

BECKLEY SANITARY BOARD

Regulations for Erosion and Sediment Control

WHEREAS, in Chapter 9, Section 611 of the Beckley City Code, the Beckley City Council has delegated to the Beckley Sanitary Board the duty and responsibility to enact regulations providing for standards and guidelines for the implementation and management of best management practices to prevent erosion at construction sites and to prevent the deterioration of water quality in the Beckley urban watershed by the transport and discharge of sediment into the watershed; and,

WHEREAS, the Beckley City Council requires that, at a minimum, these regulations address:

1. Erosion controls through the protection and preservation of the soil at an active construction site to prevent off-site sedimentation.
2. Sediment controls to remove sediment from runoff before runoff is discharged from an active construction site.
3. Stabilization and structural practices to prevent sedimentation and erosion.
4. Stormwater management measures to be installed before, coincident with and upon completion of construction activities. These measures shall be designed to reduce or eliminate pollutants discharged from the site and to promote flood control objectives designated by the Beckley Sanitary Board.
5. Construction site housekeeping best management practices, including, but not limited to, equipment maintenance, repair and cleaning, waste management and collection, storage of materials and chemicals, and sanitary facilities; and,

WHEREAS, no landowner or land operator shall receive or maintain any building, grading or other land development permit or administrative authorization/license without meeting these requirements.

THEREFORE, in compliance and accordance with this authority, the Beckley Sanitary Board hereby enacts the following Erosion and Sediment Control Regulations:

1. Definitions.

Applicant is any person who submits an application to the City for a permit pursuant to this ordinance. The Applicant may be the land owner

or site operator. In any event, the land owner and the Applicant, if other than the land owner, shall be responsible parties with respect to compliance with this regulation.

Best Management Practices (BMP) is a technique or series of techniques which are proven to be effective in controlling runoff, erosion and sedimentation.

Borrow is earth material acquired from an off-site location for use in grading on a site.

Borrow area is a site from which earth is removed to be transported to another site.

“*BSB*” is the Beckley Sanitary Board, a political subdivision of the State of West Virginia and a duly created and authorized stormwater utility.

Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation, including removal of stumps, roots and other remains in the designated areas.

Detention facility is a temporary or permanent natural or man made structure that provides for the temporary storage of storm water runoff.

Disturbed area is the total area of land disturbance activity that will take place during all phases of a construction project, including, but not limited to, all waste and borrow sites, utility installation, road building, mass grading, and site development.

Erosion is the wearing away of the ground surface as a result of the movement of wind, water, ice and/or land disturbance activities.

Erosion and Sediment Control Plan (Plan) is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills and soil storage occur and before final improvements are completed.

Excavation is the mechanical removal of earth material.

Fill is a deposit of soil or other earth materials placed by artificial means.

Fill area is a site upon which fill is placed.

Final Erosion and Sediment Control Plan (Final Plan) is a plan which includes permanent measures and Best Management Practices to control surface runoff and control sediment.

Grade is the vertical location of the ground surface.

- (a) *Existing grade* is the grade prior to grading.
- (b) *Rough grade* is the stage at which the grade approximately conforms to the approved plan.
- (c) *Finish grade* is the final grade of the site which conforms to the approved plan.

Issuing authority is the Director of the City of Beckley stormwater utility, as defined by the City of Beckley Code § 9-600(c).

Land disturbance activity is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Beckley urban watershed, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

- (a) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.
- (b) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (c) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this regulation.

Maintenance project is a non-construction related activity.

Operator is any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity with operational control over construction plans/specifications and/or day to day operational control of a site.

Outfall is the point of discharge to any watercourse from a public or private stormwater drainage system

Owner is any person which a legal or equitable interest in the land for which an erosion and sediment control permit has been issued.

Permittee may be the site Owner or Operator, and is the applicant in whose name a valid permit is duly issued pursuant to this regulation and his/her agents, employees, and others acting under his/her direction.

Responsible party is the Owner and the Operator conducting operations upon the site. If the Operator is the Permittee, the Owner shall remain joint and severally liable for violations and ancillary liability, regardless of cause or fault.

Retention facility is a temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation is the process or action of deposition sediment that is determined to have been caused by erosion.

Site is the entire area of land on which the land disturbance activity is proposed in the permit application

Site plan is a plan or set of plans showing the details of any land disturbance activity of a site, including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Soil is naturally occurring surficial deposits overlying bedrock.

Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and includes the growing of grass, sod, and application of straw, mulch, fabric/geotextile mats, and the early application of gravel base on areas to be paved. Seeding rates, dates, and materials may be obtained from the local Natural Resources Conservation Service field office

Stripping is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

Surveyor is a person duly registered or authorized to practice land surveying in the State of West Virginia.

Topsoil is the upper layer of soil.

Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Watershed is a region draining to a specific river, river system or body of water.

2. The requirements and standards of these regulations shall apply to all land disturbance or landfilling activities within the Beckley urban watershed. The intent of these regulations is to minimize the discharge and transport of pollutants to storm drain systems and to prevent the deterioration of water quality in the watershed. No construction shall be performed within the watershed in a manner that will negatively impact water quality in the watershed.

3. Land disturbance or landfilling activities in the Beckley urban watershed shall be permitted only after temporary or permanent erosion and sediment control management practices have been placed and are operational and effective in accordance with these regulations. The Beckley Sanitary Board may halt construction, void a permit and/or refer to state and/or federal authorities other enforcement actions upon finding inadequate erosion and sediment control management practices upon a site or property causing or contributing to sediment loading or other pollution of the watershed.

4. Construction/Land Disturbance Permit:

To facilitate the ability to properly regulate, track and report to state and federal authorities the management of construction site runoff's impact on the municipal separate storm sewer system (MS4) within the Beckley watershed, these regulations establish a land disturbance permitting system for construction activities. In accordance with Beckley City Code § 9-611, no building, grading or other land development permit or license shall be issued by the City of Beckley without full compliance with these prerequisites. No permit will be issued or remain valid where the site has, without permit, been cleared, graded, stripped, excavated, de-vegetated or otherwise disturbed so that slipping, erosion and/or water pollution has or may reasonably be expected to occur until such conditions are corrected to the satisfaction of the Director. Under this permit system, a project owner and site operator shall be permitted based on the following criteria:

- (a) Land disturbance or landfilling activities that disturb up to 5,000 square feet of total area shall complete a site registration application for their project with the Beckley Sanitary Board. Such site registration will require identification of the project owner and contractor or other entity in charge of operations at the site. Upon filing the site registration, the applicant will receive written guidelines on small construction site Best Management Practices (BMPs) to prevent erosion, control sediment and prevent the contamination of stormwater runoff on construction sites. As part of the site registration, (1) the owner and site operator shall acknowledge receipt of the guidelines, (2) agree to abide by the guidelines to manage their construction site runoff, and 3) acknowledge notice of the right of Beckley Sanitary Board personnel to access and inspect the site for compliance with these regulations. The site registration application shall be accompanied by a registration fee as set forth by the Board.
- (b) Land disturbance or landfilling activities that disturb greater than 5,000 square feet up to 25,000 square feet shall require a Class I Land Disturbance Permit. In addition to the Class I permit application form, these sites must submit to the Beckley Sanitary Board, an erosion and sediment control plan for the project as described in paragraph 5 below. With submittal of a Class I application, the applicant shall pay an application fee to cover costs of review and inspection as set forth by the Board.
- (c) Land disturbance or landfilling activities that disturb greater than 25,000 square feet shall require a Class II Land Disturbance permit. The applicant for a Class II land disturbance permit shall submit to the Beckley Sanitary Board a completed Class II application form and a storm water pollution prevention plan (SWPPP) for the project as described in paragraph 6 below. Construction projects that fall within this designated level must pay a registration fee to cover costs of review and inspection as set forth in by the Board.
- (d) Owners and Operators of sites that are being used as borrow or fill areas that exceed 2,500 square feet in area or will result in 25 yards of material being excavated or filled that are not permitted under the Class I or Class II Land Disturbance permit shall register the site as a permitted borrow/fill area with the Beckley Sanitary Board. As part of the registration, the operator must submit proposed limits of the area, proposed duration of activity, methods to prevent erosion and control sedimentation and a reclamation/restoration plan. The reclamation/restoration plan

shall address at a minimum how the site will be stabilized to prevent erosion and sediment laden runoff from leaving the site. Stabilization plans will note how the site will be revegetated and how slopes will be stabilized. BSB will utilize the registration program to maintain a list of approved/active borrow and fill sites to assist area construction contractors.

- (e) Projects that exceed 5,000 square feet of land disturbance and fill/borrow sites greater than 2,500 square feet shall require a preconstruction site meeting with Beckley Sanitary Board personnel prior to the commencement of land disturbing activity on the site. Preconstruction meetings shall include appropriate site operators responsible for day to day operations on the site. Record of the preconstruction meeting shall be documented in the site's inspection file maintained on the premises and in the files of the Beckley Sanitary Board..

5. Class I Permit Application Procedure

- (a) The applicant shall submit a completed application form and sediment and erosion control plan to the Beckley Sanitary Board. As feasible, the Board will approve or deny the permit application within 28 calendar days.
- (b) The Class I sediment and erosion control plan shall include:
 - (1) Plan view of the planned activities on the site, including clearing limits, sensitive areas and trees to be preserved in the construction area
 - (2) BMPs for sediment control – description and location.
 - (3) BMPs for stabilization of exposed and unworked soils – description.
 - (4) BMPs for slope protection – description and location.
 - (5) Identify storm drain inlets and describe BMPs to protect inlets from sediment in surface water runoff.
 - (6) Identify points of discharge of stormwater from site and BMPs to protect receiving streams from erosion.
 - (7) BMPs to prevent or treat contamination or surface water runoff by pH modifying sources.

- (8) Inspection, monitoring and maintenance plan for all active BMPs
- (9) Name, address and phone number of landowner, project owner, and responsible site operator (i.e., the general contractor and excavation contractor).
- (10) Acceptable means and methods for sediment and erosion control are described in the Erosion and Sediment Control Best Management Practices Manual published by the West Virginia Department of Environmental Protection. This manual is available at: www.wvdep.org/dwwm/stormwater/BMP/index.html, or in printed copy from the Beckley Sanitary Board. The means and methods described in this manual are incorporated by reference into these regulations as if fully reprinted below. This manual will be considered local standards until the Beckley Sanitary Board develops a local BMP manual.

6. Class II Application Procedure

- (a) The applicant shall submit a completed application form and sediment and erosion control plan to the Beckley Sanitary Board. As feasible, the Board will approve or deny the permit application within 28 calendar days.
- (b) The Class II stormwater pollution prevention plan shall include:
 - (1) Plan view of the planned activities on the site, including clearing limits, sensitive areas and trees to be preserved in the construction area.
 - (2) Plan sheets and narrative guidelines in accordance with USEPA standards set forth in USEPA Publication Number EPA 33-R-060-04 May 2007, "Developing Your Stormwater Pollution Prevention Plan." This publication and its subsequent updates/modifications, is included by reference into this regulation. Copies of the manual are available at www.epa.gov and from the Beckley Sanitary Board.
 - (3) Name, address and phone number of landowner, project owner, and responsible site operator (i.e., the general contractor and excavation contractor).

- (4) Acceptable means and methods for sediment and erosion control are described in the Erosion and Sediment Control Best Management Practices Manual published by the West Virginia Department of Environmental Protection. This manual is available at: www.wvdep.org/dwwm/stormwater/BMP/index.html, or in printed copy from the Beckley Sanitary Board. The means and methods described in this manual are incorporated by reference into these regulations as if fully reprinted below. This manual will be considered local standards until the Beckley Sanitary Board develops a local BMP manual.

7. General Requirements

- (a) Any person conducting the land-disturbance activity within the Beckley urban watershed shall install and maintain all temporary and permanent soil erosion and sedimentation control measures as required by the approved plan, by any provision of this subsection, by any order adopted pursuant to this section, or any provision of the West Virginia General Construction Stormwater NPDES permit. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent soil erosion and sedimentation control measures, except those installed within a road or street right-of-way or easement accepted for maintenance by a government agency.
- (b) When sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.
- (c) In general, no land disturbance activity shall be conducted within the city watershed except in such manner that:
 - (1) Stripping of vegetation, regrading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than twenty (20) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area.

- (2) Neighboring persons and property shall be protected from damage or loss resulting from excessive storm water runoff, soil erosion or deposition upon private property or public streets of water transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks.
- (3) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period.
- (4) At each construction site, erosion prevention and sediment control best management practices shall be installed and maintained to prevent the deposit of soil and debris from graded surfaces onto public streets, into drainage channels or sewers, or onto adjoining land.
- (5) At each construction site, good housekeeping/pollution prevention controls shall be in place to control pollution from material washout (concrete, paint, and other building materials), solid waste and sanitary waste facilities, and material and equipment storage areas.
- (6) Concentrated flow areas, including all active storm sewer inlets, will need proper sediment control barriers in place to slow water runoff and control sediment—laden runoff.
- (7) Property owners shall be responsible upon completion of land disturbing activities to leave slopes so that they will not erode. Such methods could include revegetation, mulching, matting, rip-rapping, or gunniting. Regardless of the method used, the objective will be to leave the site as erosion-free and maintenance-free as practicable.
- (8) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- (9) Soil stabilization shall begin within 7 days on areas of the site where construction activities have permanently or temporarily (for 21 days or more) ceased. Except once final grading has been completed on areas with grades of 8% or greater, soil stabilization techniques shall be implemented as soon as practicable. When snow cover causes delays, stabilization shall begin as soon as possible.

- (10) A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
- (11) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized.
- (12) All surface water flowing toward the construction area shall to the extent practicable be diverted by using berms, channels, or sediment traps as necessary.
- (13) Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas, to detain runoff and trap sediment.
- (14) Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into storm sewers or surface waters where practicable.
- (15) Sediment basins (debris basins, desilting basins, or sediment traps) shall be installed during initial grading at locations that will provide the best protection from off-site damages. The basins shall be designed to limit short-circuiting, maximize the removal of suspended sediments, and minimize maintenance
- (16) A multi-purpose basin used for a sediment trap that is then converted to a detention/retention basin is encouraged if properly designed and located. This combination structure will need to be dredged periodically during construction activities and after stabilization in order to provide adequate storage. Waters from such a facility must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation.
- (17) Sediment removed from BMP measures should be placed in a stable area on site and properly managed to reduce the likelihood of resuspension and discharge offsite.
- (18) A specific and qualified individual shall be designated to be responsible for erosion and sediment controls on each site.

- (19) There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge. The storm water discharge must not cause an objectionable color contrast in the receiving water. The storm water discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.
- (20) When the land disturbing activity is finished and stable, perennial vegetation has been established on all remaining exposed soil, the developer shall notify the Director of these facts and request termination of the permit issued under this section. The Director or his/her designated representative shall then inspect the site within twenty (20) days after receipt of such notice, and when advisable may require additional measures to stabilize the soil and prevent erosion. If such requirements are given by letter, the owner or developer shall continue to be covered by the provisions of this section, until a request for termination of the permit has been accepted by the Director.

8. Self Inspection Requirements

- (a) The site owner/operator or authorized representative responsible for maintenance shall perform or cause to be performed preventative inspection/maintenance of all completed best management practices to ensure proper functioning. These self inspections shall occur at minimum weekly and after every rainfall event of 1/2 inch or greater over a 24 hour period.
- (b) Class I and Class II projects shall complete these inspections on self inspection forms supplied by the Director and keep a copy of inspection and any corrective actions on site during construction and archived for a period of 3 years after construction has been terminated.
- (c) At the discretion of the Director in response to noncompliance with this section, he/she may require the site owner/operator to file copies of self inspections with the Sanitary Board
- (d) At the discretion of the Director in response to noncompliance with this section, he/she may require weekly self inspections be performed by a Registered Professional Engineer, A Licensed Surveyor, or other person who, in the sole discretion of the Director, is qualified to make and certify such inspections.

- (e) Structural BMPs should be maintained and/or replaced as necessary, under the guidelines of the maintenance requirements as set forth in the BMP manual.
- (f) The Director may halt construction activities on properties that do not provide satisfactory proof of compliance with this requirement.

9. Compliance Inspection Requirements and Enforcement

- (a) Compliance inspections and inspection programs by the Sanitary Board may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspection; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws during or post construction. Inspections may include, but are not limited to, compliance checks of the approved plan and the grading and stormwater permit, reviewing for compliance with the standards of the BMP or Design Manual, reviewing land disturbing activity and plan effectiveness, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs. Notice of the right to inspect shall be included in the approval of each permit application.
- (b) BSB shall have the power to conduct an investigation as it may reasonably deem necessary to carry out its duties as prescribed in these regulations and section 9-601, 9-608 and 9-611 of City of Beckley Code and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any activity regulated in this section. The Board's compliance inspections to evaluate the structural and nonstructural erosion and sediment controls upon the site shall be made in accordance with the Inspection Checklist attached at Exhibit "A" and incorporated into these regulations. Following a finding of non-compliance, the Director may act to sanction the offending owner/operator.
- (c) No person shall refuse entry or otherwise obstruct, hamper or interfere with the Director or his/her designated representative in the performance of duties described in this regulation and the Beckley City Code. If the Director or his/her designated representative is refused site access for purposes of a compliance inspection, or if the Director finds in his/her sole judgment, a non-compliant condition upon the site, the Director may employ all or any authorized sanctions, including, but not limited to, those listed

below. For enforcement purposes, the site owner and operator shall be considered responsible parties. Enforcement actions resulting from a violation of these regulations may be taken against both or either party. Sanctions available to the Director include:

- (1) Criminal and civil sanctions, as authorized by ordinance and/or statute
 - (2) Referral to State and/or Federal authorities for further enforcement actions.
 - (3) Withdrawal of permit or license issued by the City of Beckley authorizing the construction, land disturbance or landfilling activity.
 - (4) Conduct and maintenance of a remedial project by the Beckley Sanitary Board. Costs of these remedial activities shall be the responsibility of the non-compliant permit holder, and may be recovered, if necessary, in a civil action.
 - (5) Identify points of discharge of stormwater from site and install BMPs to protect receiving streams from pollution and/or erosion.
 - (6) Install BMPs to prevent or treat contamination or surface water runoff by pH modifying sources.
- d The Director may access and copy inspection reports and other required documentation, require written statements, or filing of reports under oath, with respect to pertinent questions relating to activities under this section.
- e. The Board's inspection/enforcement protocol is based on an escalation of penalties. As a general guideline, and at the sole discretion of the Director, the steps of enforcement may be:
- (1) Verbal warning
 - (2) Written Warning
 - (3) Issuance of Notice of Violation with timeline for corrective action

- (4) Second Issuance of Notice of Violation and at the discretion of the Director sanctions as described in paragraph 9(c) above.

In the event, the Director or his/her representative can document immediate harm to the health and welfare of the public; adjoining properties, the storm sewers or waters of the City watershed, the Director is empowered to take all steps necessary to immediately mitigate the circumstances contributing to the problem.

10. The local requirements contained herein do not preclude the project owner and operator from compliance with environmental requirements promulgated by federal or state statute or regulation, including, but not limited to the WV Construction Stormwater General NPDES Permit.

11. Upon request of the landowner or operator, the Beckley Sanitary Board shall make one assistance visit to a construction site. No sanctions shall arise from this assistance visit.

12. *Existing unstabilized sites*

- a. All previously unpermitted land disturbance or landfilling activities conducted prior to the effective date of these regulations that cause or are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective stabilization measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- b. The Director shall serve upon the landowner or other person in possession or control of the land a written notice. The notice to comply shall be sent by registered or certified mail, return receipt requested, or other appropriate means. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the Director shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.
- c. The Director may require preparation and approval of an erosion control plan in any instance wherein extensive control measures are required.
- d. No fee shall apply to work required under this subsection.

- e. Should the landowner and/or responsible be unresponsive, the Director may initiate sanction procedures described in paragraph 9(c) above.

13. All information collected as part of these regulations, including permit applications, erosion and sediment control plans, SWPPP plans, self inspection and compliance inspection reports, is public information, as such the Director:

- a. Must, upon request and pursuant to statute provide the requested information to the public.
- b. May compile site specific, operator/contractor specific and program specific information to report to appropriate state and federal authorities.
- c. May publish site specific and operator/contractor specific information in reports to the general public.

14. Cost of clean-up by City:

If BSB must clean-up off-site sedimentation or mitigate other erosion related to public safety and environmental hazards, the landowner and/or person in violation will be charged for the cost of the cleanup in addition to the civil penalty. The cleanup cost shall include personnel wages, equipment usage, and related administrative overhead. If the violator does not pay for the cleanup cost, revoked permits shall not be reissued and a lien shall be placed on the violator's property until the cost is recouped by the City. The City may require a person who engaged in a land-disturbance or landfill activity and who has failed to retain sediment generated by the activity, as required by these regulations, to repair storm sewer facilities and restore waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief.