# MCSTOPPP Construction Erosion and Sediment Control Plan Review Procedure

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## 1.0 PURPOSE

Marin's municipalities require individuals undertaking activities that disturb soil to implement appropriate controls to prevent erosion and the discharge of sediment and other pollutants from the project site during construction. For certain projects, identified in Section 2.0, municipalities must require the owners or operators to prepare and submit an erosion and sediment control plan (ESCP) for review and written approval. This procedure provides tools to assist municipalities in documenting review and approval of the initial ESCP and subsequent modifications to the ESCP.

## 2.0 APPLICABILITY

Municipalities must review and, if adequate, approve the applicant's ESCP prior to issuing a permit for certain projects that involve soil disturbing activities. ESCPs are required and must be implemented regardless of season for the following projects:

1. Projects authorized by Grading Permits.
2. Projects authorized by Building Permits when they involve grading or soil disturbance that would have required a Grading Permit if the Building Permit had not also been required.[1]
3. Projects authorized by Building Permits or Encroachment Permits when they have the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste.[2]
4. Projects designated by the Director of Public Works, the City/Town Engineer, the City/Town Building Official, the City/Town Manager, or any other designated municipal staff.

If a project disturbs one acre or more of soil, it is subject to the State's Construction General Permit[3] (CGP). In this circumstance, the Stormwater Pollution Prevention Plan (SWPPP) developed pursuant to the CGP may substitute for the ESCP.

## 3.0 REVIEWER INSTRUCTIONS

The *Construction Erosion and Sediment Control Plan Applicant Package* includes a model ESCP Applicant Guidance and an ESCP Standard Template. The template includes space for plan reviewers to check and document ESCP reviews and approvals. Reviewers can use Page 1 of the ESCP Standard Template to document tracking information on the project and to provide comments to the applicant. Sections 1 through 5 are designed with check boxes for the plan reviewers to identify whether a requirement has been met (Yes), or not met (No), a check box is

[1] Condition 2 assumes that municipalities waive the need for a separate Grading Permit when a Building Permit is issued.

[2] To determine if an ESCP is needed, municipal staff should consider whether the project involves hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainage, and/or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an erosion and sediment control plan.

[3] Water Quality Order 2009-009-DWQ, as amended.

also available to identify whether the plan reviewer has included comments. The plan reviewer should refer to the model ESCP Applicant Guidance (Applicant Guidance) to guide their review and approval of each ESCP. Each section of the ESCP Standard Template is described in the Applicant Guidance.

Municipal staff (including plan check consultants hired by municipalities) responsible for reviewing and approving ESCPs must be adequately trained[4], and must be a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD), or must be supervised by a QSD.

## 3.1 Tracking Documentation

This section is designed for the municipality to track basic information about its review and approval of the project. This information will be useful to the stormwater coordinator in developing the annual report, documenting time needed to complete reviews, and identifying staff conducting reviews. This basic data can also be used to support program effectiveness assessments, e.g., trends in number of ESCP revisions required.

| | |
|---|---|
| Tracking Number | Identification number that may be assigned by the ESCP reviewer or by the Public Works or Community Development Agency (CDA) to track applications. |
| Permit Number (Grading, Building) | Permit number assigned by the Public Works or Community Development Agency (CDA); may not be known at the time of ESCP submittal. |
| Local Watershed | For a map of Marin's major watersheds, visit https://www.streetstocreeks.org/your-creek-marin/.<br>See: https://www.streetstocreeks.org/your-creek-marin/ |
| ESCP Submittal Date | Document the date the ESCP was submitted for review. |
| Returned for Revision Date | Document the date the ESCP was returned to the applicant for revision. |
| ESCP Resubmittal Date | Document the date the ESCP was resubmitted for review of corrections. |
| Checked By | Identify the staff person(s) conducting the review. |
| ESCP Status | Check current status of plan (approved, revise and resubmit). |
| Modifications | Document subsequent approvals of modified ESCPs. |

## 3.2 Reviewer Comments

Plan reviewers should use this section of the ESCP Standard Template to document comments, including deficiencies with the ESCP and questions for the applicant to address in a resubmittal.

[4] Qualified individuals must be knowledgeable in the technical review of ESCPs (including proper control measure selection, installation, implementation, and maintenance, as well as administrative requirements such as inspection reporting/tracking and the use of the municipality's enforcement responses).

## 3.3 Project Information and Applicant Information

These sections include the basic project information required for the construction site inventory.[5]

## 3.4 Other Permits Required

The ESCP must identify whether other permits that affect waterbodies or water quality are required. Outside agencies such as the Regional Water Quality Control Board may require permits for work in or near a creek or other water body.[6]

At the discretion of the municipality, ESCPs may be reviewed and/or approved before the final authorizations of other permits are received by the applicant. But the applicant must submit proof that all permits directly associated with the grading activity have been obtained before the grading permit can be issued by the municipality.

## 3.5 Site Plan and BMP Implementation Schedule

This section confirms that the applicant has included a site plan and BMP implementation schedule in the ESCP. These requirements help to define the scope of the project and identify where and when BMPs will be implemented.

## 3.6 BMP Information

The ESCP must address at minimum the requirements of the local erosion control and/or urban runoff pollution prevention ordinance. The Applicant Guidance uses the MCSTOPPP Minimum Control Measures for Small Construction Projects as the baseline set of BMPs. Municipalities may update the checklist to reflect local requirements. For staff or applicants interested in more detailed information, the related California Stormwater Quality Association (CASQA)[7] or California Department of Transportation (Caltrans)[8] BMP Factsheets are noted in the Applicant Guidance.

[5] Consider requesting photographs to help document the pre-project conditions of the property.

[6] This may include work in or near land that holds or conveys water, even if the area is only wet when it's raining and even when the local municipality does not consider the area a creek or wetland.

[7] CASQA factsheets are available by subscription in the *California Best Management Practices Handbook Portal: Construction* at http://www.casqa.org

[8] Caltrans factsheets are available in the Construction Site BMP Manual March 2024 at https://dot.ca.gov/programs/construction/storm-water-and-water-pollution-control/manuals-and-handbooks