EMPLOYMENT STANDARDS PROGRAM – (360) 902-5316
PREVAILING WAGE SECTION – (360) 902-5335
SPECIALTY COMPLIANCE SERVICES DIVISION
PO BOX 44540, OLYMPIA, WA 98504-4540

January 19, 2005

Paul Ingham, Investigator
Northwest Fair Contractor's Association
3599 NW Carlton, Suite 3
Silverdale, Washington 98383

Re: Erosion Control Activities Determination

Dear Mr. Ingham:

This letter is to respond to your request for a determination and identification of erosion control activities and the applicability of the Landscape Construction classification for this type of work. It also serves to amend my July 28, 2004 determination to include the work associated with "Jute Matting" installation.

In making a determination for the appropriate classification for purposes of the Prevailing Wage Law (Chapter 39.12 RCW and Chapter 296-127 WAC), the department uses the established Scope of Work descriptions found in WAC 296-127-013. To make this determination, it was necessary to look at the Scope of Work description for Landscape Construction (WAC 296-127-01346), Operating Engineer (WAC 296-127-01354), and Laborers (WAC 296-127-01344).

According to the scope of work description, Landscape Construction "involves the beautification of a plot of land by changing its natural features through the addition or modification of lawns, trees, bushes, etc." The remainder of the rule provides various activities that, within the context of the passage above, are or are not to be considered Landscape Construction. Erosion control does not involve the "beautification of a plot of land…", but rather it includes activities that are necessary to ensure for and limit erosion during the course of the construction project.

The purpose of the activity establishes the appropriate scope of work to be used. For instance, if the primary purpose of the activity is for the beautification of a plot of land than the Landscape Construction classification would apply. If however the primary purpose of the activity is erosion control, than the appropriate classification would generally be Laborer or Operating Engineer depending on the actual equipment used and work being performed.

Landscape Construction:
Landscape construction generally refers to permanent landscaping activities associated with the beautification of a plot of land, such as:

- Final seeding or hydroseeding;
- Mulch/Bark application;
- Sod installation;
- Planting vegetation; and
- Maintenance performed associated with the activities listed above.

Erosion Control:
The following are erosion control activities that are not covered under the Landscape Construction Scope of Work. These functions are generally temporary and are necessary for the control of erosion throughout the duration of the construction project.

I. Temporary Cover.

- Seeding
- Mulching
- Blankets
- Plastic covering
- Polyacrylamide application

II. Sediment Retention.

- Soil stabilizer applications
- Silt fence installation and maintenance
- Trenching and installation of straw wattles
- Sediment trap installation
- Straw bale barriers
- Brush barriers
- Construction storm water filtration
- Straw mulch application
- Sand bag installation
- Jute matting installation

III. Structural Erosion Control:

- Fencing
- Dust control
- Surface roughening
- Water bars
- Pipe slope draining
- Outlet protection
- Interceptor dike and swale
- Check dam installation
- Turbidity curtain installation
- Level spreader installation
- Silt dikes installation
- Storm drain inlet protection
- Slope protection
- Storm water infiltration

I hope this letter serves to provide the information you requested. Please feel free to contact me at 360-902-5330 with any further questions.

Sincerely,

Josh Swanson
Industrial Statistician
Prevailing Wage Manager