** All City employees who are construction site supervisors, inspectors, or equipment operators shall be certified under the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training Program, a two-day course.

**(2)** All other employees involved in construction site work shall attend a short course that covers the topics of stormwater, erosion, and sediment control; and is within one year from the time an employee covered by this policy is hired by the City.

**B.** The Underground Utilities Water Resources Engineering Division will periodically schedule training classes, and shall prepare and post a schedule of training classes annually. The training course shall include the applicable rules and regulations and shall achieve a consistent level of technical expertise in Best Management Practices for erosion and sediment control. The Underground Utilities Water Resources Engineering Division shall keep records on the City employees who attend the classes, and shall post this information where it is accessible to affected departments. The trainer shall be selected from the Florida Department of Environmental Protection list of Qualified Stormwater Management Instructors for the courses.

## **2. Requirements for Outside Contractors Doing City Work:**

**A.** Any contract between the City and a contractor doing construction work for the City that disturbs more than 1000 square feet of earth shall include a reference to this Policy, and a requirement that the contractor comply with this Policy.

**B.** Any contractor hired by the City to do construction work shall be responsible for the prompt and proper control of stormwater, erosion, and sedimentation across, on and from the site of the work performed under a contract with the City. The contractor shall ensure that all related control devices constructed or installed in relation to the construction work remain intact and functioning properly throughout the progress of such work. In carrying out such responsibility, the contractor shall comply with all requirements of applicable federal, state, and local laws, including all permits applicable to such work, and shall comply with, all related requirements set forth in the plans and specifications for such work.

**C.** On projects covered by this Policy, the City's contractor shall ensure that a foreman, supervisor, or other responsible person who has been certified under the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training Program is on the site of the work or available by telephone to on-site personnel at all times during any construction activities covered by the Building and Environmental permits. The contractor shall further ensure that all equipment operators and other personnel involved in such operations are appropriately trained in regard to requirements for stormwater, erosion, and sedimentation control.

**D.** The contractor shall be liable for any and all penalties, fines, damages, and restitution payments that are assessed against the City by any federal, state, or local governmental entity or by any court of proper jurisdiction and which result or arise from the failure of the contractor to properly install and maintain stormwater sediment and erosion controls associated with the site work as required by this Policy or applicable City regulations.

## **3. Requirements for Developers with Utility Agreements with the City:**

**A.** Any utility agreement between a developer and the City shall include a reference to this Policy, and a requirement that the developer comply with this Policy.

**B.** Any developer entering into a utility agreement with the City for a project that has the potential for soil erosion shall be responsible for the prompt and proper control of stormwater, erosion, and sedimentation across, on and from the site of the work. The developer shall ensure that all related control devices constructed or installed in relation to the construction work remain intact and functioning properly throughout the progress of such work. In carrying out such responsibility, the developer shall comply with all requirements of applicable federal, state, and local laws, including all

permits applicable to such work, and shall comply with all related requirements set forth in the plans and specifications for such work.

**C.** On projects that will disturb more than 1000 square feet of earth during installation of utility lines or facilities, or other infrastructure covered by the utility agreement, including roadways and sidewalks, any developer entering into a utility agreement with the City shall ensure that a foreman, supervisor, or other responsible person who has been certified under the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training Program is available in person or by telephone to on-site personnel and to City inspectors during construction activities covered by the Building and Environmental permits.

**D.** The developer shall obtain and ensure compliance with all permits required by applicable federal, state or local laws, statutes, ordinances, or regulations relating to construction or installation of utility lines or facilities or other infrastructure covered by the utility agreement. The permits shall be kept current until the project is completed.

**E.** The developer shall be liable for any and all penalties, fines, damages, and restitution payments that are assessed against the City by any federal, state, or local governmental entity or by any court of proper jurisdiction and which result or arise from the failure of the developer to properly control stormwater, erosion, or sedimentation across, on or from the site of the work as required by this Policy.

#### **4. Building and Environmental Permits within the City of Tallahassee:**

**A.** All Building and Environmental permits issued by the Building Official or Growth Management Department within the City for projects that have the potential to create soil erosion shall include a reference to this Policy, and a requirement that the permittee and all contractors executing work on the project comply with this Policy.

**B.** All permittees and or contractors executing work which has the potential to result in soil erosion on projects authorized by a Building and Environmental permit shall be responsible for the prompt and proper control of stormwater, erosion, and sedimentation across, on and from the site of the work. Said permittee and contractors shall ensure that all related control devices constructed or installed in relation to their construction work remain intact and functioning properly throughout the progress of such work. In carrying out such responsibility, the permittee and contractors shall comply with all requirements of applicable federal, state, and local laws, including all permits applicable to such work, and shall comply with all related requirements set forth in the plans and specifications for such work.

**C.** On projects that disturb more than 1000 square feet of earth, the permittee and contractor shall ensure that a foreman, supervisor, or other responsible person who has been certified under the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training Program is available in person or by telephone to on-site personnel or to City inspectors at all times during construction activities covered by the Building and Environmental permit. Said permittee and contractors shall further ensure that all devices or structures required by federal, state, or local laws, statutes, ordinances, or regulations for the control of stormwater, erosion, or sedimentation are promptly and properly installed or constructed and that the same are maintained intact and functioning properly throughout the progress of such construction activities.

**D.** The permittee and contractors shall obtain and ensure compliance with all permits required by applicable federal, state or local laws, statutes, ordinances, or regulations relating to construction covered by the building permit. All permits shall be kept current until the project is completed.

**E.** All permittees and contractors shall be liable for any and all penalties, fines, damages, and restitution payments that are assessed against the City by any federal, state, or local governmental entity or by any court of proper jurisdiction and which result or arise from the failure of the developer

to properly control stormwater, erosion, or sedimentation across, on or from the site of the work as required by this Policy.

**417.07 Sunset Provision:** This Policy is subject to sunset review by the City Commission at least once every five (5) years from the date adopted or revised. Revisions to this policy will become effective immediately upon City Commission approval, unless otherwise provided by the City Commission.

**417.08 Effective Date:** This Policy shall become effective on February 20, 2006.

*Approved by the City Commission on November 22, 2005.*

*Revised by the City Commission on May 11, 2011.*