CITY OF
WALNUT
CREEK

February 28, 2011

Mr. Bruce H. Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Ms. Pamela Creedon, Executive Officer
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Dear Mr. Wolfe and Ms. Creedon:

Enclosed is the amended Provision C.6 (Construction Inspection) of the FY 2009-2010 Annual Report for the City of Walnut Creek, which is required by and in accordance with Provision C.16 in National Pollutant Discharge Elimination System (NPDES) Permit Number CAS612008 issued by the San Francisco Bay Regional Water Quality Control Board and/or by Provision D.5 in NPDES Permit Number CA0083313 issued by the Central Valley Regional Water Quality Control Board.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibly of fine and imprisonment for knowing violations.

Very truly yours,

Ken Nordhoff
City Manager

Enclosures

Section 6 – Provision C.6 Construction Site Controls

C.6.a.iii ► Legal Authority

(For FY 09-10 Annual Report only) Is your agency's legal authority adequate for C.6 compliance?	X	**Yes**		**No**
If **No**, explain:				

C.6.b.ii.(3) ► Enforcement Response Plan

(For FY 09-10 Annual Report only) Was your Enforcement Response Plan developed and implemented by April 1, 2010?	X	**Yes**		**No**
If **No**, explain: See **Attachment C.4.c.ii.(5)** for a copy of the Enforcement Response Plan (ERP).				

C.6.e.iii.1.a, b, c ►Site/Inspection Totals

Number of sites disturbing < 1 acre of soil requiring storm water runoff quality inspection (i.e. High Priority) (C.6.e.iii.1.a)	**Number of sites disturbing ≥ 1 acre of soil** (C.6.e.iii.1.b)	**Total number of storm water runoff quality inspections conducted** (C.6.e.iii.1.c)
10	7 [29]	118 [30]

[29] This includes BART Crossover, Centre Place, Neiman Marcus, CCCSD Corporation Yard, John Muir Medical Center, Rossmoor Creekside Clubhouse and Rossmoor Corporation Yard.

[30] The number of site inspections conducted within the fiscal year of high-priority projects and those that disturbed one or more acres of land.

C.6.e.iii.1.d ►Construction Activities Storm Water Violations

BMP Category	Number of Violations[1]	% of Total Violations[2]
Erosion Control	12	27 %
Run-on and Run-off Control	2	4 %
Sediment Control	17	38 %
Active Treatment Systems	0	0 %
Good Site Management	12	27 %
Non Stormwater Management	2	4 %
Total	**45**	**100 %**

Notes:

[1]Count one violation in a category for each site and inspection regardless of how many violations/problems occurred in the BMP category.

[2]Percentage calculated as number of violations in each category divided by total number of violations in all six categories.

C.6.e.iii.1.e ►Construction related storm water enforcement actions

	Enforcement Action (as listed in ERP)[1]	Number Enforcement Actions Taken	% Enforcement Actions Taken[2]
Level 1	Verbal warning, education	24	92 %
Level 2	Warning Notice	1	4 %
Level 3	Notice of Violation, Stop Work Order	1	4 %
Level 4	Administrative penalties, referral to other agencies	0	0%
Total		**26**	**100%**

Notes:

[1]Agencies should list the specific enforcement actions as defined in their ERPs.

[2]Percentage calculated as number of each type of enforcement action divided by the total number of enforcement actions.

C.6.e.iii.1.f, g ►Illicit Discharges

	Number
Number of illicit discharges, actual and those inferred through evidence (C.6.e.iii.1.f)	2
Number of sites with discharges, actual and those inferred through evidence (C.6.e.iii.1.g)	2

C.6.e.iii.1.h, i ►Violation Correction Times

	Number	Percent
Violations fully corrected within 10 business days after violations are discovered or otherwise considered corrected in a timely period (C.6.e.iii.1.h)	26	100% [2]
Violations not fully corrected within 30 days after violations are discovered (C.6.e.iii.1.i)	0	0 % [3]
Total number of violations for the reporting year[1]	26	100%

Notes:

[1]Total number of violations equals the number of initial enforcement actions (i.e., one violation issued for several problems during an inspection at a site). It does not equal the total number of enforcement actions because one violation issued at a site may have a second enforcement action for the same violation at the next inspection if it is not corrected.

[2]Calculated as number of violations fully corrected in a timely period after the violations are discovered divided by the total number of violations for the reporting year.

[3]Calculated as number of violations not fully corrected within 30 days after the violations are discovered divided by the total number of violations for the reporting year.

C.6.e.iii.(2) ►Evaluation of Inspection Data

Describe your evaluation of the tracking data and data summaries and provide information on the evaluation results (e.g., data trends, typical BMP performance issues, comparisons to previous years, etc.).

Description:

A total of 118 construction inspections were conducted in this fiscal year of seven active projects with over 1 acre of land disturbance and ten projects considered to be high priority. To ensure that an issue or violation had been corrected properly, a City inspector conducted a follow-up inspection within two or three days.

The City has a comprehensive erosion and sediment control program. Engineering inspectors were trained in erosion and sediment control measures and received updated information such as the State General Construction permit, Water Board's enforcement program to name a few. Inspectors paid closer attention to projects involving over one acre of land disturbance. Beginning in August, NPDES Manager mailed letters to project superintendents reminding them to prepare and submit erosion control plans for approval by the City/ The City's grading ordinance require that all projects with active site development permits must made available or install erosion and sediment control measures by October 15 (when a rain event predicted within 24-hour, control measures must be effectively installed). City inspectors conducted pre-rainy season inspections of all active projects with issued grading permits to verify either it had an approved erosion control plan and/or installed appropriate control measures.

The first focus of our inspection program had been on education. At pre-construction meetings, detailed requirements of stormwater BMPs including erosion and sediment control measures were discussed. When an engineering inspector determined that a project failed to install the required control measures, he issued a verbal warning to the contractor. In most cases, contractors fixed the problem almost immediately. In a few occasions, contractors asked for a bit more time to obtain the necessary materials.

If the contractor was non-responsive, the inspector issued a written Warning Notice or Notice of Violation. A joint inspection would be arranged within 24-hours. In this permit year, we issued a Stop Work order to one project for failure to repair existing erosion and sediment control measures on-site. With the Stop Work Order issuance, all contractors, sub-contractors and project owner were required to attend a meeting with City staff to go over and resolve the issues.

C.6.e.iii.(2) ►Evaluation of Inspection Program Effectiveness

Describe what appear to be your program's strengths and weaknesses, and identify needed improvements, including education and outreach.

Description:

- Our program's strengths lay with City staff members' dedications to improve our processes and efficiency. We continue to evaluate our processes and look for ways to improve them. Regular meetings with inspectors were held weekly to discuss current issues and information sharing. We started to use mock inspections to "test" a new process before launching it across the division. Current Development division used an electronic Job Board as a means of communicating high priority projects to our inspectors. This Board was updated each month as phases of the construction projects were concluded.
- In the beginning of this permit year, Engineering inspectors used a standardized Wet-Weather Inspection Checklist to ensure adequacy of stormwater quality control measures. To simplify the reporting process, staff had been reviewing different means of capturing the inspection data. Consequently, Engineering staff and inspectors reviewed the model NPDES Construction Inspection report developed by Contra Costa Clean Water Program. We incorporated critical elements from wet-weather inspection and modified the Report accordingly.
- As a follow-up to the new Inspection Report, staff is looking to improve our current tracking system so that inspection activities for a particular project can be easily tracked by pertinent City staff and inspectors.
- Because the City is held responsible by the Regional Board to ensure effective operation and maintenance of stormwater treatment facilities in perpetuity, Engineering staff and inspectors recognized the importance of their being constructed according to the approved plan. A deviation in the placement of inlet structure could change capacity of the retention area. A slight deviation in the actual grading of a bio-swale can cause water ponding, which could potentially create a mosquito-breeding habitat. Engineering inspector and staff used an inspection card to verify construction of stormwater treatment facilities (see **Attachment C.3.a-4** for a copy of the Stormwater Treatment Facilities Construction card in the prior section). The card listed several critical construction milestones (such as site layout, underground pipe installation and soil media mix, to name a few) when extra attention was needed to assure proper installation.
- Inspectors carry educational materials to be distributed to contractors when they observe deficiencies in the erosion and sediment controls installed on site. Refer to **Attachment C.6.e.iii.(2)-1** for a practical guide for choosing erosion and sediment controls. This fact sheet includes locations where a contractor can purchase these materials. Refer to **Attachment C.6.e.iii.(2)-2** for a guideline for minimum erosion and sediment control requirements for small construction projects. The drawing of a typical small construction site included the details for installing some of the control measures (such as a stabilized construction entrance, erosion control blankets and concrete washouts).

C.6.f ►Staff Training Summary

Training Name	Training Dates	Topics Covered	No. of Inspectors in Attendance	Percent of Inspectors in Attendance
Contra Costa Construction Stormwater Management Compliance Workshop	March 18, 2010	1. Municipal Regional Permit – What You Need to Know 2. Understanding the New State General Construction Permit 3. Regional Board Construction Inspection Program 4. SWPPPs, State and Municipal Requirements, Compliance 5. Sediment, Erosion Control and Construction Site Pollution Prevention 6. Design & Construction of Post-Construction Low Impact Development Stormwater Facilities – Lessons Learned	6 [31]	46% [32]

[31] The number of Engineering staff and inspectors attended the workshop.
[32] Total number of Engineering staff and inspectors involved with Stormwater-related inspection is 13.