

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 

DATE: May 4, 2012 (CC Meeting of 05/16/12)

SUBJECT: Consider Status Report on Tract 5187 – Meridian Hills, Erosion Control Measures

DISCUSSION

In mid-March 2012, the City Engineer/Public Works Department received a report from a resident that the erosion control measures (gravel bags, straw wattles and silt fencing) installed within Tract 5187 – Meridian Hills, had deteriorated and were in need of replacement. Over the next several weeks, City staff inspected the site and directed the project developer, Resmark, to repair or replace the deteriorated erosion control measures as necessary.

On April 10, 2012, Resmark informed the City that the State Water Quality Control Board (State) had issued a Notice of Termination (NOT) on November 22, 2011. The NOT is a determination that the project construction site is no longer active, and based on the condition of the site (paved streets, vegetation growth on the empty lots, etc.) most of the erosion control measures (gravel bags, straw wattles, silt fencing) are no longer required under the Statewide Storm Water General Permit. The City had not received a copy of Resmark's NOT since the developer is not required by the State or City to provide a copy. Future development projects will be required to provide the City with a copy of the NOT.

Resmark also informed the City that even though the NOT had deemed the erosion control measures unnecessary in November 2011, Resmark planned to wait until the end of the current rainy season to perform the removals so as not to disturb any soil during the removal work. As pointed out by the reporting resident, some of the gravel bags, straw wattles and silt fencing had visibly deteriorated before Resmark planned to remove them. Most of these were not needed anymore (even with the rain storms in March and April) and Resmark has removed them. The recent rains have not created any erosion control problems on the site. Some erosion control measures remain with new materials in place

where erosion protection is still needed. Resmark is required to maintain all remaining erosion control measures in good condition.

Prior to construction of a development project, the developer is required to file a Notice of Intent (NOI) with the State and provide documentation to the City verifying the NOI has been filed. Then the project must comply with the erosion control requirements of the Statewide Storm Water General Permit which includes compliance with the City's stormwater permit requirements. The erosion control measures on an active construction site are inspected by the City for compliance with State and City requirements numerous times per year. The Meridian Hills project site had not been inspected in 2011 since it has been inactive for several years and vegetation growth has occurred. However, with the passage of time that tends to deteriorate erosion control measures, City staff should have inspected the site last fall and required the repair and removal of deteriorated items. The City would have most likely become aware of the NOT at this point also. When the State issues an NOT, it typically means the State and City requirements have been met, however, the City can still require erosion control measures if they are deemed necessary.

City staff met with Resmark at the project site on May 4, 2012 and has verified that all deteriorated erosion control measures have been removed, and that those still necessary conform to City and State erosion control requirements. If the site becomes active again, a new NOI must be filed with the State with verification provided to the City. Proper erosion control measures will be required to be installed and the City will then perform inspections of the site to verify conformance with the erosion control requirements.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Receive and file.