



THE CITY OF SAN DIEGO

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD  
2014 OCT 6 AM 11 01

September 26, 2014

David T. Barker  
San Diego Water Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

Attention: PIN No. CW:255222:CArias

Subject: City of San Diego Construction Management Program Audit Report Findings  
dated July 15, 2014

Dear Mr. Barker:

We are in receipt of the subject report and acknowledge the magnitude of the Findings identified. Since the completion of the March 2014 Audit, City staff has urgently and diligently evaluated current practices, both internally and externally, in an effort to effectively address the Findings and Recommendations included in the report.

On July 31, 2014, City staff met with San Diego Water Board Staff, Mr. Eric Becker and Ms. Christina Arias, to review the subject report and provide a status and summary of the City's response efforts. Based on the preliminary responses, it was highly recommended by Mr. Becker to provide a general implementation plan to address the Findings.

Monthly meetings with City staff and high level management team representatives to address the findings have resulted in the prioritization of feasible and thoughtful corrective steps. Attached for your use and information is a table which identifies each Audit Report Finding and the City's response and corresponding targeted implementation timeframe.

Continued partnership between the City and San Diego Water Board will ensure successful improvement and execution of the City's comprehensive program and most importantly bring project sites into compliance City-wide.

If you or Water Board Staff have any questions regarding the information within the table, please feel free to contact Julie Ballesteros, Senior Civil Engineer, Public Works Department at 858-573-5012 or Akram Bassyouni, Senior Civil Engineer, Development Services Department at 619-446-5442.

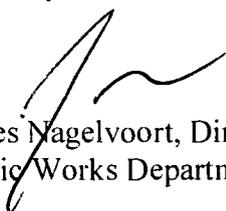
**Public Works Department**

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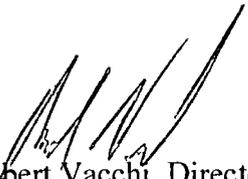


*We certify under penalty of law that this document and all attachments were prepared under our direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage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

Sincerely,



James Nagelvoort, Director  
Public Works Department



Robert Vacchi, Director  
Development Services Department

Attachment: Table: City of San Diego Response to July 15, 2014 RWQCB Audit Report Findings

cc via e-mail:

Scott Chadwick, Chief Operating Officer  
Mike Hansen, Director of Land Use and Environmental Policy Committee on Smart  
Growth and Land Use Committee on Environment  
Tony Heinrichs, Deputy Chief Operating Officer – Infrastructure/Public Works  
David Graham, Deputy Chief Operating Officer – Neighborhood Services  
Kris McFadden, Transportation and Storm Water Department Director  
Marnell Gibson, Assistant Director, Public Works  
Afsaneh Ahmadi, Deputy Director, Development Services Department  
Dave Zoumaras, Deputy Director, Public Works Department  
Drew Kleis, Deputy Director, Transportation and Storm Water Department  
William Barranon, Assistant Deputy Director, Development Services Department  
Sumer Hasenin, Senior Civil Engineer, Transportation and Storm Water Department  
Heather Stroud, Deputy City Attorney

**Table: City of San Diego Response to July 15, 2014 RWQCB Audit Report Findings**

July 15, 2014 RWQCB Audit Findings	City's Response	Target Implementation	
		3-6 months	6-12 months
1. The City Lacks a Watershed-Based Construction Site Inventory and Identification of Sites Draining to Sediment-Impaired Waterbodies	Public Works has added the Watershed GIS layer to the City's Interactive Mapping Coordination Action Tool (IMCAT) a GIS based platform. DSD's PTS system is likewise in the process of being customized to include a watershed layer that will automate watershed identification based on the address for private development projects. Both systems will be capable of producing a watershed-based inventory of projects in construction and future Annual Reports will identify the watershed for 100% of projects in construction.	x	
2. The Inspection and Enforcement Processes are not effective at Ensuring BMP Implementation and Preventing Sediment Discharges from Construction Sites	The City will revisit current inspection procedures and prepare a comprehensive plan and implementation strategy which will include revisions to the BMP Inspection forms, specifications and additional effective training at all levels of the organization, as well as quarterly updates to management levels and monthly meetings with Transportation and Storm Water Division Enforcement Section. See #7 through #11 below for more specific information regarding Inspection and Enforcement Process improvements.		x
3. The City does not Emphasize Minimization of Exposure Time of Disturbed Areas	The SWSM will be revised to specify project planning as a minimum required BMP and inspectors will be regularly trained to enforce this requirement at construction sites.	x	
4. Literature Provided to Dischargers is Not Consistent with the Storm Water Standards Manual	The City has completed revision of the Construction Site BMP Requirements Brochure to emphasize erosion control as the most important measure for controlling sediment discharges, and emphasizes re-vegetation or permanent erosion control. The brochure will be available to the public in the fall.	x-completed	
5. Use of Two Separate Databases Causes Communication Gap	Both Public Works and DSD are in the process of updating inspection tracking software, however the databases will continue to remain separate. Nevertheless, managers for both inspection divisions have conceptually agreed on a goal to delineate responsibility between Public Works and DSD based on the phase of construction to clearly recognize who has the primary responsibility of BMP inspection. Process Mapping for this purpose will initiate in the fall of 2014. This delineation will require additional training and staffing for DSD. In the meantime, DSD and PW are enhancing coordination on High/Medium Priority sites by requiring pre-con meetings for Building permits which shall include the REs for the purposes of clarifying BMP inspection roles between the REs and Building Inspectors and reiterating the importance of ensuring meeting minimum BMP requirements per the Storm Water Standards Manual.		x
6. BMP Adequacy Is Tied to the SWPPP and not the Site	The City has identified specific deficiencies in the training previously provided to inspectors and has developed a more comprehensive training plan for the inspectors. For example, QSD/QSP training was provided May/June 2014. The City will provide on-going and more effective training and update procedures for the inspectors to better evaluate the sites and require more or better BMPs if the SWPPPs are outdated or inadequate. See #10 for additional training info.	x	

**Table: City of San Diego Response to July 15, 2014 RWQCB Audit Report Findings**

July 15, 2014 RWQCB Audit Findings	City's Response	Target Implementation	
		3-6 months	6-12 months
7. Field Engineering Division's Inspection Process is Predictable and Does Not Include Acknowledgement from Contractor	The Public Works BMP Inspection form is in the process of being revised to include a signature line for the contractor to acknowledge receipt manually and electronically and to include a follow-up enforcement inspection date. The SOP will be amended to encourage unexpected inspections. In addition, the SOP will be revised to match the Annual Training to the REs which specifies Minimum Inspection requirements consistent with the project priority and additional as-needed.	x	
8. Resident Engineers' Workload is Prohibiting BMP Inspection and Enforcement Effectiveness	Public Works has added additional inspection staff in support of the REs (in process of being filled) and plans to augment staff by contracting with as-needed construction managers. Public Works plans to evaluate the level of work to determine the number of additional staff to be requested for the next budget cycle. In the meantime REs, with assistance from the Construction Storm Water Section, will focus on more thorough BMP inspections at priority project sites.		x
9. Multiple Trade Inspectors Having Shared BMP Inspection Responsibility is Ineffective and Inefficient	DSD is preparing to hire dedicated inspectors that have the ability to issue administrative citations and whose primary function is to ensure all sites are in compliance with the Storm Water Standards Manual requirements. These inspectors would be responsible to monitor and enforce BMPs at all high priority tagged sites and follow-up on sites identified by trade inspectors that continually fail to comply with their BMP and SWPPPs. These positions will be requested to be added to the FY2016 budget; meanwhile a lead inspector will be assigned for all projects.		x
10. Resident Engineers and Trade Inspectors Lack Understanding of Minimum BMP Requirements and Confidence	The City has recently completed the QSD/QSP training for Public Works project managers, environmental planners, REs, and DSD plan reviewers. The City will continue to provide intensive and on-going training to REs and trade inspectors, including on-site (field) training by external subject matter experts, to significantly improve their knowledge of the minimum BMP requirements in the Storm Water Standards Manual. In addition, the City is evaluating training by San Diego Police Department for REs and inspectors on effectively and confidently enforcing requirements on contractors.	x	
11. The City's Escalating Enforcement Process Does Not Compel Compliance	DSD is able to apply civil penalties for Code Enforcement and presently provides enforcement support (Citations, Appeal Hearings, referral to City Attorney) to TSW for Permanent BMPs. DSD is looking at how to expand that to enforcement of Construction BMPs and also investigating ways to streamline the City Attorney oversight of the Stop Work Process required by the Municipal Code. Public Works is evaluating the addition of two intermediate-level tools: a Notice of Violation for more immediate compliance and a Stop Work Warning letter to the LRP/Project applicant. For CIP projects, Public Works has recently and effectively issued Stop Work Warnings to its contractors with a warning to remove a subcontractor from the project for non-compliance with City contracting policies. These tools still need vetting with the City Attorney's office prior to formal policy implementation.		x