

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

EROSION AND SEDIMENT CONTROL

BYLAW 2006 NO. 4381

EXPLANATORY NOTE

Bylaw No. 4381 prohibits the discharge of sediment and sediment-laden water into the Township of Langley's Drainage System. It also establishes a process to ensure that adequate protection of the Township Drainage System is taken during any construction, by the implementation of erosion and sediment control measures.

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WHEREAS Section 8(3)(j) of the Community Charter, S.B.C. 2003, c.26 authorizes council to regulate, prohibit and impose requirements in relation to the protection of the natural environment;

AND WHEREAS Council deems it in the best interests of the environmental well-being of the community that the streams, creeks, waterways, watercourses, ditches, storm sewers and drains that make up the Township of Langley's Drainage System are protected from sediment and sediment-laden water;

NOW THEREFORE the Council of the Township of Langley in open meeting assembled, ENACTS AS FOLLOWS:

PART I

Title

1. This Bylaw may be cited as "Erosion and Sediment Control Bylaw 2006 No. 4381".

Definitions

2. In this Bylaw, unless the context otherwise requires, the following words shall have the meanings described:

"Construction" includes clearing, grubbing, excavating, grading, filling, installing services, constructing buildings and structures, and landscaping.

"CPESC" means a Certified Professional in Erosion and Sediment Control under the certification program administered by the BC Chapter of the Soil and Water Conservation Society and the International Erosion Control Association.

"Developable Area" means all the land included in a development application or building permit application, but not land that is deemed environmentally sensitive and therefore not available for development.

"Developer" means the legal owner of the subject property or their authorized agent, where Construction is to occur or is occurring.

"General Manager of Engineering" means the General Manager of Engineering for the Township or persons designated by the General Manager of Engineering to act on their behalf.

“ESC Coordinator” means the employee of the Township whose duties include the monitoring and management of this Bylaw’s provisions.

“ESC Facilities” means all erosion and sediment control works, measures, facilities and methods constructed or installed to reduce the likelihood of sediment and sediment-laden water reaching the Township Drainage System during all stages of Construction.

“ESC Monitor” means an appropriately qualified professional responsible for monitoring, maintaining and reporting on the ESC Facilities.

“ESC Plan” means the Erosion and Sediment Control Plan explained in Part II of this Bylaw.

“ESC Permit” means the Erosion and Sediment Control Permit issued by the Township to the Developer pursuant to the terms and conditions of this Bylaw.

“ESC Facilities Designer” means an appropriately qualified professional, trained in designing and implementing ESC Plans, who will design and supervise implementation of the ESC Facilities and provide confirmation that the ESC Facilities have been constructed and installed pursuant to the ESC Plan.

“Guidelines” mean the latest edition of the document entitled “Land Development Guidelines for the Protection of Aquatic Habitat”, co-published by the Ministry of Environment and the Department of Fisheries and Oceans as amended from time to time.

“Maintenance Period” means the 12 month period following the issuance of the certificate of substantial completion as per the Langley Subdivision and Development Control Bylaw 1994 No. 3335 and amendments where the Developer is responsible for the maintenance of installed infrastructure within the development site.

“90% Completion” means the stage of development at which 90% of Construction has been completed.

“NTU” means nephelometric turbidity unit and is a standard unit measure of water turbidity.

“Qualified Professional” means an engineer, biologist, geoscientist, CPESC, applied scientist or technologist, acting alone or together with another Qualified Professional, if

- a) The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association,
- b) The individual’s area of expertise is recognized in the field of erosion and sediment control as one that is acceptable for the purpose of

providing all or part of the design and monitoring of the ESC Facilities in respect of that development proposal, and

- c) The individual is acting within that individual's area of expertise.

"Sediment or sediment laden water" means any sediment, rock, gravel, sand, soil, silt, clay, earth, construction or excavation wastes or other substances whether or not suspended in water.

"Significant Rainfall Event" means any precipitation event, which meets or exceeds the intensity of 25 mm in a 24 hour period.

"Township" means the Corporation of the Township of Langley.

"Township Drainage System" means all rivers, streams, creeks, waterways, watercourses, ditches, channels, storm sewers and drains located on Township roads, property, and rights-of-way in favor of the Township.

Prohibition of Discharge

3. No person shall cause, or permit another person to cause, sediment or sediment-laden water to be discharged, either directly or indirectly, into the Township Drainage System.
4. Without limiting the generality of Section 3, no person shall discharge, either directly or indirectly, water with turbidity greater than 25 NTU, or as indicated by current Fisheries and Oceans Canada standards, into the Township Drainage System.
5. For Construction sites where an ESC Permit has been issued, no person shall discharge, either directly or indirectly, water with turbidity greater than 25 NTU, or as indicated by current Fisheries and Oceans Canada standards, into the Township Drainage System unless a Significant Rainfall Event has occurred.
6. For Construction sites where an ESC Permit has been issued, no person shall discharge, either directly or indirectly, water with turbidity greater than 100 NTU, or as indicated by current Fisheries and Oceans Canada standards, into the Township Drainage System within 24 hours after a Significant Rainfall Event.

ESC Permit

7. All development applications, including building permit applications, in respect of land zoned commercial, industrial, or institutional, as per the Township's Zoning Bylaw 1987 No. 2500, as amended from time to time, shall include a complete ESC Permit application to the Township in the form and substance set out hereto in Schedule "A".

8. All development applications, including building permit applications, in respect of land other than that zoned commercial, industrial, or institutional, as per the Township's Zoning Bylaw 1987 No. 2500, as amended from time to time, with a Developable Area of 2,000 m² or larger, shall include a complete ESC Permit application to the Township in the form and substance set out hereto in Schedule "A".
9. All development applications, including building permit applications, in respect of land other than that zoned commercial, industrial, or institutional, as per the Township's Zoning Bylaw 1987 No. 2500, as amended from time to time, with a Developable Area of less than 2,000 m² shall comply with the water quality criteria described in Section 4 and utilize the best management practices for erosion and sediment control set out hereto in Schedule "B". An ESC Permit may be issued by the ESC Coordinator upon receipt of a copy of Schedule "B" signed by the applicant.
10. If works, other than those directly related to the activities of a permit holder, result in a negative impact on the Township Drainage System, then that person causing the impact and not the permit holder shall be held responsible.
11. No Construction shall occur on any land having a Developable Area of 2,000 m² or larger (as described in section 8) until such time as the Township has issued an ESC Permit.
12. An application for an ESC Permit must:
 - (1) be made in the form set out in Schedule "A" to this Bylaw;
 - (2) be signed by the Developer;
 - (3) have attached an ESC Plan;
 - (4) name an ESC Facilities Designer and ESC Monitor as identified in the Letter of Appointment attached hereto as Schedule "D";
 - (5) include a non-refundable fee of a minimum of Five Hundred (\$500) Dollars or as calculated by the ESC Coordinator at five percent of the supply and installation cost of the ESC Facilities up to a maximum of Two Thousand (\$2,000) Dollars plus applicable taxes;
 - (6) include a security deposit in cash, certified cheque or an Irrevocable Letter of Credit drawn on a Canadian Chartered Bank and payable to the Township for a term of at least 12 months in an amount calculated by the ESC Coordinator to be 120% of the supply and installation cost of the ESC Facilities proposed for the site or in an amount as determined by the General Manager of Engineering.

Exception

13. Notwithstanding Sections 7 and 8, the requirement to obtain an ESC Permit may be waived by the General Manager of Engineering should the proposed Construction be shown to have no negative impact on the Township Drainage System, having regard to the following factors:
 - (1) Construction timing and schedule;
 - (2) Size of the proposed building or structure;
 - (3) Soil conditions;
 - (4) Existing ground cover (trees, gravel, etc.);
 - (5) Topographical conditions; and
 - (6) Location of proposed Construction with respect to the perimeter of the parcel of land.

Term

14. An ESC Permit shall be valid for 12 months following the date of issuance. The ESC Permit may be extended for an additional period of time if the holder of the ESC Permit applies in writing to the ESC Coordinator, whose acceptance will not be unreasonably withheld.

Security Deposit

15. The security deposit submitted with the ESC Permit application is to secure the full and proper compliance with the provisions of the ESC Permit and of this Bylaw. In the event the holder of an ESC Permit has not complied with the provisions of this Bylaw or fulfilled all the terms and conditions expressed in the ESC Permit and Construction has commenced, the necessary funds from the security deposit may be drawn down, at the Township's option, and the money used either by the Township or its agents to protect the Township Drainage System.
16. When the amount of the security deposit is insufficient for the Township to complete the works necessary for protecting the Township Drainage System, the holder of the ESC Permit shall pay any deficiency to the Township on demand.
17. When the holder of an ESC Permit complies with the provisions of this Bylaw and fulfills the terms and conditions expressed in the ESC Permit, the Township shall return the security deposit to that person at such time as the development has reached 90% Completion or earlier when the ESC Facilities can be removed to the acceptance of the General Manager of Engineering.

PART II

ESC Plan

18. All ESC Plans must be designed in accordance with the Guidelines and best management practices for erosion and sediment control as set out hereto in Schedule "B".
19. All ESC Plans must be prepared under the guidance of an ESC Facilities Designer and must be checked, signed and sealed by a Qualified Professional.
20. All ESC Plans submitted with an ESC Permit application must be acceptable to the General Manager of Engineering and must include, at a minimum, the following:
 - (1) a multi-stage plan which shows the measures for erosion and sediment control during clearing and grubbing, the installation of services, the building construction and finally during the Maintenance Period;
 - (2) pond deactivation methodology, if applicable;
 - (3) property line(s) and other legal designations of the subject property or properties;
 - (4) location(s) of any existing underground services, as well as any proposed connections to existing services from the site;
 - (5) location(s) of any existing drainage infrastructure and the proposed measures to protect it;
 - (6) location(s) of any existing and proposed watercourses, ditches, swales or any other body of water within 50 m of the site boundaries, along with the proposed protection measures;
 - (7) location(s) of any existing/proposed buildings, including residential buildings or ancillary buildings or structures;
 - (8) existing and proposed contours and relevant spot elevations;
 - (9) proposed site access locations;
 - (10) wheel wash facilities as required;
 - (11) proposed ESC Facilities to be implemented on site, which shall include source controls as the primary method of erosion and sediment control;
 - (12) proposed methods to restore disturbed areas following the completion of building construction; and
 - (13) any and all other details pertaining to the proposed Construction, describing how the ESC Facilities will meet the water quality criteria.
21. Upon acceptance of the ESC Plan by the General Manager of Engineering and approval of the ESC Permit application, the General Manager of Engineering may issue an ESC Permit which may include such specific terms and conditions as the General Manager of Engineering considers necessary in his sole discretion to reduce the likelihood of sediment and sediment laden water reaching the Township Drainage System.
22. It is the responsibility of the Developer to ensure that all ESC Facilities described in the ESC Plan are constructed, implemented, installed, monitored, and maintained until 90% Completion.

PART III

Design, Monitoring and Reporting

23. At the ESC Permit application stage, the Developer must identify in a Letter of Appointment, in the form and substance of Schedule "D" hereto:
 - (1) An ESC Facilities Designer who will design and supervise the implementation of the ESC Facilities and prepare a corresponding monitoring program, and
 - (2) An ESC Monitor who will inspect, direct maintenance, monitor and report on the ESC Facilities based on the monitoring program developed by the ESC Facilities Designer.
24. No Construction shall occur until this Letter of Appointment is received by the Township.
25. The ESC Facilities Designer and ESC Monitor do not need to be designated for ESC Permit applicants defined in Section 9.
26. The ESC Monitor shall maintain a logbook of all inspections carried out in accordance with Schedule "C" hereto. The logbook must be made available to Township staff immediately upon request.

Signage

27. Every construction site where an ESC Permit has been issued must have a waterproof copy of the issued ESC Permit posted, in a location visible from outside the Construction site, for the duration of the Construction project. The sign shall clearly state the name and phone number of the ESC Facilities Designer, the ESC Monitor, and the Township ESC Coordinator.

PART IV

Offences and Enforcement

28. The General Manager of Engineering, the ESC Coordinator and Township's Bylaw Enforcement Officers may enter upon the Construction site to carry out such inspections and tests as are reasonably necessary to ascertain whether there is compliance with the provisions of this Bylaw or an ESC Permit issued pursuant to this Bylaw.
29. For the purposes of issuing tickets and/or levying fines pursuant to this Bylaw, turbidity readings obtained using hand-held devices in the field shall be verified and confirmed through independent laboratory tests. Stop work orders may be issued by the General Manager of Engineering, ESC Coordinator, and Township's Bylaw Enforcement Officers, based on visual inspection and/or field turbidity measurements.

30. Where a person has failed to maintain the validity of the Permit or meet the provisions of this Bylaw, the General Manager of Engineering may serve on such persons a Notice to Comply, which requires the person to remedy the non-compliance within 24 hours, or if in the opinion of the General Manager of Engineering special circumstances exist, on a date the General Manager of Engineering considers reasonable given the circumstances. Following issuance of a Notice to Comply, all Construction works shall cease except for those necessary to achieve compliance.
31. A Notice to Comply must be served on the holder of the ESC Permit or the named ESC Monitor or the person responsible for violating the bylaw or all three by:
 - personal service, or
 - return registered mail to the address of the holder of the ESC Permit as it appears on the ESC Permit application and it is deemed to have been served on the third day after mailing.
32. Fisheries and Oceans Canada and the British Columbia Ministry of Environment may be notified of the issuance of any Notice to Comply.
33. If a person fails to comply with a Notice to Comply, the Township may utilize all or part of the security deposit to take whatever action the Township deems necessary to protect the Township Drainage System. The Township may concurrently pursue any other legal remedy it may believe is necessary including issuing violation tickets.
34. Any person who violates a provision of this Bylaw commits an offence punishable on summary conviction and may, at the discretion of the General Manager of Engineering, be liable to a fine of not less than Two Thousand (\$2,000) Dollars and not more than Ten Thousand (\$10,000) Dollars for each day on which an offence exists or is continuing, together with such costs as a court of competent jurisdiction may order. For the purposes of enforcing any judgment of a court or collecting any fine levied hereunder, the provisions of the *Offence Act*, R.S.B.C. 1996 c. 338, as amended from time to time, shall apply.
35. Prosecution of a person pursuant to Section 34 herein does not exempt the ESC Permit holder from remedying the non-compliance in accordance with the Notice to Comply.
36. Where an offence is a continuing offence, each day that the offence continues may constitute a separate and distinct offence with same minimum and maximum fines applying as set out in Section 34 above.

Township of
Langley



Est. 1873

DEVELOPMENT ENGINEERING DEPARTMENT
20338 – 65 Avenue
Langley, BC V2Y 3J1
Phone: 604-533-6006
Fax: 604-533-6098
Website: <http://www.tol.bc.ca>

SCHEDULE "A"
Erosion and Sediment Control Bylaw 2006 No. 4381

EROSION AND SEDIMENT CONTROL PERMIT APPLICATION

Part 1. APPLICANT (holder of the ESC Permit once issued)			
Developer:		Agent/Operator:	
Address:		Address:	
Telephone:		Telephone:	

Part 2. EROSION AND SEDIMENT CONTROL FACILITIES DESIGNER			
Name:		Telephone:	
EROSION AND SEDIMENT CONTROL MONITOR			
Name:		Telephone:	

Part 3. IDENTIFICATION OF LAND WHERE CONSTRUCTION WILL OCCUR	
Legal Description:	
Civic Address:	
Size of Land (approximate area) Parcel:	Expected Start date: __/__/__ Finish: __/__/__

(boxes must be ✓checked before submission)

- ESC Plan is attached that conforms to the Township's drafting standards and includes the minimum requirements as set out on the reverse of this application.
- Letter of Appointment is attached, signed by the ESC Facilities Designer and ESC Monitor.
- Non-refundable fee paid.
- Security Deposit paid by cash cheque, or letter of credit

I hereby declare that the above information is correct and true as well as all information provided on the ESC Plan attached and submitted herewith. I promise to construct the ESC Facilities in accordance with the ESC Plan. I am aware of the provisions of the Erosion and Sediment Control Bylaw 2006 No. 4381, and I will abide by all applicable provisions of said Bylaw and such other terms and conditions as may be imposed under this my application for an ESC Permit.

Dated _____

Signature of Applicant/ or Authorized Agent _____

Office Use Only:

ISSUED	BY	THE TOWNSHIP	on	_____	by
PERMIT NO. _____		(Authorized Signatory of Township)			

REVERSE OF EROSION AND SEDIMENT CONTROL PERMIT APPLICATION

The ESC Plan must be prepared under the guidance of an individual who is appropriately qualified in the preparation of such plans, and must be checked, signed and sealed by a Qualified Professional.

The ESC Plan must conform to the Township's drafting standards and must include, at a minimum, the following information and best management practices in order to meeting the water quality criteria:

- (1) a multi-staged plan which shows the measures for erosion and sediment control during clearing and grubbing, the installation of services, the building construction and finally during the Maintenance Period;
- (2) pond deactivation methodology, if applicable;
- (3) property line(s) and other legal designations of the subject property or properties;
- (4) location(s) of any existing underground services, as well as any proposed connections to existing services from the site;
- (5) location(s) of any existing drainage infrastructure and the proposed measures to protect it;
- (6) location(s) of any existing and proposed watercourses, ditches, swales or any other body of water within 50 m of the site boundaries, along with the proposed protection measures;
- (7) location(s) of any existing/proposed buildings, including residential buildings or ancillary buildings or structures;
- (8) existing and proposed contours and relevant spot elevations;
- (9) proposed site access locations;
- (10) wheel wash facilities as required;
- (11) proposed ESC Facilities to be implemented on site, which shall include source controls as the primary method of erosion and sediment control;
- (12) proposed methods to restore disturbed areas following the completion of building construction; and
- (13) any and all other details pertaining to the proposed Construction, describing how the ESC Facility will meet the water quality criteria.

All ESC Facilities must be designed in accordance with the Guidelines or best management practices as approved by the General Manager of Engineering to ensure that no sediment or sediment-laden water in excess of 25 NTU is discharged, either directly or indirectly, into the Township Drainage System.

SCHEDULE "B"
Erosion and Sediment Control Bylaw 2006 No. 4381

**EROSION AND SEDIMENT CONTROL
FOR BUILDING SITES (Less than 2,000 m²)**

As part of the Township's effort to control sediment discharge from construction sites, contractors and builders will be expected to adhere to best management practices including but not limited to the ones outlined below:

- retain existing vegetation and ground cover where possible;
- restrict vehicle access and utilize wheel wash pads at access points;
- install silt fencing around stockpiles and at the toe of disturbed slopes;
- completely cover temporary stockpiles or spoiled material with polyethylene or tarps and surround with silt fence;
- install and maintain filter fabric bags inside any catch basins, lawn basins, exposed manholes or any other open storm sewer access points collecting runoff from the building site;
- divert runoff away from cleared areas by use of low berms;
- convey surface runoff through swales designed to minimize flow velocity and erosion while maximizing settling;
- where possible, collect runoff into suitable sediment settling facility or facilities prior to discharge off-site;
- unless deemed unnecessary, a sediment pond should be designed, installed and maintained according to the Guidelines;
- keep all sand, gravel, spoiled material and concrete mix off of the paved surfaces;
- during excavation, holes requiring dewatering should be pumped to a vegetated area, suitable settling facility or other safe location which will prevent sediment-laden water from accessing the Township Drainage System;
- regularly sweep roads; and
- re-vegetate, cover or mulch disturbed areas as soon as practically possible.

Dated this ____ day of _____, 200_.

(Signature of Building Permit Applicant)

SCHEDULE "C"
Erosion and Sediment Control Bylaw 2006 No. 4381

DETAILS OF THE INSPECTION AND MAINTENANCE DUTIES OF THE ESC MONITOR

Inspection

The ESC Monitor must inspect all ESC Facilities during or immediately following each Significant Rainfall Event, or at least once per week.

Maintenance

The ESC Monitor must ensure that all ESC Facilities are maintained on a regular basis in order to ensure they are performing as intended, as specified by the ESC Facilities Designer. Maintenance may include, but not be limited to, the removal and proper disposal of accumulated sediment and the replacement of ESC Facilities if they deteriorate or fail to operate efficiently or as designed.

Monitoring

The ESC Monitor must visually monitor any receiving waters, including watercourses, ditches, swales or bodies of water, during or immediately after any Significant Rainfall Event or at least once per week. It is the responsibility of the ESC Monitor to sample any waters that appear turbid, to ensure that the development site is in compliance with suspended solids set out in sections 3 and 4 of this Bylaw. Failure to comply with the suspended solids limit may result in one or more of the penalties.

Reporting

The ESC Monitor is responsible for maintaining a logbook of the inspection, maintenance and monitoring to date including observed site conditions, water turbidity and details of any remedial measures undertaken or recommendations made. Entries must be made immediately after each Significant Rainfall Event, or at least once per week. The ESC Monitor must provide the logbook to the Township, if requested, at any time during Construction or the Maintenance Period. Failure to provide a logbook, or failure to keep an up-to-date logbook, may result in one or more of the penalties outlined in this Bylaw.

SCHEDULE "D"
Erosion and Sediment Control Bylaw 2006 No. 4381

ESC FACILITIES DESIGNER AND ESC MONITOR'S

LETTER OF APPOINTMENT

TO: Township of Langley

DATE: _____

ATTENTION: ESC Coordinator

TOWNSHIP PROJECT NO. _____

For the Township Project No. _____, we/I, _____,
(Developer's Name)

confirm that we/I have retained:

(ESC Facilities Designer's Name)	To provide design and implementation supervision of the ESC Facilities
(ESC Monitor's Name)	To inspect, direct maintenance, monitor and report on the ESC Facilities

in accordance with the requirements of the Township of Langley's Erosion and Sediment Control Bylaw 2006 No. 4381.

Developer: Signature: _____ Name: _____ Company: _____ Address: _____ _____	
ESC Facility Designer: Signature: _____ Name: _____ Company: _____ Address: _____ _____	Professional Seal (if applicable)
ESC Monitor: Signature: _____ Name: _____ Company: _____ Address: _____ _____	Professional Seal (if applicable)