

CITY OF SURREY
BYLAW NO. 21181

EROSION AND SEDIMENT CONTROL BYLAW

This Bylaw is for the implementation of erosion and sediment control measures during Construction.

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WHEREAS Council deems it in the best interests to protect the City's Stormwater Drainage System from sediment caused by construction.

NOW THEREFORE the Council of the City of Surrey in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 TITLE

1. This Bylaw may be cited as "Erosion and Sediment Control Bylaw, 2024, No. 21181".

PART 2 DEFINITION

2. In the construction and interpretation of this Bylaw, words and terms will have the following meanings assigned to them:

"Authorized Designate" means a City employee to whom the General Manager has delegated, in writing, authority to act on his behalf pertaining to this Bylaw;

"Bylaw" means this Erosion and Sediment Control Bylaw, 2024, No. 21181, as amended;

"Bylaw Enforcement Officer" means a person appointed by the City to enforce City bylaws;

"City" means the City of Surrey;

"Claims and Expenses" includes all actions, causes of actions, proceedings, demands, claims, injuries, death, losses, damages, expenses, judgments and costs (including legal fees and disbursements on an indemnity basis) of any kind or nature whatsoever, at law or in equity;

"Completion" means when all Construction is completed, and all Erodable Soils:

- (a) do not have visible evidence of soil loss caused by impact, sheet, rill, or gully erosion;
- (b) are stabilized to prevent impact, sheet, rill, or gully erosion;

except when the Construction is for the purpose of a subdivision, whereby one of the following criteria must be achieved:

- (c) All of the lots in a subdivision have been completed and are landscaped; or
- (d) 1 year after the City issues the letter of completion under the servicing agreement;

"Construction" includes clearing, grubbing, excavating, grading, landscaping, and construction of structures or utilities, excluding agricultural and municipal activities;

"Developable Area" means all lands excluding Highways, dykes, areas designated as steep slopes, riparian and environmentally sensitive areas, tree protection zones, areas being dedicated to the City, and other lands that have no Construction;

"Discharge" includes flow, spray, spill, leak, seep, pour, or release a fluid from one location to another;

"Erodable Soils" means any Sediment having the potential of being displaced and transported by wind and water;

"Erosion and Sediment Control (ESC)" means the implementation of temporary or permanent measures to prevent or control soil erosion, and the transport and deposition of Sediment by equipment, wind, and water from a Construction site;

"ESC Authorization" means written approval issued either as part of a servicing agreement or an ESC Permit;

"ESC Professional" means an engineer, biologist, geoscientist, agrologist, applied scientist or technologist where 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;

"ESC Facilities" includes measures, works, facilities, and methods to reduce the likelihood of Sediment from reaching the City's Stormwater Drainage System, Natural Watercourses, and Highways;

"ESC Permit" means a permit issued by the City pursuant to this Bylaw;

"ESC Plan" means a documented plan, often including site layouts and/or drawings, that describe the potential for Erosion and sedimentation of the proposed Construction and prescribes specific ESC Facilities, to reduce the risk of Sediment Discharge to the City's Stormwater Drainage System, Natural Watercourses, and Highways;

"General Manager" means the General Manager of the Engineering Department for the City of Surrey;

"Highway" includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way, whether improved, unimproved or unopen;

"Lands" means a lot, block, parcel or other area, in which land is held or into which land is subdivided;

"Notice to Comply" means a written notice issued by the General Manager pursuant to this Bylaw;

"Owner" means a person registered in the records of the land title office as the owner of the Lands;

"Security" means a bank draft, cash, certified cheque, or an irrevocable letter of credit in favor of the City, which is provided as security to ensure the obligations under this Bylaw are fulfilled;

"Sediment" includes fragmented material that originates from weathering and Erosion of rocks or unconsolidated deposits and is transported by, suspended in, or deposited by water or wind;

"Stormwater Drainage System" includes all drainage infrastructure owned, operated and maintained by the City, including but not limited to storm service connections, pipes, culverts, manholes, catch basins, ditches, detention facilities and pumping stations; and

"Total Suspended Solids" means the dry weight of Sediment present in one litre of water.

PART 3 PROHIBITIONS

3. No person shall commence or continue any Construction where an ESC Authorization is required, except pursuant to an ESC Authorization being issued by the City.
4. No person shall cause or permit Discharge of Sediment or Sediment-laden water containing more than 75 milligrams per litre of Total Suspended Solids, above background or upstream levels, either directly or indirectly into the Stormwater Drainage System.
5. No Owner shall fail to comply with the terms and conditions of an ESC Authorization issued pursuant to this Bylaw, or the terms and conditions specified in Schedule A.
6. No person shall stockpile or deposit any Sediment on any Highway or City property unless authorized by the City. If unauthorized, the Sediment must be removed immediately.
7. No person shall install an ESC Facility that obstructs or diverts the conveyance of stormwater within the City's Stormwater Drainage System, unless authorized by the City, nor causes a public nuisance.
8. Nothing in Part 4 relieves a Person from complying with the requirements of any federal or provincial law or regulation, or other City bylaws.

PART 4 CONSTRUCTION ESC AUTHORIZATION APPLICABILITY

9. Construction on Lands that have a Developable Area that is equal to or greater than 0.4 hectare or any excavation deeper than 3m, from the lowest ground elevation existing prior to construction, for underground parking requires an ESC Authorization.
10. All other Construction does not require an ESC Authorization but must comply with Schedule A of this Bylaw.

PART 5 ESC AUTHORIZATION

11. Applications for an ESC Authorization should be completed using the forms prescribed by the General Manager and must include an ESC Plan that conforms to the City's requirements.
12. To secure full and proper compliance with the ESC Authorization, the Owner must provide Security to the City before the ESC Authorization is issued. The Security shall be \$10 per square metre of Developable Area, up to a maximum of \$200,000.
13. An ESC Authorization is valid for 12 months following the date of issuance and may be extended for additional 12-month periods, for the duration of Construction until Completion, provided that the Owner applies in writing for the ESC Authorization to be extended.

14. During the term of the ESC Authorization, the Owner must display an ESC Authorization advisory notice, in the format prescribed by the City, that must be clearly and visibly posted at the entrance(s) of the Lands, so that it can be viewed by any person.
15. The Owner is responsible for retaining an ESC Professional and ensuring that all ESC Facilities described in the ESC Plan are constructed, implemented, maintained, and all corrective actions directed by the ESC Professional are promptly addressed, for the duration of Construction until Completion.
16. The ESC Professional is responsible for:
 - (a) preparing the ESC Plan;
 - (b) demonstrating how the ESC Plan will comply with this Bylaw;
 - (c) supervising the implementation of the ESC Facilities in accordance with the ESC Plan,
 - (d) report on the status of, and provide confirmation that, the ESC Facilities have been constructed and installed pursuant to the ESC Plan, in accordance with minimum inspection frequency in Schedule B of this Bylaw;
 - (e) notifying the Owner and contractor immediately of corrective actions should corrective actions be required to ensure that the Construction remains compliant with this Bylaw; and
 - (f) amending the ESC Plan, should the ESC Facilities fail to achieve this Bylaw;
17. The ESC Professional must sign and seal all amendments to the ESC Plan and submit them to the City within 5 business days.
18. Upon Completion of the Construction, the ESC Professional must confirm that the Lands no longer pose a risk of Discharging Sediment to the Stormwater Drainage System, and that all the ESC Facilities have been removed, in accordance with the City's standard reporting procedure.
19. In the event of a change of ownership of the Lands, the ESC Authorization may be assigned to the new Owner upon application to the City together with replacement Security.

PART 6 REMEDIES

20. Where Construction is in contravention of this Bylaw, the Owner must rectify such default immediately and provide an inspection report to the City within seven days. The Owner is responsible for the cost of all works required to mitigate the contravention, repair, remediate, and restore the Stormwater Drainage System or Highway to its existing condition.
21. Where Construction is in contravention of this Bylaw, the General Manager may issue a Notice to Comply to the Owner to cease all Construction immediately. Construction on the Lands may only resume once the General Manager has rescinded the Notice to Comply in writing.
22. A Notice to Comply written with respect to this Bylaw should:
 - (a) indicate the person to whom it is directed;
 - (b) identify the Land;
 - (c) identify how the Construction fails to comply with this Bylaw;
 - (d) identify remedial actions required and the timeline to complete the remedial work.

23. A Notice to Comply will be mailed to the Owner to the address provided by the Owner in the ESC Authorization. If there is no ESC Authorization, the Notice to Comply will be mailed to the address of the Owner shown on the title to the lands at the Land Title Office.
24. If, in the opinion of the General Manager, service of the Notice to Comply cannot be reasonably given, or if the General Manager believes that the Owner of the Lands is evading service, the Notice to Comply may be posted in a conspicuous place on the Lands to which the Notice to Comply relates, served to the legal office registered for the company, and the Notice to Comply shall be deemed to be served upon the expiry of 3 days after the Notice to Comply is posted.
25. Failure by the Owner to carry out all works specified in the Notice to Comply may result in the City completing the works at the expense of the Owner.
26. The City, if it undertakes any works, is authorized to deduct the cost of the works plus an additional fifteen (15%) percent of all such costs to cover administrative overhead, upon the City issuing invoices for the same, from the Security. When the Security is insufficient to cover the cost of the works, these costs and expenses are recoverable by the City as a debt and may be collected in the same manner and with the same remedies as ordinary taxes on land and improvements under Section 258.1(c) of the Community Charter, S.B.C. 2003, c. 26, as amended, and if it is due and payable by December 31 and unpaid on that date, the debt is deemed to be taxes in arrears.
27. The City and its contractors or agents may at its discretion and for the purpose of exercising the City's rights under this Bylaw, enter the Lands with equipment, tools, and materials for the purpose of carrying out any of the Owner's obligations, covenants, or agreements.

PART 7 OFFENCES AND ENFORCEMENT

28. Any person who contravenes, suffers, or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provision of this Bylaw or any notice issued pursuant hereto, commits an offence punishable on summary conviction and shall be liable to a fine of not less than the sum of \$50.00, but not exceeding the maximum sum of \$50,000.
29. Where an offense is a continuing offense, each day that the offence is continued shall constitute a separate and distinct offence.
30. No person shall interfere with, obstruct, or prevent access by the General Manager, a Bylaw Enforcement Officer, or any other City employee, to enter upon and inspect the Lands at all reasonable times to determine if the Construction is in compliance with this Bylaw.
31. Every person must at all times comply with any order, direction, or Notice to Comply given by the City in enforcing the provisions of this Bylaw.

PART 8 GENERAL PROVISIONS

32. All persons must comply with all provincial and federal legislation regarding protection of the natural environment.
33. If any particular provision or part of a provision of this Bylaw is found to be invalid or unenforceable, it shall be severed, and the validity of the remaining provisions shall not be affected.

34. All Schedules referred to herein are attached to and form part of this Bylaw.

PART 9 REPEAL AND EFFECTIVE DATE

35. "Erosion and Sediment Control Bylaw 2006 No. 16138", is hereby repealed.

36. This Bylaw shall come into force on the date of final adoption hereof.

PASSED FIRST READING on the 11th day of March, 2024.

PASSED SECOND READING on the 11th day of March, 2024.

PASSED THIRD READING on the 11th day of March, 2024.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 8th day of April, 2024.

_____ MAYOR

_____ CLERK

SCHEDULE "A"

Forming part of Erosion and Sediment Control Bylaw, 2024, No. 21181

ESC REQUIREMENTS ON LANDS LESS THAN 0.4 HA

1. GENERAL PROVISIONS

- 1.1. The Owner must not permit any Construction to commence that may cause the release of Sediment or Sediment laden water into the City's Stormwater Drainage System unless they have first installed the ESC Facilities specified in this Schedule.
- 1.2. The Owner must construct, implement and maintain the specified ESC Facilities, for the duration of Construction until Completion.
- 1.3. The Owner must install the ESC Facilities in accordance with the manufacturer's recommendation.

2. STABILIZED CONSTRUCTION ACCESS

- 2.1. The Owner must ensure that all registered vehicles associated with the Construction only drive or park on non-erodable surfaces which are defined as:

- (a) concrete, asphalt, or paved surfaces that are in good repair; or
- (b) temporary gravel pad built to the following specifications:

Width: minimum 4 meters wide, flared at the curb to accommodate the vehicle turning radius of all vehicles attending the site

Length: extend a minimum of 8m from edge of road pavement towards the principal building

Material: minimum 150mm of 19 to 75mm aggregate granular material

3. CONSTRUCTION PERIMETER CONTROL

- 3.1. Prior to any Construction, the Owner must install perimeter control devices along all down-slope boundaries of the Lands.
- 3.2. Perimeter control devices may include, but are not limited to, sediment fence, straw wattles, fiber rolls, compost filter socks, compost filter berms with a minimum height of 225mm above grade.
- 3.3. The Owner should divert any water entering their Lands, around the Construction, in a manner that reduces the potential for the water to come into contact with their Erodable Soils.

4. ERODABLE SOIL MANAGEMENT

- 4.1. The Owner must cover all Erodable Soils and must not stockpile Erodable Soils outside of the perimeter control devices specified in Section 3 of Schedule A.
- 4.2. Erodable Soils may be covered using one or more of the following minimum requirements:

- (a) Straw Placement
 - a. minimum application rate of 2.2 tonnes per hectare;
 - b. minimum application surface coverage of 90%;
 - c. straw containing *Phalaris arundinacea* L. (Reed Canary grass) is prohibited; or

- (b) Plastic Sheeting/Tarps
 - a. minimum 6 mil (6/1000 of an inch) thickness in good condition free of tears and holes;
 - b. minimum 30cm overlap between sheets and beyond the edge of the exposed soils;
 - c. anchored using solid materials that will not erode; or
- (c) Rolled Erosion Control Product; or
- (d) River Sand or 19-75mm minus aggregate gravel, spread at a minimum depth of 50mm; or
- (e) Hydraulically applied grass seed, mulch and tackifier; or
- (f) Any other products approved by the General Manager prior to their use.

5. DRAINAGE INLET PROTECTION

- 5.1. The Owner must use engineered products that are designed to be installed into a catch basins or lawn basins located on the Lands to limit Sediment or Sediment laden water from entering the Stormwater Drainage System.

SCHEDULE "B"

Forming part of Erosion and Sediment Control Bylaw, 2024, No. 21181

INSPECTIONS & REPORTING REQUIREMENTS UNDER AN ESC AUTHORIZATION

For instances where an ESC Authorization has been granted by the City, the City requires the Owner or ESC Professional to submit ESC inspection reports to the City, via the City's MySurrey – ESC Professional Portal, at the minimum frequencies:

Inspection & Reporting	Oct 1 – April 30 (Wet Season)	May 1 – Sep 30 (Dry Season)
	Frequency (Days)	Frequency (Days)
Active Construction Sites (Single-Family sites/developments)	14	30
Active Construction Sites (Non Single-Family sites/developments)	7	14
Inactive Construction Sites No Construction has occurred for a minimum of one month, or during the maintenance period in the Servicing Agreement	30	30
Significant Rainfall Event A significant rainfall event is more than 25mm of rain in a 24hr period, during which the ESC Professional must inspect within 24 hours and report within 48 hours. If multiple significant rainfall events occur, only 2 inspection reports per week are required.	2	2