

GG103-14

202, 401.2, 405.1.1, 405.2.2

Proponent: Brenda Thompson, representing SEHPCAC

Revise as follows:

SECTION 202 DEFINITIONS

SITE DISTURBANCE. ~~Site preparation or construction which negatively affects the native soils, native vegetation, or native animal life of the site~~ Areas of the building site that are altered, or have been altered, for site preparation or construction.

Revise as follows:

401.2 Predesign site inventory and assessment. An inventory and assessment of the natural resources and baseline conditions of the building site shall be submitted with the construction documents.

The inventory and assessment shall:

1. Determine the location of any protection areas identified in Section 402.1 that are located on, or adjacent to, the building site;
2. Determine whether, and to the degree to which, the native soils and hydrological conditions of the building site have been disturbed and altered by previous use or development;
3. Identify *invasive plant species* on the site for removal or containment; and
4. Identify native plant species on the site.

405.1.1 Soil and water quality protection plan. A soil and water quality protection plan shall be submitted by the owner and *approved* prior to construction. The protection plan shall address the following:

1. A soils map, site plan, or grading plan that indicates designated soil management areas for all site soils, including, but not limited to:
 1. Soils that will be retained in place and designated as vegetation and soil protection areas (VSPAs).
 2. Topsoils that will be stockpiled for future reuse and the locations for the stockpiles.
 3. Soils that will be disturbed during construction and plans to restore disturbed soils and underlying subsoils to soil reference conditions.
 4. Soils that will be restored and re-vegetated.
 5. Soils disturbed by previous development that will be restored in place and re-vegetated.
 6. Locations for all laydown and storage areas, parking areas, haul roads and construction vehicle access, temporary utilities and construction trailer locations.
 7. Treatment details for each zone of soil that will be restored, including the type, source and expected volume of materials, including compost amendments, mulch and topsoil.
 8. A narrative of the measures to be taken to ensure that areas not to be disturbed and areas of restored soils are protected from compaction by vehicle traffic or storage, erosion, and contamination until project completion.
2. A written erosion, sedimentation and pollutant control program for construction activities associated with the project. The program shall describe the best management practices (BMPs) to be employed including how the BMPs accomplish the following objectives:
 1. Prevent loss of soil during construction due to stormwater runoff or wind erosion, including the protection of topsoil by stockpiling for reuse.
 2. Prevent sedimentation of stormwater conveyances or *receiving waters* or other public infrastructure.

3. Prevent polluting the air with dust and particulate matter.
 4. Prevent runoff and infiltration of other pollutants from construction site, including, but not limited to thermal pollution, concrete wash, fuels, solvents, hazardous chemical runoff, pH and pavement sealants. Ensure proper disposal of pollutants.
 5. Protect from construction activities the designated vegetation and soil protection areas, *flood hazard areas* and other areas of vegetation that will remain on site.
3. A written periodic maintenance protocol for landscaping and stormwater management systems, including, but not limited to:
1. A schedule for periodic watering of new planting that reflects different water needs during the establishment phase of new plantings as well as after establishment. Where development of the building site changed the amount of water reaching the preserved natural resource areas, include appropriate measures for maintaining the natural areas.
 2. A schedule for the use of fertilizers appropriate to the plants species, local climate and the preestablishment and post-establishment needs of the installed landscaping. Nonorganic fertilizers shall be discontinued following plant establishment.
 3. A requirement for a visual inspection of the site after major precipitation events to evaluate systems performance and site impacts.
 4. A schedule of maintenance activities of the stormwater management system including, but not limited to, cleaning of gutters, downspouts, inlets and outlets, removal of sediments from pretreatment sedimentation pits and wet detention ponds, vacuum sweeping followed by high- pressure hosing at porous pavement and removal of litter and debris.
 5. A schedule of maintenance activities for landscaped areas including, but not limited to, the removal of dead or unhealthy vegetation; reseeding of turf areas; mowing of grass to a height which optimizes lawn health and retention of precipitation.
 6. A written control program for the containment of invasive plant species on the building site.

405.2.2 Invasive plant species. *Invasive plant species* shall not be planted on a building site. Invasive plant species shall be removed from the area of site disturbance or where otherwise required by law. Where not required to be removed, a management plan for the containment of invasive plant species shall be submitted and implemented in accordance with Section 405.1.1.

~~A management plan for the containment, removal and replacement of any *invasive plant species* currently on the site shall be generated based on either published recommendation for the referenced invasive plant or guidance prepared by a qualified professional. Existing vegetation that is to be retained on a building site shall be protected as required by Section 405.2.~~

Reason: The definition of *site disturbance* is too subjective; “*negatively affects*” can be a matter of perspective, one person’s improvement is another person’s mistake. Additionally, under the current definition a site cannot be defined as disturbed if native soils, plants, or animals are not affected which is problematic for many urban sites and virtually all agricultural lands.

The first stricken sentence of Sec. 405.2.2 is sloppy code; it requires a management plan to be “*generated*” but never actually submitted. It similarly does not require the actual removal of invasive species; just that a plan be generated.

One option requires the plan to be based upon a published recommendation re: the invasive species but does not give any direction as to what the source should be; where published, when, and by who are not specified. By this language an internet blog could be the basis of the generated plan.

The other option, that the plan be generated based on “*guidance prepared by a qualified professional,*” is similarly flawed. What exactly is a prepared guidance is not specified; meaning it is potentially not in writing or subject to review. How the qualifications of the professional who prepares the guidance are established is also un-addressed. Is the crop farmer who sold the site to the developer a qualified professional? He knows plants and he knows herbicide; is that enough?

The last stricken sentence is superfluous; Section 405.2 speaks for itself. A reference from a subsection, 405.2.1.2, to the related charging section, 405.2, does not add clarity or value. The new language of the proposal clarifies that invasive plant removal requirements apply to only the disturbed areas of the site. The building site could be hundreds of acres or more in size, while the area of actual disturbance a relatively small area. Invasive species, by definition, include noxious weeds. It is important to clarify that the developer is not required to automatically remove invasive species throughout. Imagine if a developer was tasked to eliminate the poison ivy or kudzu from a 1,000 acre wooded site when the disturbed area of the site is less than 87,120^{Sf} (2 acres).

The new language also clarifies that those areas of invasive plant species on the building sites that are not required to be removed should still be contained. References to new "containment" language in Sec. 401.2 item 3 and Sec. 405.1.1 item 3.6 further clarify the requirement.

The added reference to "*otherwise required by law*" ensures that where the applicable authority has determined that retroactive requirements for the removal of certain plant species are warranted that those removals will be addressed as part of site development. There are a handful of jurisdictions that have these requirements.

This proposal was submitted by the ICC Sustainability Energy and High Performance Code Action Committee (SEHPCAC). The SEHPCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance International Codes with regard to sustainability, energy and high performance as it relates to the built environment included, but not limited to, how these criteria relate to the International Green Construction Code (IgCC) and the International Energy Conservation Code (IECC). This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. In 2012 and 2013, the SEHPCAC has held six two-day open meetings and 50 workgroup calls, which included members of the SEHPCAC as well as any interested parties, to discuss and debate proposed changes and public comments. Related documentation and reports are posted on the SEHPCAC website at: <http://www.iccsafe.org/cs/SEHPCAC/Pages/default.aspx>.

Cost Impact: Will increase the cost of construction.

GG103-14: 405.1.1-THOMPSON737
