

Erosion Prevention

Frequently Asked Questions

- Not every house that is built is on a part of a larger development, how will Building and Codes know that an NPDES permit is required and issue the permit?
Answer: Builders who do not need a TDEC CGP can write N/A in the TDEC Permit Tracking Number blank and CSD will verify. N/A should only be used in cases where the lot is NOT part of a larger common plan of development or when the lot or subdivision received construction plan approval prior to March 10, 2003. This was the effective date of State Permit requirements.
- If a house is built in an older subdivision and less than an acre will a permit be required?
Answer: Yes unless construction plans were approved prior to March 10, 2003.
- Street Department officials should be involved in inspections in order to help police erosion controls in areas where a variety of builders are present. Individual builders will not be able to enforce implementation/repairs/maintenance of erosion controls on neighboring builders. If an issue arises it would be beneficial to protect the builders who are doing right?
Answer: The inspectors will be looking during routine inspections to make sure EPSC measures are installed properly and maintained throughout the project rather than waiting to react to a problem once it has already occurred. We believe this approach will alleviate the erosion/sediment issues we are currently experiencing.
- Compare the practicality and benefits of construction entrances compared to cost?
Answer: 1.5-3.5" Rock will be used up to MBSL. Chips have proven totally ineffective.
- If a subdivision is developed but houses have not been built yet, and the site is fully stabilized and a NOT filed, how will they handle individual permits requests going forward?
Answer: They will still need to apply for a Construction General Permit and can either use the previous SWPPP or have a new one created for their individual lots. These situations will be subject to the 30 Day turn around, however those using a previously approved SWPPP are typically quicker.
- Can you have a local requirement that prevents the developer from filing a NOT prior to all lots being built on?
Answer: We don't believe so, but will check with our attorneys. Under the Construction General Permit, once a development has reached a 70% uniformly stabilized state, the developer can apply for an NOT.
- Can we have some relief on the construction entrance requirements (2" gravel) since 30 foot MBSL don't even allow for the minimum construction entrance distance?
Answer: You can use a minimum of 1.5" rock and MSBL can be used for the length of entrance/exit.
- How can we ensure fair and equal regulation of ALL builders?
Answer: All Street Department inspectors are using a newly developed inspection form in order to ensure consistency at every site. The inspectors are also on an inspection schedule to ensure all sites are routinely inspected on a consistent basis. All erosion control measure issues must be addressed within 7 days or before next rain event, whichever comes first.
- How will they handle situations where lots owned by multiple builders drain to a common point as far as determining responsibility?
Answer: We will do our best to source track an issue so that only the violator is held responsible. The inspectors will be looking during routine inspections to make sure EPSC measures are installed properly and maintained throughout the project rather than waiting to react to a problem once it has already occurred. We believe this approach will alleviate the erosion/sediment issues we are currently experiencing.
- Will there be some sort of appeal process for the builders to get some relief if they feel responsibility has been unjustly put on them?
Answer: A hearing to appeal a Stop Work Order (SWO) can be requested by anyone upon whom a SWO has been served. The request for an appeal must be made in writing to the Director of Streets within 10 days of the issuance of the SWO. The Director shall hold an appeal hearing within 5 days of receipt. After the appeal hearing a final decision will be made by the Director and response letter will be mailed to the owner of the property in question within 5 days of the appeal hearing.